



# Minutes

## Ordinary Meeting of Council

Wednesday 10 July 2024 6pm



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10 July 2024**



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## **1 Official opening, welcome and acknowledgment**

The Presiding Member declared the meeting open at 6:01pm and welcomed members of the public to the meeting.

The Presiding Member informed members of the public that the meeting was being recorded and streamed live on the internet. They further advised that while all care is taken to maintain privacy, visitors in the public gallery and members of the public submitting a question, may be captured in the recording.

## **2 Attendance, apologies and leave of absence**

### **2.1 Attendance**

Ms Hannah Fitzhardinge	Mayor/Presiding Member
Cr Jenny Archibald	Deputy Mayor/Central Ward
Cr Geoff Graham	Central Ward
Cr Adin Lang	Coastal Ward
Cr Andrew Sullivan	Coastal Ward
Cr Jemima Williamson-Wong	Coastal Ward
Cr Ben Lawver	East Ward
Cr Frank Mofflin	East Ward
Cr Doug Thompson	North Ward
Cr Ingrid van Dorssen	North Ward
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Mr Pete Stone	Director Creative Arts and Community
Mr Russell Kingdom	Director Planning, Place and Urban Development
Mr Ryan Abbott	A/ Director Infrastructure
Mr David Settelaar	Manager Strategic Communications and Stakeholder Relations
Mr Patrick Ford	Manager Strategic Planning and City Design
Ms Chloe Johnston	Manager Development Approvals
Ms Alida Ferreira	Manager Financial Services
Ms Melody Foster	Manager Governance
Ms Marie Vitanza	Meeting Support Officer

*There were approximately 25 members of the public and no members of the press in attendance.*

### **2.2 Apologies**

Nil.

### **2.3 Leave of absence**

Cr Fedele Camarda                      East Ward



### 3. Applications for leave of absence

#### **COUNCIL DECISION**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Adin Lang**

**Cr Doug Thompson's request for leave of absence from 22 July 2024 until 27 July 2024 (inclusive) is approved.**

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**

### 4. Disclosures of interest by members

Nil.

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

The questions taken on notice at the Ordinary Meeting of Council held on 26 June 2024 were answered within the minutes of the meeting.

### 6. Public question time

**Paul Jones spoke in relation to a matter not on the agenda, regarding flooding a Johannah Street.**

#### **Response by Acting Director Infrastructure**

The City currently has an active project designing a solution as well as an associated project, Prawn Bay. The City are looking at an integrated drainage solution which talks to the prawn bay project as well. That is a process which is ongoing. As Mr Jones mentioned, we do have a one-way valve on order, and I have been advised, that it arrived in Australia today, so as soon as we get favourable conditions, it will be installed. The City has also submitted 2 grant submissions for constructing a longer-term solution and the announcement of both of these submissions has been delayed and the City has now been advised it will be announced at some point in August. Once The City has found out about the grant submissions and even if the City does not have success, the City will come back to the community and engage at some point in August/September on that longer term solution.



**Ian Ker spoke in relation to item C2407-10 and general matters, and asked the following questions:**

**Question 1:**

Tonight's Agenda item on the 2024-25 Budget states: "The purpose of the advertising was to give residents reasonable notice of the estimated charge prior to issuing a charge with rates notices". Does City of Fremantle really consider that 2 months is 'reasonable notice' for a requirement to pay nearly \$1000, not just for one year but for seven years?

**Question 2:**

The responses to my questions on 26th June do not provide substantial or, in most cases, any answers to the questions I asked. Why is it that responses to questions asked by myself and others at Council meetings so often fail to provide answers to the substance of the questions?

**Question 3:**

Now that it has 12 months to work on the project, will the City of Fremantle establish a ratepayer reference group to ensure that:

- a) The affected community is fully informed; and
- b) Community concerns are identified and addressed before any further decisions or commitments, including signing a contract with Western Power, are made?

**Response by Mayor Hannah Fitzhardinge:**

These questions (1-3) will be taken on notice. Answers will be provided within the agenda of the next Ordinary Meeting of Council.

**Leonie Lundy spoke in relation to general matters, AUKUS defence and security pact between Australia, the US and UK, and asked the following questions:**

**Question 1:**

Is it correct that the Mayor and the CEO of the City of Fremantle will be travelling to the US in September this year, to visit US shipyards and other places/persons relevant to the AUKUS defence and security pact between Australia, the US and UK?

**Question 2**

If so, whose initiative is this?

**Question 3**

What is the stated objective and expected benefit to the City?

**Question 4**

What is the estimated cost per traveller/delegate?



**Question 5**

Where are the funds coming from to cover this trip?

**Question 6**

Will Fremantle Council publicly agree to immediately reconsider its support for a Controlled Industrial Facility (CIF) on Garden Island to manage and store US and UK nuclear powered submarine (i.e. foreign) LLW, as indicated in PSWMA's recent submission to the Parliamentary Standing Committee on Public Works for Submarine Rotational Force-West Priority Works at HMAS Stirling?

**Response by Director City Business:**

The Mayor's & CEO's from the 6 local governments from the Perth South West Metropolitan Alliance will be attending meetings in the US in September. That is correct and is in preparation for the deployment of US submarines in 2027.

The City acknowledge that some members of the community may have concerns about the AUKUS program. The alliance which includes the Councils which will most likely be affected by that AUKUS program, are undertaking their due diligence on what this means for our local communities, the local economy and our local environment and we would like to fully understand the implications of the federal government decision.

The delegations focus on gaining a better understanding of emergency management procedures related to the presence of submarines as well as understanding how best to support incoming personal and their families associated with the program.

The alliance was strongly encouraged by the Australian Submarine Agency to undertake the delegation and they are currently considering providing additional financial support for the delegation.

The alliance has also received significant support for planning logistics of the 12 day mission for the US consults office in WA, the remaining costs will be covered by the alliance themselves mainly the underspend accumulated during the COVID-19 pandemic which ensures no additional funding will be required by Councils to fund the delegation.

The group will also take the opportunity to meet with business groups involved in the development of and the maintenance of the Virginia class submarines, will be discussing issues such as homelessness and urban development with some of our counterparts in the US.

The cost for the City of Fremantle Mayor and CEO to attend the delegation is approximately \$14,100.00 each and that is being paid for by the alliance.

If you have any further questions or queries regarding the delegation, we highly recommend to get in touch with the alliance themselves.



**Additional response:**

In response to question 6. The City does not intend to make any comment on this issue at this point in time.

**Mark Woodcock spoke in relation to item C2407-10, and asked the following questions:**

**Question 1**

On the 5 February 2024 I asked about the latest cost of the Kings square project, Council's response was to see the minutes to the 24th August 2022. Can the council inform the rate payers how much has been spent since the August 2022 minutes were released on the total project related costs for the Kings Square related project?

**Response by the Chief Executive Officer:**

Costs on the WCC project since August 2022 are unknown at this time, although the project was substantially complete at that point and there was a report advising where were costs at that point in time.

**Question 2:**

What are the total costs for the long ongoing South Beach toilet project?

**Response by the Chief Executive Officer:**

A fixed price contract has been put in place for that with a contingency element to it already. It will remain at that cost and at the moment it is approximately \$2.6m for the building itself. There will be a second tender provided to allow for landscape works once it's completed.

**Question 3:**

What steps have been taken to ensure that the disastrous cost over runs for the Kings Square project aren't going to be repeated at the South Beach toilet project?

**Response:**

As per response to question 2 above.

**Question 4:**

Is the RRG being wound up? And if so, what are the City's obligations to this entity and what expenses have been budgeted for in the 24/25 budget?

**Response by the Chief Executive Officer:**

At the moment, the City of Fremantle with its partner, the City of Melville is undertaking a due diligence assessment of the RRG project group and is in discussion with the current landlord of that facility as well to see what and how that version of waste management will occur into the future. That report is not concluded at this time.





**Elizabeth Megroz spoke in relation to general matters, and asked the following questions:**

**Question 1**

My questions in relation to Victoria Hall, a public resource that should have been used extensively by the community had it been managed and promoted properly, remain without answers. When will you answer them?

**Question 2**

Given my question was about the present and past locations, not the future, of fossil fuel/gas sponsorship/advertising, when will you answer it?

**Question 3**

Without a cost and benefit analysis, how have you arrived at what is a reasonable financial investment into a Destination Marketing campaign that employs 4/5 people, and commits every ratepayer to contribute, not just businesses that are the direct beneficiaries?

**Question 4**

Is the clip "This is Fremantle" the pinnacle of the investment into the Destination Marketing campaign, employing 4/5 people?

**Question 5**

Although all ratepayers contribute to the above program, why does the working group only include people from the business community?

**Question 6**

Define what is meant by the sentiment:

"A resilient city that plans for the future and is empowered to take action"

- a) What has changed?
- b) Has Fremantle not planned or taken action in the past?

**Question 7**

For the following messages "*all my questions answered, here to hear, I want to thank you*":

- a) who (author) commissioned them?
- b) who was contracted to install them?
- c) what was the total cost associated with them
- d) how are they categorised (public art, advertising...),
- e) was there any prior community engagement?

**Response by Mayor Hannah Fitzhardinge:**

These questions (1-7) will be taken on notice. Answers will be provided within the agenda of the next Ordinary Meeting of Council.

**John Dowson spoke in relation to general matters, Fremantle Oval and Fremantle Conservation Plan, and asked the following questions:**



### **Question 1**

Why are you doing your planning backwards?

#### **Response by Mayor Hannah Fitzhardinge:**

The pitch document used during our recent trip to Canberra are concept plans. The priorities remain as you articulated them and if the City can do something to try and address the housing crisis and to give people a place to live in Fremantle the City absolutely will but these are concept plans at this stage, they are not approved plans.

#### **Response by Director Planning, Place and Urban Development:**

The City will be wrapping up the whole project with a council report over the next 6-8 weeks where all the different parts of the project of this complexity will be tied together. The City have had a conservation management plan in place for Fremantle Oval precinct since 1996 which stays in place until it is replaced by the new one, so the City have never been working in the absence of conservation management guidance.

#### **Helen Cox spoke in relation to item C2407-10, and asked the following questions:**

##### **Question 1:**

The City's annual budget and corporate plan references a long term financial plan, however, the, in our view, woefully inadequate long term financial plan linked to the budget on the City's webpage is completely out of date being 2015-2025. There is again this year a total disconnect between the current annual budget and the long term financial plan.

When will the City's long term financial plan be updated so Fremantle ratepayers can properly assess the financial implications for the 2024-2025 annual budget?

##### **Response by the Chief Executive Officer:**

The current Long Term Financial Plan that is on the website is out of date. During the current year budget process, the City has redrafted the Long-Term Financial Plan with an intent to get that before Council to adopt formally over the coming months so that will be updated and brought forward very soon.

##### **Question 2:**

Why are funds for the maintenance of the Fremantle Town Hall predicated on the sale of Victoria Hall?

##### **Response:**

This question has been taken on notice. Answers will be provided within the agenda of the next Ordinary Meeting of Council.

##### **Question 3:**

The City's track record for achieving budgeted capital expenditure amounts for which rates have been levied from Fremantle ratepayers has been appalling.



This includes last year when the proposed capital expenditure budget started at \$24m and halved mid-year to \$12m and is currently now only \$5m for the 11 months to May 2024. Based on the City's track record, why does the City believe it can now meet the proposed capital expenditure budget target of \$19m?

**Response by Director City Business:**

The City acknowledge that we have delivered a third of the program today however the City have substantially progressed a number of the major projects within that program which includes South Beach Toilets, Fremantle Arts Centre creative Hub, Fremantle Public Golf Course whilst also growing our reserve balance by approximately \$6m with the intent that the City will have the capacity to continue to deliver from that program of projects.

**Question 4:**

Are current capital projects being deliberately held back due to the City accumulating funds for the upcoming underground power upfront funding requirements to Western Power?

**Response:**

This question has been taken on notice. Answers will be provided within the agenda of the next Ordinary Meeting of Council.

**Question 5:**

Given the overall lack of capital expenditure to renew assets in the past few years and high depreciation amounts and the City consistently failing to respond to this question, it is being asked again please:

What is the asset sustainability ratio for the year ended 30 June 2024, and the budgeted year ending 30 June 2025 and why it is not meeting the City's policies?

**Response by the Chief Executive Officer:**

The asset sustainability ratio is no longer a requirement requested by the state government so that won't be provided in the coming budget and the City are not sure if it will be a requirement under the financial statements as well. It has been determined that it is a difficult ratio to put together and not very reliable.

**Question 6:**

What is the average percentage salary increase awarded to council staff, not change in total staff cost, for the year ended 30 June 2024 and for the budgeted year ending 30 June 2025, and if greater than CPI, why?

**Response:**

This question has been taken on notice. Answers will be provided within the agenda of the next Ordinary Meeting of Council.

**The following member of the public spoke on item C2407-1:**

Andrea Townes



**The following member of the public spoke for the recommendation for item C2407-2:**

Justin Tremain

**The following member of the public spoke for the recommendation for item C2407-4:**

Rita Galipo

**The following member of the public spoke against the recommendation for item C2407-5:**

Graeme Baumgarten

**The following member of the public spoke for the recommendation for item C2407-5:**

Paula Amaral

## 7. Petitions

Nil.

## 8. Deputations

Nil.

## 9. Presentations

Nil.

## 10. Confirmation of minutes

### **COUNCIL DECISION**

**Moved: Mayor Hannah Fitzhardinge**

**Seconded: Cr Frank Mofflin**

**Council confirm the minutes of the Ordinary Meeting of Council dated 26 June 2024.**

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**

## 11. Elected member communication

Nil.



## 12. Reports and recommendations from officers

### 12.1 Planning reports

#### **C2407-1 PASS CRESCENT, NO.32 (LOT 45), BEACONSFIELD – TWO, SINGLE STOREY GROUPED DWELLINGS - (JL DA0062/24)**

<b>Meeting date:</b>	10 July 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority
<b>Attachments:</b>	1. Amended Development Plans 2. Applicants covering letter 3. Site Photos

#### **SUMMARY**

**Approval is sought for two, single storey Grouped dwellings at No.32 (Lot 45) Pass Crescent, Beaconsfield.**

**The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:**

- **Site Works (retaining/ fill)**
- **Outdoor living area**
- **Visual privacy**
- **Over height dividing fence**

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

#### **PROPOSAL**

##### **Detail**

Approval is sought for two, single storey Grouped dwellings at No.32 (Lot 45) Pass Crescent, Beaconsfield (subject site). The application is being proposed using the higher R25 density coding awarded to the site, therefore the provision of LPP2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule are required to be complied with.

The applicant submitted amended plans on 4 June 2024 including the following:

- Revised shadow and screening (fence addition) diagrams with additional detail.



The site plan m reference to a permeable fence however no elevation plans indicate any fencing. Due to this inconsistency the condition has been imposed deleting any primary street fencing form this determination.

Amended development plans are included as attachment 1.

**Site/application information**

Date received: 27 February 2024  
Owner name: Bailey Banfield  
Submitted by: Dale Alcock Homes  
Scheme: Residential (R20/25)  
Heritage listing: Nil  
Existing land use: Single House  
Use class: Grouped Dwelling  
Use permissibility: P



**CONSULTATION**

**External referrals**

Nil required.

**Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the development seeks discretionary assessment against the Design Principles of the R-Codes. The advertising period concluded on 22 April 2024, and one (1) submission was received. The following issues were raised (summarised):



Submitter Comment	Officer Comment
<p>Concerns the development will be afforded overlooking of adjoining southern site and compromise the privacy of these dwellings.</p>	<p>Visual privacy is discussed in detail in the officer assessment section below. It is noted that the applicant proposes to use 1.8m dividing fences to the entire southern boundary to provide compliant privacy between the two properties. A relevant condition of approval to ensure this occurring is also recommended.</p>
<p>Concerns over the impact of overshadowing and light reduction to adjoining properties.</p>	<p>Overshadowing has been assessed by officers in accordance with the R-Code Volume 1 methodology and meets the deemed-to-comply requirements. In any event, it is observed by officers that the shadow that does result from the proposed development does not appear to fall over any sensitive major openings nor primary outdoor living areas of the adjoining southern dwellings.</p>
<p>Concerns given the accuracy of the levels of site works provided and that these are unnecessary impacting the southern property</p>	<p>The City has requested a copy of the certified survey plan which has been provided by the applicant. A review of this survey plan against the provided site plan and spot levels has been undertaken and the City can confirm they reflect the spot levels of site.</p> <p>Further discussion regarding the proposed site works is included below in the report.</p> <p>It's also worth noting that any damage to adjoining property will be covered by the mandatory requirements imposed by building regulations and the mandatory 'dilapidation' report to be undertaken by the builder.</p> <p>Notwithstanding this, the development will need to adhere to all relevant requirements of the Building Act.</p>

The remaining comments are addressed in the officer comment below.



**OFFICER COMMENT**

**Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Site Works
- Outdoor living area
- Visual privacy
- Over height dividing fence

The above matters are discussed below.

**Background**

The subject site is located on the eastern side of Pass Crescent in Beaconsfield. The site has a land area of approximately 756m<sup>2</sup> and is currently improved with a single storey Single house which is to be demolished. The site is zoned Residential and has a split density coding of R20/25. The site is not individually heritage listed and is not located within any prescribed heritage areas, meaning the demolition of the Single house is exempt from requiring approval and is not considered as part of this application.

The surrounding area is characterised by predominantly residential single houses between 1 and 2 storeys. It is noted that there is no other recent and/or relevant planning history for this property.

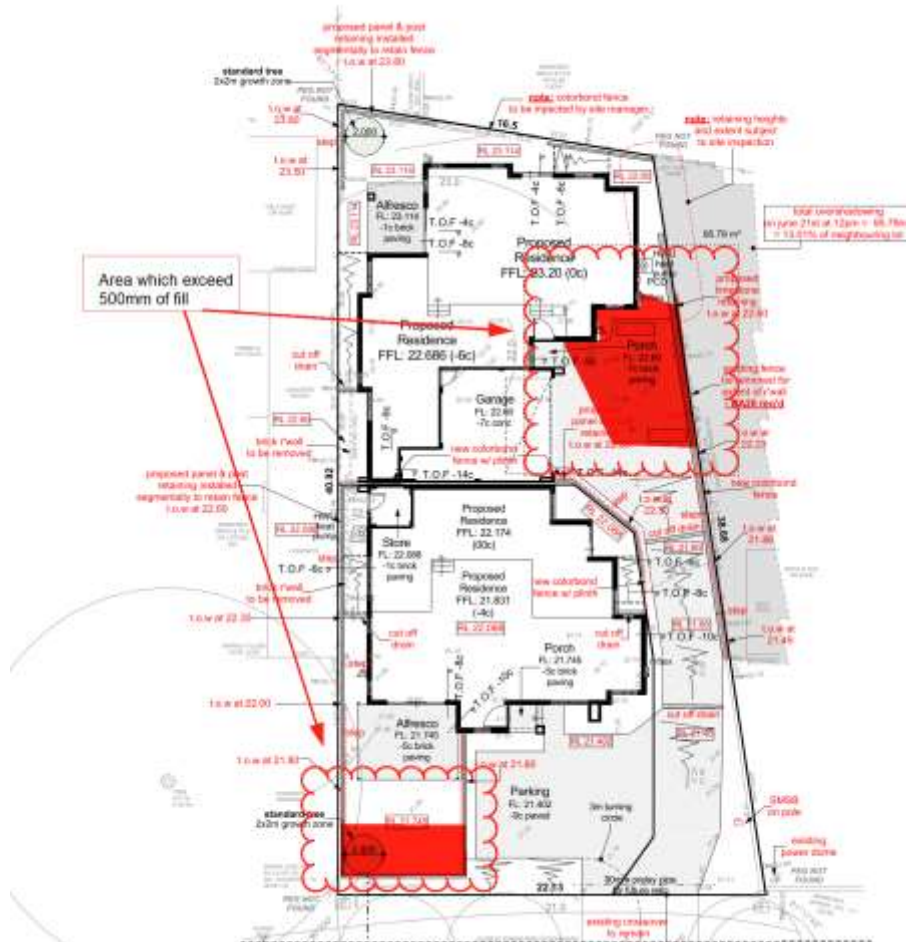
**Site Works**

Element	Requirement	Proposed	Extent of variation
East (max. retaining wall height: 0.8m)	1m setback	0m	1m
West (max. retaining wall height: 0.8m)	1m setback	0m	1m
Fill	Not to exceed 0.5m front setback area	0.6m	0.1m



The proposed site works, levels and retaining walls are supported under the Design principles of the R-Codes for the following reason:

- The proposed new dwellings are considered to appropriately respond to the sloping topography and unusual crossfall of this sloping site. The proposed level of excavation and fill has been appropriately considered and will result in a minimal portion (rear southern location of site) exceeding the allowable 0.5m level. Taking into consideration, the existing sloping topography (rising approximately 3m from the street to the rear boundary) including the 2m crossfall (from north to south), the proposed stepped treatment of site works is considered to be an acceptable design response. Figure 1 below indicates the areas of the site whereby fill will exceed 500mm of NGL.
- The site works balance the natural ground level of the site by providing a finished floor level (FFL) equivalent to the median natural ground level and therefore requiring a balance of fill on the lower portion of the site and excavation on the higher side.
- While some of the site works proposed are in the front setback, they will not significantly alter the impression of natural ground level when viewed from Pass Crescent, with the driveway and onsite car parking layout remaining at the existing NGL.



**Figure 1** – Fill exceeding 500mm of NGL shown in red



**Outdoor Living Area**

Element	Requirement	Proposed	Extent of variation
Front dwelling	30m <sup>2</sup>	55m <sup>2</sup>	Complies
	Behind front setback	Front setback area	Does not comply
	Directly accessible from the primary living space of the dwelling	Accessible from proposed Family and dining room	Complies
	Min length and width dimension of 4m	5m	Complies
	With at least 2/3 of the required area without permanent roof	30m <sup>2</sup> without roof	Complies

The proposed outdoor living area is supported under the design principles of the R-Codes for the following reason:

- The area proposed for unit 1 is sufficient in overall size and dimension which will be a functional and usable space for future occupants.
- It’s capable of being used in conjunction with the primary living space of this dwelling, whilst being exposed to the northern light for the winter periods of the year.
- The location optimises the use of the northern aspect of the site.
- Furthermore, the design of unit 1 will allow for a high level of street surveillance between the dwelling and Pass Crescent.

**Visual privacy**

	Setback Requirement	Proposed	Variation
South Elevation Rear Dwelling	7.5m	0m	7.5m

The proposed visual privacy variation is supported under the design principles of the R-Codes for the following reason:

- Due to the proposed site works exceeding 500mm in this section of the site, a visual privacy discretion results. To address this issue a 1.8m high dividing fence is proposed to be erected on top of the new proposed finished site levels which would address any visual privacy impacts between the two properties. Accordingly, a condition of approval is recommended to be imposed to ensure this is installed or otherwise provided with required screening.

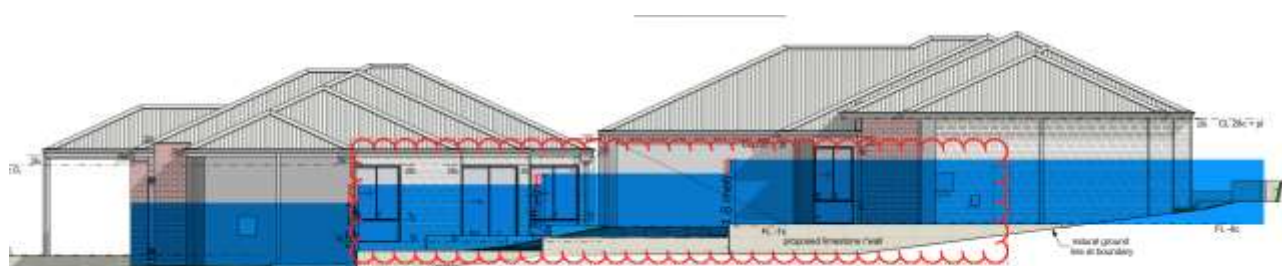


**Over height dividing fence**

Retaining Wall	Requirement	Proposed	Variation
South boundary	1.8m	1.8m – 2.6	800mm

The proposed variation is supported under the performance criteria of LPP2.8 for the following reason:

- As a result of the proposed level of retaining and fill proposed for the middle section of the subject site, the resulting fence height ranges from 1.8m to worst case 2.6m. As shown below in Figure 2 a new 1.8m high diving fence (shown in blue) and the red clouded portion showing where it would exceed 1.8m in height.



**Figure 2** – Southern boundary/ fence elevation plan.

- The proposed development has been assessed against the overshadowing requirements of the R-Codes and the calculated impact of shadow created by this development (including all fencing above 2m in height), results in 13.5% (96m<sup>2</sup>) of the southern lot being over shadowed. This meets deemed to comply requirements.
- Figure 3 below, shows the area (blue circle) impacted by the proposed dividing fence. A site inspection has confirmed that this covered area at present is being used for outdoor storage and generally consistent of backyard area. The red clouded area indicates what’s is considered to be the primary outdoor living area for the neighbouring property today, which is used in conjunction with the pool area.





## LEGAL IMPLICATIONS

Nil

## VOTING AND OTHER REQUIREMENTS

Simple majority required

### **COUNCIL DECISION ITEM C2407-1** **(Officer's recommendation)**

**Moved: Cr Ben Lawver**

**Seconded: Cr Geoff Graham**

#### **Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two, Single Storey Grouped Dwellings at No.32 (Lot 45) Pass Crescent, Beaconsfield, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 4 June 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**
- 4. Screening shall be erected along the southern boundary whereby fill exceeds 500mm of Natural Ground Level. Screening shall be a minimum height of 1.6 metres above the approved finished ground level, and comply with the definition of screening under the Residential Design Codes. All screening shall be at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed and maintained to the satisfaction of the City prior to occupation of the dwellings.**
- 5. Prior to lodgement of a Building Permit for the development hereby approved, evidence is to be submitted demonstrating that the dwelling will achieve a NatHERS accredited energy efficiency star rating of 7 stars that is certified by a NatHERS energy assessor to the satisfaction of the City of Fremantle. The development is to be maintained at the approved standard to the satisfaction of the City of Fremantle.**



- 6. Prior to occupation, a minimum 3kW photovoltaic solar panel system shall be installed for each dwelling and maintained thereafter to the satisfaction of the City of Fremantle.**
- 7. Prior to occupation, a 3000L rainwater tank plumbed to a toilet and/or laundry shall be installed and maintained thereafter to the satisfaction of the City of Fremantle.**
- 8. Prior to occupation, solely solar, electric heat pump, or PV-connected electric storage water heaters and electric (non-gas) cooking appliances to be installed and maintained thereafter to the satisfaction of the City of Fremantle.**
- 9. Prior to lodgement of a Building Permit for the development hereby approved, a detailed landscaping plan in accordance with clause 5.3.2 of the R-Codes, including information relating to species selection of the required tree, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, etc), shall be submitted to and approved by the City of Fremantle.**
- 10. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.**
- 11. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.**
- 12. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 13. This development approval does not include any primary street fencing.**
- 14. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

**Advice Notes:**

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**



- ii. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.**
- iii. The applicant is advised that a 1.8m high dividing fence being erected on top of the new approved finished site levels could address condition 4 requirements.**
- iv. The applicant is advised that any fencing within the primary street setback is required to comply with the requirements of LPP 2.8 Fences Policy and may require further approval.**

**Carried: 9/1**

**For:**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Ingrid van Dorsen**

**Against:**

**Cr Doug Thompson**



**C2407-2      RULE STREET, NO. 1 (LOT 21), NORTH FREMANTLE -  
ADDITIONS AND ALTERATIONS TO EXISTING SINGLE  
HOUSE – (AM DA0038/24)**

**Meeting date:** 10 July 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority  
**Attachments:** 1. Development Plans  
2. Site Photos

**SUMMARY**

**Approval is sought for additions and alterations to an existing Single house at No. 1 Rule Street, North Fremantle (subject site).**

**The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:**

- **Building height**
- **Boundary wall**

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

**PROPOSAL**

**Detail**

Approval is sought for additions and alterations to an existing Single house at the subject site. The proposed works include:

- Demolition of existing lean-to addition
- New living, kitchen/dining/study and, bathroom/laundry on the ground floor linked with the existing dwelling via new stairs; and
- New bedroom 1 with associated ensuite and balcony on upper floor.

Development plans are included as attachment 1.

**Site/application information**

Date received: 7 February 2024  
Owner name: Justin Termain  
Submitted by: Dillon Gorton  
Scheme: Residential R25  
Heritage listing: North Fremantle Precinct Heritage Area  
Existing land use: Single House  
Use class: Single House  
Use permissibility: Permitted





**CONSULTATION**

**External referrals**

Nil required.

**City of Fremantle Internal referrals**

*City of Fremantle Heritage*

*The proposed development was assessed and supported from a heritage perspective.*

**Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against the R-Codes and local planning policies. The advertising period concluded on 26 April 2024, and two (2) submissions were received. The following issues were raised (summarised):

Submitter Comment	Officer Comment
<p>Concerns the development will be afforded overlooking of adjoining southern site and compromise the privacy of these dwellings.</p>	<p>The proposed balcony addition to the upper floor does not result in overlooking issues as it is screened by a 1.6m screening device to restrict views within the cone of vision. A relevant condition of approval to ensure this occurring is also recommended.</p>



<p>Concerns over the impact of overshadowing and light reduction to adjoining properties.</p>	<p>Overshadowing has been assessed by officers in accordance with the R-Code Volume 1 methodology and meets the Deemed-to-comply requirements. An overshadowing diagram to depict the percentage of shadow cast onto the adjoining lots to the south is also provided by the applicant.</p> <p>In any event, it is observed by officers that the shadow that does result from the proposed development does not appear to fall over any sensitive major openings nor primary outdoor living areas of the adjoining southern dwellings.</p>
<p>Concerns relating to inaccurate depiction of the existing lot boundaries</p>	<p>The City requested the applicant to provide a certified cadastral survey plan to depict accurate lot boundaries and site levels. A review of this survey plan against the provided site plan and spot levels has been undertaken and the City can confirm they reflect correct boundaries and spot levels of site.</p>
<p>Building height and lot boundary setbacks</p>	<p>The proposed variation to building height and boundary wall is discussed in detail in the officer assessment section below.</p>

**OFFICER COMMENT**

**Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Building height
- Boundary wall

The abovementioned matters are discussed below.

**Background**

The subject site is located on the southern side of Rule Street. The site has a land area of approximately 372m<sup>2</sup> and is currently a Single house. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and is located within the North Fremantle Heritage Area.



**Land Use**

A Single House is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the scheme.

**Building height**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Building Height – Local Planning Scheme No. 4 LPA3 – North Fremantle	Building height shall be limited to a maximum of two storeys (maximum external wall height of 5.5 metres as measured from ground level with a maximum roof plain pitch of 33 degrees)	5.9m (at a maximum)	0.4m (at a maximum)

As the proposal varies the maximum permissible heights prescribed by the North Fremantle Local Planning Area LPS4 provisions, the additional building height needs to be assessed under the discretionary criteria of clause 4.8.1 (variation to height requirements), outlined as follows:

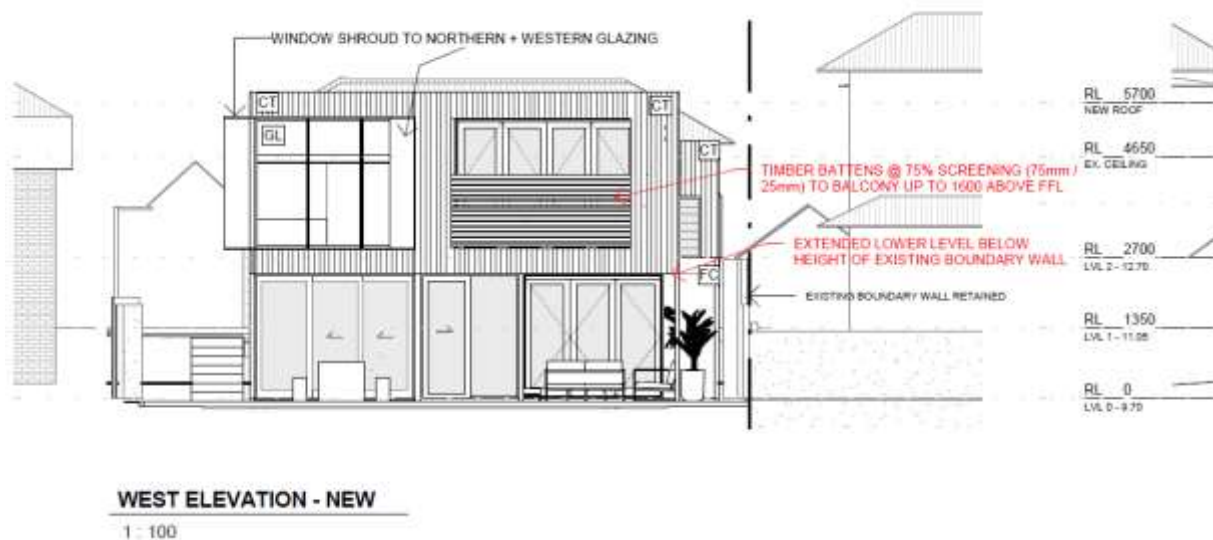
*Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in Schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following:*

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

The proposed building height is considered to meet the discretionary criteria of clause 4.8.1 of the LPS4 for the following reasons:

- The proposed upper floor addition of the existing dwelling is located such that it will not cast unreasonable levels of winter shade upon the adjoining southern properties, noting that overshadowing is within R-Code deemed to comply requirements.

- The proposed dwelling is generally consistent with the predominant height patterns of the locality and, in particular, the existing adjoining dwellings on either side of the subject site (refer West elevation plan).



**Figure 1** – Western side elevation plan of adjoining dwellings building height relative to the proposed



**Figure 2** - The yellow highlighted section depicts the area that is non-compliant with the height limit

- The height of the development graduates from a single storey at the front side of the property to a double storey development that is largely concealed by the existing dwelling on site.
- The proposed building height, street setbacks and general built form of the dwelling is supported on heritage grounds and is considered to have limited detrimental impact upon the North Fremantle Heritage Area generally. Further to this, the existing dwelling is being retained, with limited impact on its existing form and therefore the development respects the heritage values of the property.



**Boundary wall**

Element	Requirement	Proposed	Extent of Variation
South (ground floor)	Max length of 10.1m	15.9m boundary wall length	5.8m

The proposed length of the boundary wall is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed length of the boundary wall does not result in a perception of adverse building bulk when viewed from the adjoining southern properties as the height of the wall is compliant.
- The development allows for sufficient access to direct sunlight and ventilation as to both the subject site and the adjoining dwelling to the south, as the proposed upper floor is setback sufficiently from the common boundary.
- The major openings and outdoor living areas of the adjoining dwellings to the south are setback sufficiently from the existing common boundary which allows for sufficient access to ventilation and direct access to northern sunlight.
- The length of the proposed boundary wall does not result in any new merit-based decision relating to overlooking or visual privacy given it does not contain any major openings.
- The boundary wall will allow for more effective use of the outdoor living area on the subject site.
- The shadow cast onto the adjoining southern lots meets the deemed to comply requirements under the R-Codes.

**Local Planning Policy 3.6 – Heritage Areas**

<b>3.4 Demolition</b>	
The proposed development does not result in demolition of the existing dwelling, and it is only the lean to addition that is proposed to be removed to accommodate for the new development on site. The development proposal including the existing lean to removal was assessed and supported by the City’s heritage team.	
<b>3.5 Additions and Alterations (to existing buildings)</b>	
<b>3.5.1 Intent</b>	
When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the	<b>Officer Comments</b> The proposed development is an addition to the existing house and there is no impact on the heritage fabric or character of the existing dwelling. The proposed addition is at the rear of the existing



<p>broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits</p>	<p>single house and will not be visible from Rule Street. As such the heritage significance of the dwelling and the area is protected.</p>
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**3.5.2 Design guidance**

<p><b><i>Siting and Scale</i></b></p> <p>i. Additions in front of contributory buildings or within the established building setback in the prevailing streetscape will generally not be supported unless restoring an original feature in the original architectural style (e.g. a verandah) spas (also see 'Garages and Carports' 'Ancillary Structures' and 'Street Fencing' sections below).</p> <p>ii. Generally single storey additions that are less in height to the original building, located to the rear of the original building and constructed so that the roof of the new addition is independent from the original building's roof form can be supported from a heritage perspective.</p> <p>iii. In order to allow a contributory building to retain its original form, if a single storey rear addition is attached to the original building, then this is to:</p> <ul style="list-style-type: none"> <li>• Be via a linked pavilion, or</li> <li>• Have side external walls of the extension set in from the side walls of the original building, or</li> <li>• Be supported by a material change at the junction of the old and new.</li> </ul> <p>v. Double storey additions to a contributory building may be considered where:</p>	<p><b><i>Officer Comments</i></b></p> <p>The proposed addition is at the rear side of an existing single house. As such, it remains consistent with properties in the surrounding area.</p>
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<ul style="list-style-type: none"> <li>• They are located to the rear of the original building;</li> <li>• They do not alter the original building roof line;</li> <li>• They are constructed so that the roof of the new addition is independent from the original building’s roof form;</li> <li>• The roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal’s impact on the streetscape); and</li> <li>• If the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to:             <ul style="list-style-type: none"> <li>○ Be via a linked pavilion, or</li> <li>○ Have side external walls of the extension set in from the side walls of the original building, or</li> <li>○ Be supported by a material change at the junction of the old and new.</li> </ul> </li> </ul>	
<p><b><i>Building Form</i></b></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. Additions to places within a heritage area must respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape and existing building, without falsely mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing</p>	<p><b><i>Officer Comments</i></b></p> <p>The proposed addition is at the rear side of an existing single house. As such, the form of the building and its overall shape, size will not be overly visible from the street.</p>



<p>contributory building and to its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the existing and nearby buildings in a modern, innovative and sympathetic way.</p> <p>vi. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new additions should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p>	
<p><b><i>Other Elements</i></b></p> <p>Roofs</p> <p>i. Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs. ii. Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.</p> <p>v. New materials, finishes and colours to non-contributory buildings and additions should enhance the character of the existing heritage fabric without visually dominating the streetscape or adjacent heritage buildings/ heritage fabric.</p>	<p><b><i>Officer Comments</i></b></p> <p>The City's heritage team are supportive of the proposed colours materials and finishes. As mentioned above, the proposed addition will not be visible from the street, therefore the non-traditional roof form does not impact on the existing streetscape.</p>





## CONCLUSION

As discussed above, the proposed variations address the relevant design principles of the R-Codes and policy provisions with no significant impact to the amenity of the adjoining neighbours. As such, the proposed development is recommended for conditional approval.

## STRATEGIC IMPLICATIONS

### Green Plan 2020

- The site will be cleared of all existing trees/vegetation.
- No DA is required for the removal of trees on private land.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Nil

## VOTING AND OTHER REQUIREMENTS

Simple majority required

## **COUNCIL DECISION ITEM C2407-2** **(Officer's recommendation)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Jemima Williamson-Wong**

### **Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Addition and Alteration to Existing Single House at No. 1 (Lot 21) Rule Street, North Fremantle, subject to the following condition(s)**

- 1. This approval relates only to the development as indicated on the approved plans, dated 23 May 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to occupation/ use of the development hereby approved, the boundary wall located on the north rear and west side boundaries shall be of a clean finish in any of the following materials:**



- coloured sand render,
- face brick,
- painted surface,
- other approved finish

and be thereafter maintained to the satisfaction of the City of Fremantle.

4. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
5. Screening shall be erected along the southern boundary of the proposed balcony. Screening shall be a minimum height of 1.6 metres above the approved finished floor level, and comply with the definition of screening under the Residential Design Codes. All screening shall be at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed and maintained to the satisfaction of the City prior to occupation of the dwelling.
6. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

**Advice note(s):**

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- ii. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

**Note:** Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.



**iii. All noise from the proposed development must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended), such as:**

- **Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;**
- **Vehicles;**
- **Amplified acoustic systems; and**
- **Patron noise.**

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

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

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorssen**



**C2407-3 RENNIE CRESCENT, NO. 90 (STRATA LOT 1), HILTON - UNAUTHORISED ADDITIONS TO EXISTING SINGLE HOUSE (ED DA0130/24)**

**Meeting date:** 10 July 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority  
**Attachments:**  
1. Development Plans  
2. Applicant Covering Letter  
3. Site Photos

**SUMMARY**

**Approval is sought for unauthorised additions to an existing Single house at No. 90 (Strata Lot 1) Rennie Crescent, Hilton.**

**The proposal is referred to Council due to the nature of some discretions being sought. The application seeks discretionary assessments against the Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:**

- **Hilton Garden Suburb Precinct Heritage Area Policy:**
  - **Street Setback**
  - **Extensions and Additions**
  - **Front Fencing**

**The application is recommended for refusal.**

**PROPOSAL**

**Detail**

Approval is sought for unauthorised additions to existing Single house at No. 90 (Strata Lot 1) Rennie Crescent, Hilton (subject site).

The unauthorised works include:

- Addition of a detached, habitable building in the front setback area of the existing dwelling. The structure has an internal area of 10.1m<sup>2</sup> with the following external dimensions: 3.75m length x 3.6m width x 2.4m height (max).

NB. The addition does not constitute an *ancillary dwelling* addition as the habitable structure is not considered *self-contained* (i.e. does not provide an independent bathroom and kitchen from the main, existing dwelling).

- Addition of solid, 1.8m metal sheeting (Colorbond) fencing within the front setback area of the existing dwelling.



It should be noted the application does not involve any alterations to the existing dwelling on the subject site.

Development plans are included as attachment 1 and the proposal further discussed in the applicant’s covering letter (attachment 2).

**Site/application information**

Date received:	6 May 2024
Owner name:	Jacqueline Linda Robinson
Submitted by:	Roberto Olivieri
Scheme:	Residential R20
Heritage listing:	Hilton Garden Suburb Precinct
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P



**CONSULTATION**

**External referrals**

Nil required.

**Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising period concluded on 6 June 2024, and Nil (0) submissions were received.



## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Hilton Garden Suburb Precinct Heritage Area Policy:
  - Street Setback
  - Extensions and Additions
  - Front Fencing

The above matters are discussed below.

### **Background**

The subject site is located on the southern side of Rennie Crescent in Hilton. The site has a land area of approximately 504m<sup>2</sup> and is currently a Single house. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed although it is located within the Hilton Garden Suburb Precinct Heritage Area.

The surrounding area is predominantly characterised by single storey Single houses and Grouped dwellings with some two storey elements on rear lots.

A search of the property file has revealed the following history for the site:

- DA0044/21 - Outbuilding Addition to Existing Single House (withdrawn)

It is noted that the above application, which involved the addition of an outbuilding within front setback area (similar to the proposal in this application) was withdrawn by the applicant on 25 August 2021. This was subsequent to advice from City officers that the proposed additions would not be supported within the front setback area of the dwelling. due to the impact upon the prevailing streetscape of this section of Rennie Crescent and in accordance with relevant planning policies.

The City was made aware the proposed works were undertaken in any event without development approval or a building permit and now retrospective approval is sought for the works, as is the subject of this application.

### **Hilton Garden Suburb Precinct Heritage Area Policy Provisions (LPP 3.7)**



**Streetscape Requirements**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Cl. 1.2 – Setback of Buildings not under the main roof of the dwelling	7m (minimum street setback)	4.3m	2.7m

Clause 5.2 (Extension and Additions) of LPP3.7 also states that *new extensions or additions shall be located at the rear or side of the original dwelling*. The unauthorised addition is located in front of the existing dwelling (projecting 3.2m forward of the dwelling) and in the front setback area of the site.

LPP 3.7 provides that Council may, at its discretion, allow a lesser setback of the building from the primary street where it is satisfied that the development meets one of the following criteria:

- (a) Where the proposed setback of the building is consistent with the setback of buildings within the prevailing streetscape; or*
- (b) Where due to the nature of the road and/or lot layout in the locality or the topography of the land, the proposed setback of the building does not result in a projecting element into an established streetscape vista; or*
- (c) Where the proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to provisions of LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).*

The proposed street setback and location of the unauthorised detached addition in front of the existing dwelling does not comply with LPP3.7 for the following reasons:

- The unauthorised structure, that projects 3.2m into the street setback area forward of the original dwelling and is setback 4.3m from the street boundary, is considered to have an adverse visual impact upon the established streetscape of this section of Rennie Crescent. The prevailing streetscape character of this section of Rennie Crescent is established by a generally consistent street setback of the single storey dwellings (approx. 6m) and the unauthorised addition is the only structure or built form element that projects forward into the established streetscape vista, to the detriment of its visual character, refer Figure 1 below.



**Figure 1** - Aerial photo showing location of unauthorised addition (outline highlighted pink) forward of established streetscape vista.

- The unauthorised addition is of a materiality, built form and design that is inconsistent with the original dwelling on the subject site and the locality generally. This adds to the adverse visual impact the structure has upon the streetscape and character of the heritage area generally.
- The addition does not facilitate the retention of a mature, significant tree nor preserve any elements of heritage significance. It is noted by officers that alternative locations for the addition, behind the façade and to the side of the original dwelling on the subject site, appear possible and would be considered more favourably and better align with policy intent and objectives.

### Street Walls / Fences

Element	Requirement	Proposed	Extent of Variation
Cl 1.5 – Street Walls and Fences	<p>a maximum height of 0.9 metres and shall be a minimum of 20% visually permeable above 300millimetres; OR</p> <p>a maximum height of 1.2 metres and shall be a minimum 50%</p>	Solid, 1.8m Colorbond Fencing with no degree of visual permeability	0.9 – 0.3m and visually permeability.





	<p>visually permeable above 300 millimetres; OR</p> <p>a maximum height of 1.5 metres and shall be a minimum of 85% visually permeable above 300 millimetres.</p> <p>NB. Cl. 1.5.1 also provides that fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) is strongly encouraged.</p>		
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Cl. 1.5.4 of the policy provides that Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

- (a) *Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling.*  
*Notwithstanding this, visually impermeable fencing above 300 millimetres in height will not be supported.*

The unauthorised front fence does not comply with LPP3.7 for the following reasons:

- The unauthorised front fence exceeds all height allowances of the policy and does not provide any degree of visual permeability by virtue of being solid colorbond fencing to a height of 1.8m.
- The unauthorised front fence is not consistent with the prevailing streetscape which is characterised by lower front fences with high degrees of visual permeability.



- The proposed fence, with no visual permeability, does not allow for any passive surveillance from the dwelling over the public street and is a visually dominant structure that has an adverse impact upon the prevailing streetscape character – refer site photos at Attachment 2.
- The unauthorised fence, constructed of 1.8m high solid painted metal sheeting (colorbond) is not reflective of fencing styles and materials traditional to the area such as the timber picket fencing or posts with wire/mesh infill.

### **State Planning Policy**

#### *State Planning Policy 3.5 - Historic Heritage Conservation*

The proposed development is inconsistent with the development control principles of SPP3.5 which states that development should respect and compliment the heritage significance of the area. In this instance, it is considered that the detached addition located within the front setback area of the existing dwelling and projecting into the established streetscape vista of this section of Rennie Crescent will have an adverse visual impact upon the established streetscape character and the structure is also more generally incompatible with the siting, scale, external form and architectural style of development within the streetscape and surrounding heritage area.

### **CONCLUSION**

In conclusion, as detailed above, the unauthorised additions significantly contravene the provisions, intent and objectives of the Hilton Garden Suburb Precinct Heritage Area Policy (LPP 3.7) and are seen to have an adverse visual impact upon the prevailing streetscape character of this section of Rennie Crescent and the Hilton Heritage Area generally.

It is for the reasons detailed in the officer assessment above, the application is recommended for refusal.

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil



## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

### **COUNCIL DECISION ITEM C2407-3** **(Officer's recommendation)**

**Moved: Cr Frank Mofflin**

**Seconded: Cr Ingrid van Dorsen**

#### **Council:**

**REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Unauthorised Additions to Existing Single House at No. 90 (Strata Lot 1) Rennie Crescent, Hilton, as detailed on plans dated 2 May 2024, for the following reasons:**

- 1. By virtue of the unauthorised detached additions' location forward of the original dwelling, within the street setback area at a reduced street setback, the addition has an adverse visual impact upon the established and prevailing streetscape character of this section of Rennie Crescent and the character of the wider Hilton Heritage Area generally. As such, the proposal does not comply with clauses 1.2 and 5.2 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy.**
- 2. By virtue of the front fence around the street setback area being constructed of solid, 1.8m high metal sheeting (colorbond) with no visual permeability, the fence does not allow for any passive surveillance from the dwelling over the public street, is a visually dominant structure that has an adverse impact upon the prevailing streetscape character and is not constructed of materials or of a design that is reflective of fencing styles traditional to the area. As such, the proposal does not comply with clause 1.5 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy**

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**



**C2407-4 THOMPSON ROAD, NO. 94 (LOT 100), NORTH FREMANTLE - PARTIAL CHANGE OF USE TO CAFE/ RESTAURANT – (JD DA0142/24)**

<b>Meeting date:</b>	10 July 2024
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority
<b>Attachments:</b>	1. Amended Development Plans 2. Cover Letter 3. Schedule of Submissions 4. Site Photos

## **SUMMARY**

**Approval is sought for a partial change of use to a Café/Restaurant land use at No. 94 Thompson Road, North Fremantle.**

**The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:**

- **Land Use**
- **Car and bicycle Parking**

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

## **PROPOSAL**

### **Detail**

Approval is sought for a partial change of use to a Café/Restaurant at No. 94 Thompson Road, North Fremantle (subject site). The proposed works include:

- Minor alteration to existing front window to allow for the sale of food and drink.
- Internal fit out of an area at the front of the existing warehouse to provide for patron seating.
- Installation of internal partition walls within existing building.

The applicant initially sought approval for a 'hole in the wall' coffee shop with no seating provided. The applicant was advised that the proposal as designed would typically be classified as a Fast Food Outlet under LPS4, which is an X (not permitted) land use within the Mixed Use zone. The applicant revised their proposal to add a seating area and now seeks to have the proposal classified as a Restaurant/Café, which is a discretionary land use under the scheme.



The applicant submitted amended plans on 15 May 2024 including the following:

- Provision of 14 seats within a designated dining area.

Amended development plans are included as attachment 1.

**Site/application information**

Date received:	15 May 2024
Owner name:	Delf Holdings Pty Ltd
Submitted by:	Wild Bakery
Scheme:	Mixed Use
Heritage listing:	Not Listed
Existing land use:	Warehouse
Use class:	Restaurant/Café
Use permissibility:	A



**Figure 1** – Zoning context map.



## **CONSULTATION**

### **External referrals**

Nil required.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme.

The advertising period concluded on 14 June 2024, and three (3) submissions were received. The following issues were raised (summarised):

- Speed of traffic along Thompson Road.
- Traffic congestion.
- Insufficient parking onsite and the surrounding area.
- Increase in deliveries to the site.
- Impact to the amenity of the area.
- Impact from waste on the amenity of the area.

In response to the above, the applicant provided the following response (summarised):

- The proposal is not aimed at being a high-volume large-scale operation. It will be a 'hole in the wall', takeaway focused coffee and bread space with no food manufacturing on site.
- The proposal is for a simple and convenient operation aimed at providing the local community with what they desire.
- There have been many voices of support for the proposal who are looking for simple takeaway coffee and baked goods.
- The proposed space of 3.5m x 3.79m cannot cater for anything more than the local community. We do not see this operation driving increased traffic flow.
- We welcome the opportunity to discuss these concerns face to face and work with the residents to ensure they are not negatively impacted by our proposal.

In response to the above, the following comments are provided by officers:

- The speeding of traffic along Thompson Road is a police matter. The proposed Restaurant/ Café is not considered to contribute to this. Traffic is discussed further in the report below.
- A condition has been recommended for a waste management plan to be provided to ensure waste is appropriately managed to minimise any impact on the amenity of the surrounding area. Notwithstanding this, it is considered that the site has sufficient capacity for waste storage and collection.

The remaining matters are addressed in the officer comment below.



## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4 specifically land use and car parking provisions. The relevant assessment criteria are discussed as follows:

- Land use
- Car parking

The above matters are discussed below.

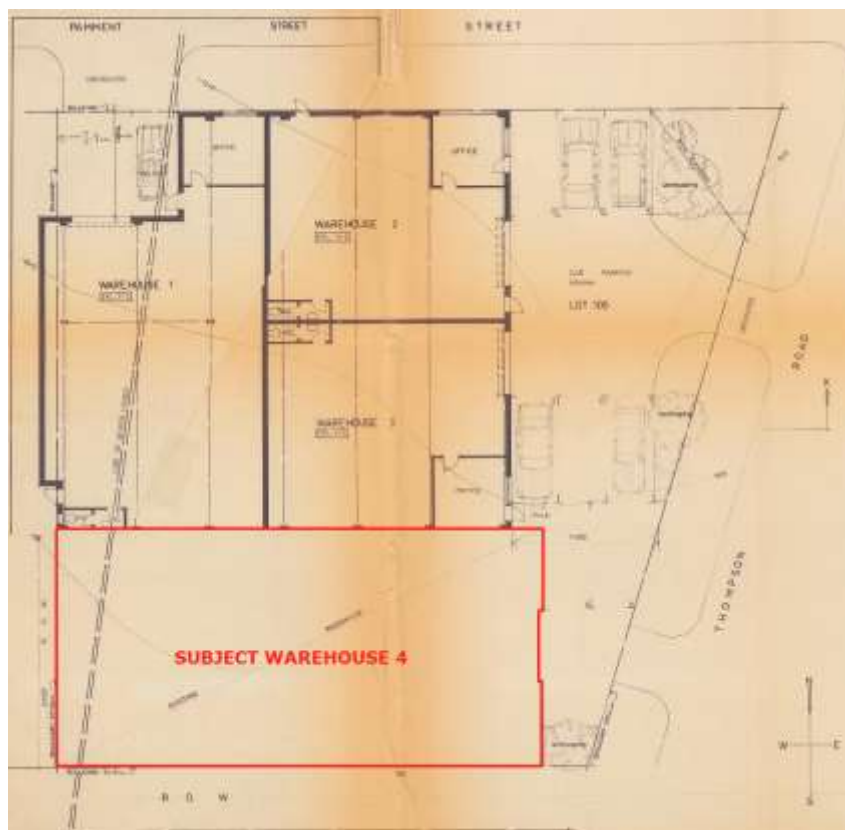
### **Background**

The subject site is located on the corner of Thompson Road and Pamment Street in North Fremantle. The tenancy is one of four warehouse units and has an area of approximately 287m<sup>2</sup> within a parent lot of approximately 1076m<sup>2</sup>.

The site is zoned Mixed Use and has a density coding of R25. The surrounding area on the west side of Thompson Road (within the Mixed Use zone) features a mix of residential and commercial land uses. The area on the opposing side (east) side of Thompson Road features residential dwellings only as well as a parks and recreation reserve. The site is located within the North Fremantle Precinct Heritage Area but is not heritage listed.

A search of the property file has revealed the following history for the site:

- Signage addition to existing building (Unit 3) – DA0074/23
- Internal alterations to existing warehouse (Unit 1) - DA379/97
- Construction of three (3) additional warehouses - 126/77
- Subject warehouse (unit 4) constructed circa 1974



**Figure 2** – The warehouse (Unit 4) subject of this application outlined in red.

### Land Use

A Café/ Restaurant is a 'A' use in the Mixed Use Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
  - (i) *Environmental impacts of the development*
  - (ii) *The character of the locality*
  - (iii) *Social impacts of the development*
- (s) *The adequacy of –*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles*





- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (y) *Any submissions received on the application.*

The proposed development is considered to address the above matters for the following reasons:

- The proposal is for a small scale premises (which complements the warehouse land use on the site) featuring the sale of coffee, pastries, bread and the like. It is considered compatible with the surrounding commercial developments and the residential area.
- The scale of the development and activities associated with the proposed café/restaurant use is not expected to result in any adverse impact on the amenity of the surrounding area.
- The proposal does not involve any changes to the existing built form of existing buildings on the subject site.
- The use enhances the amenity of the residential area by providing opportunity for social interaction within walking distance of local residences.
- There are no other Restaurant/ Café land uses within the surrounding area.
- The amount of traffic potentially generated by the proposal is considered minor due to the small scale and limited opening hours of the land use. It is considered there will be negligible impact on traffic flow and safety.
- Submissions were received objecting to the proposal on the grounds of traffic and amenity impacts. These objections are considered to have been addressed by the applicant, and the recommended conditions below.

**Car Parking**

<b>Element</b>	<b>Requirement</b>	<b>Existing</b>	<b>Extent of Variation</b>
Existing warehouses (units 1-4)	Car bays Ratio: 1:100m <sup>2</sup>  Total combined area of units 1-4: 770m <sup>2</sup>  Required: 8 bays	9 bays	1 bay surplus
	Delivery bays 1: unit  Required: 4 bays		
Restaurant/ Café (proposed)	Cay bays Ratio: 1: 5 seats or	Nil	3 bays



	1: 5 m <sup>2</sup> dining area, whichever is the greater  Dining area/seats: 14.5m <sup>2</sup> / 14 seats  Required: 3 bays		
	Delivery bays 1: service/ storage area  Required: 1 bay	Sufficient area provided for deliveries	-
	Bicycle racks class 1 or 2: 1 per 100m <sup>2</sup> public area class 3: Two  Required: 3 racks	Nil	3 racks
Total	11 bays	9 bays	2 bays, 3 bicycle racks

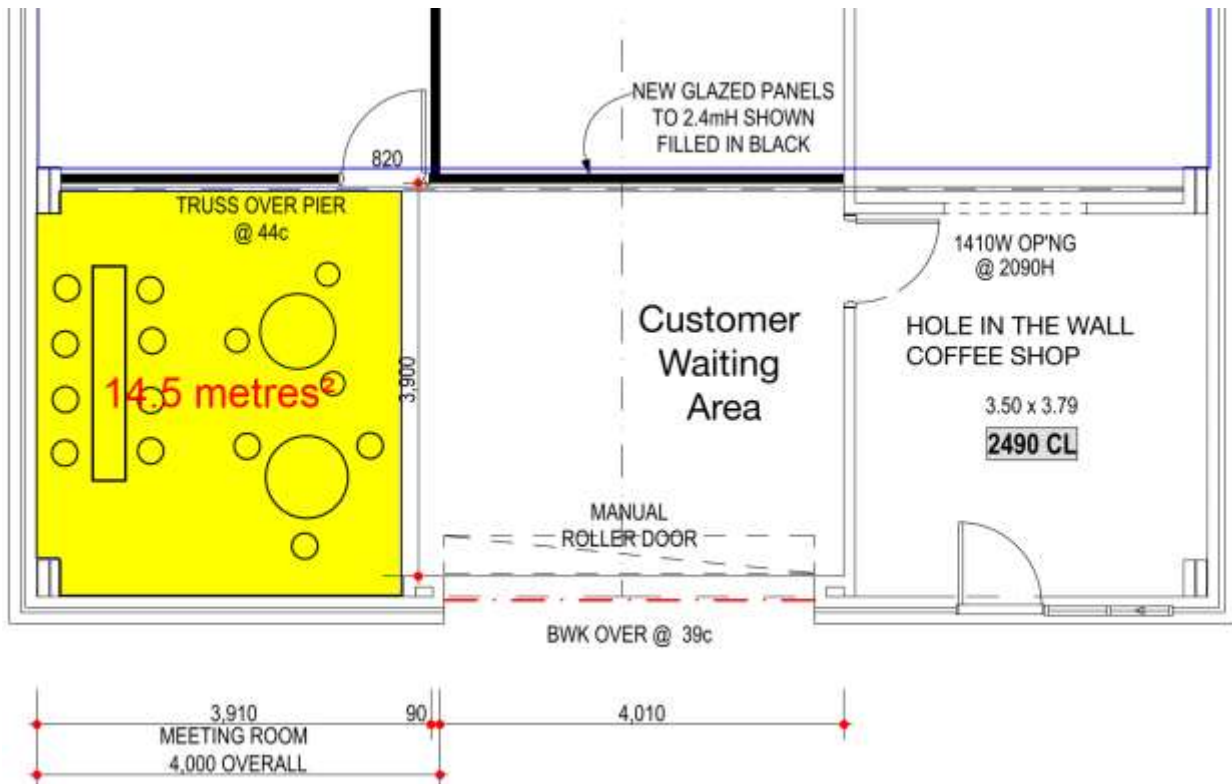


Figure 3 – Dining/seating area highlighted above.



In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –

- (i) The availability of car parking in the locality including street parking;*
- (ii) The availability of public transport in the locality;*
- (iii) Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (iv) Any car parking deficiency or surplus associated with the existing use of the land;*
- (v) Legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory;*
- (vi) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement;*
- (vii) The proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation; and/or*
- (viii) Any other relevant considerations.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the Local Planning Scheme No.4 for the following reasons:

- Street parking exists along Thomson Road, Pamment Street and Foundry Court. Many of the dwellings and the commercial tenancies in the surrounding area feature off street parking.
- The subject site features a high level of public transport connectivity. It is within 250m of a high frequency bus route along Stirling Highway and within 850m of the North Fremantle train station. It is noted however, that is not likely that the proposal will become a significant destination for people outside of the immediate residential area given its limited scale and offering.
- Given the scale of the proposed development, it is not considered that it will contribute to a significant increase in traffic volume, nor will bays be occupied by for a significant amount of time if people do drive to the site.
- The proposed opening hours of between 7am and 11am means that there will be no impact on parking availability for people returning home from work in the evenings.

## **CONCLUSION**

Approval is sought for a partial change of use to a Café/Restaurant land use at No. 94 Thompson Road, North Fremantle. The proposed land use will operate alongside the warehouses which currently exist on the site. The scale of the proposal is of a minor nature and will not result in any significantly detrimental impact on the amenity of the area. In accordance with the assessment above, the application is recommended for conditional approval.



## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **VOTING AND OTHER REQUIREMENTS**

Simple majority required

### **COUNCIL DECISION ITEM C2407-4** **(Officer's recommendation)**

**Moved: Cr Doug Thompson**

**Seconded: Cr Jemima Williamson-Wong**

#### **Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Partial Change of Use to Cafe/ Restaurant at No. 94 (Lot 100) Thompson Road, North Fremantle, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 15 May 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The Restaurant/ Café shall be limited to the operating hours of 7am to 11am or as otherwise approved by the City of Fremantle.**
- 3. Prior to lodgement of a Building Permit application for the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:**
  - Estimated waste generation**
  - Proposed storage of receptacles**
  - Collection methodology for waste**
  - Additional management requirements to be implemented and maintained for the life of the development.**

**The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.**



4. Prior to lodgement of a Building Permit application for the development hereby approved, a plan detailing the provision of one (1) Class 1 or 2 and two (2) Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.
5. Prior to occupation of the development hereby approved, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
6. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

**Advice note(s):**

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
  1. Mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
  2. Vehicles;
  3. Amplified acoustic systems; and
  4. Patron noise.

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

- iii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an [application to notify/register a food business](#). The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- iv. Any additional signage may require additional approval from the City of Fremantle.

**Minutes – Ordinary Meeting of Council  
10 July 2024**



**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**



**C2407-5 QUARRY STREET, NO. 75 (LOT 5), FREMANTLE - ANCILLARY DWELLING ADDITION TO EXISTING GROUPED DWELLING – (JD DA0103/24)**

**Meeting date:** 10 July 2024  
**Responsible officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority  
**Attachments:**  
1. Development Plans  
2. Cover Letter  
3. Submission and Applicant Response  
4. Site Photos

**SUMMARY**

**Approval is sought for an Ancillary dwelling addition to an existing Grouped dwelling at No. 75 Quarry Street, Fremantle.**

**The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes). These discretionary assessments include the following:**

- **Lot boundary setback**

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

**PROPOSAL**

**Detail**

Approval is sought for an Ancillary dwelling addition to an existing Grouped dwelling at No. 75 Quarry Street, Fremantle. The proposed works include:

- Removal of the existing roof structure.
- Fit out of the existing ground floor studio space with a kitchen and living area to create an Ancillary dwelling.
- Addition of a 32.5m<sup>2</sup> second storey including a bedroom and bathroom over the existing building footprint.

Development plans are included as attachment 1.



**Site/application information**

Date received: 3 April 2024  
Owner name: Neville Donald Fowkes  
Submitted by: Inhouse Building Design  
Scheme: Residential R25  
Heritage listing: Individually Listed Category 1B  
Existing land use: Grouped Dwelling  
Use class: Grouped Dwelling  
Use permissibility: P



**Figure 1 – Zoning context map.**





**Figure 2** – The location of the proposed ancillary dwelling addition marked with red x.

## CONSULTATION

### External referrals

Nil required.

### Internal City of Fremantle

#### *Heritage*

- 75 Quarry Street is half of a limestone and brick duplex dating from 1895. The house located at the front of the block is the significant heritage feature of this listing.
- The existing single storey building which is to be extended as part of this application is located at the rear of the main house. Historic aerial mapping shows that this structure was constructed c. 2002. This building has little heritage significance.
- The ancillary dwelling is not attached to the historic house so the proposed works will have no impact on heritage fabric.
- Due to the elevation of the heritage house above street level, and the distance of the ancillary dwelling from the street, the upper floor addition to the ancillary dwelling will be largely concealed from view the street so it will not visually dominate the historic house or have a negative impact of the streetscape of Quarry Street.



The works proposed in this application are acceptable as they will have no discernible impact on the heritage value of 75 Quarry Street or the streetscape.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought to vary the lot boundary setback requirements of the R-Codes. The advertising period concluded on 30 May 2024, and one (1) submission was received. The following issues were raised (summarised):

- No north and west facing windows as agreed by landowners.
- Retaining wall is not to be affected by the additions.
- All stormwater is to be contained.
- External fixtures/utilities to be located on north or west facing sides.
- The setback is only 850mm not the suggested 1 metre in the draft plan.
- Boundary needs to be confirmed by surveyor prior to any planning.
- The proposal will dwarf our residence and restrict morning light.
- Proposal will impact our only outdoor living space.

The verbatim advertising submission and applicant response is included as attachment 3.

In response to the above, the following comments are provided by officers:

- The north facing windows are highlight windows (1.6m above finished floor level) which the applicant has chosen to retain on the attached plans. Highlight windows are not considered major openings and in this instance are considered acceptable to provide northern sunlight into the upper floor bedroom.
- A condition is recommended for stormwater to be contained on site.
- A condition is recommended for external fixtures and utilities to be screened from the view of the adjoining properties.
- The proposed setback to the west side boundary is 1m which is consistent with the approval granted for the studio subject of this application. The lot boundary locations have been cross referenced with the supplied strata plan.
- The proposed ancillary dwelling will be located to the east of the adjoining lot.
- Overshadowing will not exceed the deemed to comply requirement.
- Further design principle assessments are included in the report below.

The remaining comments are addressed in the officer comment below.

### **OFFICER COMMENT**

#### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of Local Planning Scheme No. 4 (LPS4), the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes.



Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Lot boundary setback

The above matters are discussed below.

### **Background**

The subject site is located on the east side of Quarry Street within a strata containing four (4) dwellings. The strata lot (75 Quarry Street) has a land area of approximately 616m<sup>2</sup> and is currently a Grouped dwelling. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed.

A search of the property file has revealed the following history for the site:

- Studio addition (subject of the second storey addition/conversion to an ancillary dwelling) - DA799/02

### **Land Use**

A Grouped Dwelling is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme. The proposal is for an ancillary dwelling addition which is incidental to the Grouped dwelling land use.

### **Lot boundary setback**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
West lot boundary setback	1.2m	1m	0.2m

The west lot boundary setback is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed ancillary dwelling is located to the east of the adjoining lot. There will be no significant impact from overshadowing on this lot.
- The proposal includes highlight windows on the upper floor addition which are not considered major openings and are therefore deemed to comply against visual privacy requirements. Regardless, the highlight windows are facing north and are not facing towards the adjoining property.
- The proposal is setback 1m from the west side boundary. There will be no significant restriction to the ventilation for the adjoining lot.
- The proposal is located towards the rear of the subject site with a portion of the ancillary dwelling (approximately 4.6m) extending behind the rear of the adjoining property (the subject site is 'L' shaped). The 4.6m of visible wall is considered to be sufficiently offset from the adjoining property such that there will be no immediate impact from building bulk and scale on this property.



- The 0.2m reduction to the deemed to comply lot boundary setback requirement is considered minor and will not result in any significant additional impact on the amenity of adjoining lots.

## **CONCLUSION**

The proposal is for an Ancillary dwelling addition to an existing Grouped dwelling at No. 75 Quarry Street, Fremantle. It is considered that the proposal sufficiently addresses the design principle requirements of the R-Codes and will have no impact on any heritage significant fabric of the site. As such, the application is recommended for conditional approval.

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **VOTING AND OTHER REQUIREMENTS**

Simple majority required.

## **COUNCIL DECISION ITEM C2407-5** **(Officer's recommendation)**

**Moved: Cr Ben Lawver**

**Seconded: Cr Jenny Archibald**

### **Council:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, ancillary dwelling addition to existing Grouped dwelling at No. 75 (Lot 5) Quarry Street, Fremantle, subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans, dated 3 April 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**



- 2. Prior to lodgement of a Building Permit application for the development hereby approved , all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.**
- 3. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 4. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

**Advice note(s):**

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- ii. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.**

**Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.**

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**



**C2407-6 PLANNING INFORMATION REPORT - JULY 2024**

**1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**Meeting date:** 10 July 2024  
**Responsible Officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority  
**Attachments:** 1. Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments

**2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW**

**Meeting date:** 10 July 2024  
**Responsible Officer:** Manager Development Approvals  
**Voting requirements:** Simple Majority  
**Attachments:** Nil

Applications that have been determined by the Metro Inner DAP and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

<b>1. Application Reference</b>
DAPV001/24
<b>Site Address and Proposal</b>
No. 19-25 Burt Street, Fremantle – Amendments to public works development (Mixed use development comprising of Community Purpose, Restaurant/Café, Convenience Store, Industry Cottage and Multiple Dwellings)
<b>Current Status</b>
<ul style="list-style-type: none"><li>• Application to vary the approved development was received on 8 January 2024.</li><li>• Referral comments have been provided to officers at the Department of Planning, Lands and Heritage who are the Responsible Authority, noting the changes are supported with the exception of earthworks in the road reserve, and two apartments that do not meet adequate standards for solar access.</li><li>• Due to regulation changes, this proposal is no longer a DAP application, and will be determined by the WAPC.</li><li>• At the time of writing this report, a determination had not been made.</li></ul>



<b>2. Application Reference</b>
DAPV002/24
<b>Site Address and Proposal</b>
28 Cantonment Street, Fremantle – Variation to Approval (Proposal to delete Public Art contribution condition)
<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Application for development was received on 21 March 2024.</li> <li>• A Responsible Authority Report was reviewed by Council at both Ordinary Council meetings in May, where it was resolved to provide an alternative to Officers recommendation.</li> <li>• A DAP meeting was held on for 11 June 2024, where Council’s alternative recommendation was approved.</li> </ul>

<b>3. Application Reference</b>
DAPV003/24
<b>Site Address and Proposal</b>
59 Blinco Street, Fremantle – Variation to Approval (Twelve Grouped Dwellings)
<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Application for development was received on 26 April 2024</li> <li>• A responsible authority report is included for consideration in this agenda.</li> <li>• A DAP meeting to determine the application was held on 26 June 2024, where DAP approved the variation as per Council and Officers recommendation.</li> </ul>

<b>4. Application Reference</b>
DAP002/24
<b>Site Address and Proposal</b>
19 Essex Street, Fremantle – Four storey Tourist Development
<b>Current Status</b>
<ul style="list-style-type: none"> <li>• Application for development was received on 14 June 2024</li> <li>• The application is currently under assessment.</li> </ul>

**COUNCIL DECISION ITEM C2407-6**  
**(Officer’s recommendation)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Adin Lang**

**Council receive the following information reports for July 2024:**

- 1. Schedule of applications determined under delegated authority.**
- 2. Update on Metro Inner DAP determinations and relevant State Administrative Tribunal applications for review.**

**Minutes – Ordinary Meeting of Council  
10 July 2024**



**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**





## 12.2 Strategic and general reports

### C2407-7 FERRIS WHEEL ESPLANADE RESERVE – ESSENTIAL LEASE TERMS

<b>Meeting date:</b>	10 July 2024
<b>Responsible officer:</b>	Manager Economy & Commercial
<b>Voting requirements:</b>	Absolute Majority
<b>Attachments:</b>	Nil
<b>Confidential Attachments:</b>	1. Fremantle Tourist Wheel proposal

#### SUMMARY

**The purpose of this report is to seek Council approval for the proposed essential terms that have been negotiated with the current Lessee for a portion of the Esplanade Reserve being Lot 2046 on Plan 216961, Crown Reserve 9399, Crown Land Title Volume LR3037, Folio 639.**

**This report recommends that Council approve the proposed Lease terms and authorise the Chief Executive Officer to finalise the Lease between the City of Fremantle and Westshell Pty Ltd for the portion of land at the Esplanade Reserve, Fremantle based on the essential terms outlined in this report.**

#### BACKGROUND

Westshell Pty Ltd first commenced a licence for the portion of land as outlined in the plan of premises at the Esplanade Reserve in 2013. The licence was valid from 1 October 2013 – 30 September 2016. The tenant has been on a holding over arrangement since 2016 but is seeking security of tenure from the City and the licenced area has not varied since the commencement of the licence.

During that time the tenant has operated the Fremantle ferris wheel and has developed a tourism product that has become synonymous with Fremantle. The ferris wheel has featured in many major marketing campaigns, hosted many international touring groups and welcomed many intrastate visitors during its time in operation in Fremantle.

The current wheel is in the process of being dismantled and has recently been removed to provide the opportunity for a new wheel to be installed in early spring, subject to these terms being approved by Council.



## **FINANCIAL IMPLICATIONS**

The tenant currently pays an annual licence fee of \$57,200pa + GST. In February 2024, officers undertook a market rent valuation which provided a market rent value of \$43,599.

The proposed rent that has been agreed with the tenant for the premises is \$57,200pa + GST.

Outgoings will include but not be limited to:

- All utility charges;
- Telephone and internet connection and usage charges;
- Land Tax (if applicable);
- Land rates;
- Emergency Services Levy
- Rubbish removal Lessee insurances;
- All insurances including public liability and insurance of the tourist observation wheel and the Lessees other items and infrastructure;
- Cleaning; and
- All other operational charges including insurance of the Lessee

The requested lease term is ten (10) years, with one further term of five (5) years. The lease will also include either a bank guarantee or bond, equivalent to four months' rent plus GST.

Rent will increase by CPI on every anniversary of the commencement date, with market rent reviews to occur every five years.

Excluding outgoings, the annual increases and market rent reviews, Officers forecast that the net income for the terms of the lease will be in the vicinity of \$858,000 + GST.

## **LEGAL IMPLICATIONS**

The lease must comply with the requirements of Section 3.58 of the *Local Government Act 1995*. Officers will ensure that this occurs.

Before agreeing to dispose of the land the City will give public notice of the proposed disposition pursuant to Section 3.58 of the *Local Government Act 1995*, and in doing so invite public submissions on the proposed disposition.

Should submissions be received during the notice period, the comments will be brought back to Council for consideration before proceeding with the Lease.



## **CONSULTATION**

To guide decision making in determining the most suitable approach to disposing of the City's commercial property, Council adopted the Leasing of City property in a competitive manner policy.

The policy provides guidance on the most suitable process to undertake while factoring in consideration for existing tenants that make a substantial contribution to the economic vibrancy of Fremantle.

Officers have assessed the terms of the previous licence agreement and the agreed terms of the proposed lease agreement. Given that the tenant is paying above full commercial market rent and adds significant value to Fremantle's overall tenancy mix and appeal for visitors, not participating in a competitive leasing process for this premises has been determined to be in line with the Leasing of City property in a competitive manner policy.

The tenant has agreed to the essential lease terms being considered by Council.

## **OFFICER COMMENT**

The agreement type is being changed from a licence to a lease because the tenant has exclusive use of the premises 24 hours a day, 7 days a week. As per the definition of 'lease' – the premises is fenced (temporary fencing) and the lessee proposes to install fixed fencing.

The new wheel is proposed to be erected and open for use approximately three months after the lease is executed, subject to Council approving these essential lease terms.

The new 35m high, 100 tonne ferris wheel will include 24 fully enclosed, weather proof, 6 seater, wheel chair accessible gondolas, providing unobstructed 360 degree views all year round. The new wheel will be the same size as the previous wheel but will have two gondolas more, with one of these being a VIP gondola. The all white ferris wheel will have LED lighting within gondolas and also running along each main spoke of the front of the wheel. A 3m LED sign will also be mounted to the centre front of the wheel for advertising the ferris wheel itself. The use of the sign will be subject to approval via the relevant planning process. Souvenir ride photos will be made available for purchase as riders exit the gondolas.

The new wheel will include improved safety features including stabilising platforms, manual emergency stop and start buttons, quick evacuation systems, emergency back-up lighting and externally locked gondola doors. The new wheel has been designed to withstand cyclones, providing greater high wind speed safety than the previous Ferris Wheel. The new ferris wheel meets Australian



design registration requirements, will be serviced based on a specifically designed maintenance program and will be inspected daily.

The tenant is proposing to serve food and drinks on the wheel for its patrons which will provide a new product offering to improve our visitor experience. Additional approvals will be required.

Details in relation to the new wheel and the proposed new dining experience are attached to this report.

An electricity sub meter has been installed and the new lease will specify that the tenant will be required to pay for electricity consumption.

The following tables outline the proposed terms to finalise an agreement between the City and Westshell Pty Ltd.

Westshell Pty Ltd has accepted these terms and conditions and has signed a draft lease which subject to Council approving these essential terms, will be finalised by officers.

<b>Land Description</b>	Lot 2046 on Plan 216961, Reserve 9399, Volume LR3037 Folio 639, the Esplanade Reserve, Marine Terrace Fremantle
<b>Premises</b>	That part of the Land shown hachured and labelled 'Lease A' on the Lease Plan and being approximately 336m2.  The Premises is land only, it does not include any City building, structure, utility connection, fence or other City owned infrastructure or item.
<b>Agreement type</b>	Lease
<b>Lessor</b>	City of Fremantle ABN: 74 680 272 485
<b>Lessee</b>	Westshell Pty Ltd (ACN 165 168 918) ABN 80 158 628 543
<b>Bank Guarantee</b>	Equal to 4 months rent plus GST being \$19,066.64
<b>Commencement Date</b>	TBA (asap- approx. July)
<b>Term</b>	10 years
<b>Options</b>	5 years
<b>Annual Rent</b>	\$57,200pa + GST, to be paid monthly in advance.



<b>Rent Review</b>	CPI review on every anniversary of the commencement date excepting market rent review on every 5th anniversary of the commencement date.
<b>Variable Outgoings/ Outgoings</b>	<p>Outgoings will include but not be limited to:</p> <ul style="list-style-type: none"> <li>• All utility charges;</li> <li>• Telephone and internet connection and usage charges;</li> <li>• Land Tax (if applicable);</li> <li>• Land rates;</li> <li>• Emergency Services Levy</li> <li>• Rubbish removal Lessee insurances;</li> <li>• All insurances including public liability and insurance of the tourist observation wheel and the Lessees other items and infrastructure;</li> <li>• Cleaning; and</li> <li>• All other operational charges including insurance of the Lessee</li> </ul>
<b>Legal Fees</b>	Each party will be responsible for their own costs.
<b>Registration</b>	The Lessee is responsible for all costs associated with registration of the lease.
<b>Public Liability</b>	Minimum of \$20 million
<b>Permitted Use</b>	The Lessee is permitted to use of the Premises for the operation and maintenance of a tourist observation wheel and ancillary uses.
<b>Maintenance</b>	<p>The Lessee is responsible for:</p> <ul style="list-style-type: none"> <li>• All maintenance of the Lessees items and infrastructure located on the Premises;</li> <li>• Maintenance of all utility lines and connections installed by the Lessee or Lessor on the Premises and servicing the Lessees infrastructure;</li> <li>• Keeping the Premises clean, tidy and litter free;</li> <li>• Repairing any damage caused by the Lessee,</li> <li>• At the Lessees expense.</li> </ul> <p>The Lessor may undertake any works reasonably required from time to time on the Leased area. The Lessor will provide reasonable notice to the Lessee prior to undertaking any works to the Premises that may restrict access to the Premises (excepting in the case of an emergency).</p> <p>The Lessor is not responsible for the maintenance of the Lessees items or infrastructure located on the Premises, including but not limited to the tourist observation wheel, any shed, shipping container or</p>



	<p>other transportable structure, utility connections or fencing.</p>
<b>Sub-lease</b>	<p>Subject to the consent of the Lessor and the Minister for Lands, the Lessee may:</p> <ul style="list-style-type: none"> <li>• Sub-lease any portion of the Premises; and</li> <li>• Sub-licence or hire for fee, any portion of the Licence Area.</li> </ul> <p>The Lessee does not have the power to sub-lease any other part of the Land.</p>
<b>Liquor Licensing</b>	<p>The Lessor shall not unreasonably withhold its support of a liquor licence. Should a liquor license be obtained by the Lessee, the Lessee must comply with the liquor license.</p>
<b>Sale of food</b>	<p>The Lessee may be permitted to sell food or beverages on the Premises where the sale is ancillary to the purpose of the Lease.</p> <p>The Lessee and any other food vendor on the Premises must be registered as a Food Business with the City of Fremantle; and</p> <p>The premises and/or every food shop must be designed and constructed to comply with the City's <a href="#">food business construction guidelines</a> .</p> <p>Development approval must be received prior to the commencement of the sale of food or beverages where development approval is required. Contact the City's Statutory Planning team for further information.</p>
<b>Lessor Consent</b>	<p>Prior to any Lessee alteration, addition, improvement or development of the Premises, including replacement of the tourist observation wheel, the Lessee must apply for and be granted consent by the Lessor.</p> <p>The application for Lessor consent must include a scope/specification and design of the proposed alteration, improvement or development and a quote or quotes and, where appropriate, a certified quantity surveyor (QS) estimate.</p> <p>Lessor consent may be withheld at absolute discretion or granted subject to conditions including but not limited to any condition requiring amendment of the</p>



	<p>plans for any proposed works in a manner deemed appropriate by the Lessor.</p> <p>The Lessee will be responsible for all costs of, or associated with, the Lessee’s alterations, improvements or developments.</p>
<b>Statutory requirements</b>	<p>Any proposed works must align with Council Policy and the Lessee must obtain any statutory approval, consent or permit required including but not limited to:</p> <ol style="list-style-type: none"> <li>a. Planning approval from the responsible planning Authority; and</li> <li>b. A building permit under the Building Act 2011 (WA).</li> </ol>
<b>Timing of Lessee works</b>	<p>The Lessee acknowledges that it must not undertake works to replace the current tourist observation wheel with a different wheel, without first booking an installation date with the City.</p> <p>It should be noted that October and November 2024 may not be suitable for the wheel replacement works due to public events</p>
<b>Assignment</b>	<p>The Lessee must not, without the Lessors prior written consent, assign any part of the Lease.</p>
<b>Parties to act in good faith</b>	<p>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</p>
<b>End of Lease</b>	<p>At the end of the lease the Lessee must return the Premises:</p> <ul style="list-style-type: none"> <li>• In a clean and undamaged condition, fair wear and tear considered,</li> <li>• With all of the lessees items and infrastructure removed; and</li> <li>• With all utility connections disconnected and made safe.</li> </ul> <p>The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises for a subsequent term.</p>







<b>Agreement type</b>	<b>Lease</b>	
<b>Lessor</b>	<b>City of Fremantle ABN: 74 680 272 485</b>	
	<b>Contact:</b>	<b>Commercial Property Officer – lease queries</b>  <b>Asset and Property Officer – maintenance concerns</b>
	<b>Phone:</b>	<b>894329873</b>
	<b>Email:</b>	<b>info@fremantle.wa.gov.au</b>
	<b>Address:</b>	<b>PO Box 807 Fremantle WA 6959</b>  <b>Walyalup Civic Centre 151 High Street Fremantle WA 6160</b>
<b>Lessee</b>	<b>Westshell Pty Ltd (ACN 165 168 918) ABN 80 158 628 543</b>	
<b>Bank Guarantee</b>	<b>Equal to 4 months rent plus GST being \$19,066.64</b>	
<b>Commencement Date</b>	<b>TBA (asap- approx. July)</b>	
<b>Term</b>	<b>10 years</b>	
<b>Options</b>	<b>5 years</b>	
<b>Annual Rent</b>	<b>\$57,200pa + GST, to be paid monthly in advance.</b>	
<b>Rent Review</b>	<b>CPI review on every anniversary of the commencement date excepting market rent review on every 5th anniversary of the commencement date.</b>	
<b>Variable Outgoings/ Outgoings</b>	<b>Outgoings will include but not be limited to:</b> <ul style="list-style-type: none"> <li>• All utility charges;</li> <li>• Telephone and internet connection and usage charges;</li> <li>• Land Tax (if applicable);</li> <li>• Land rates;</li> <li>• Emergency Services Levy</li> <li>• Rubbish removal Lessee insurances;</li> <li>• All insurances including public liability and insurance of the tourist observation wheel and the Lessees other items and infrastructure;</li> <li>• Cleaning; and</li> <li>• All other operational charges including insurance of the Lessee</li> </ul>	



<b>Legal Fees</b>	<b>Each party will be responsible for their own costs.</b>
<b>Registration</b>	<b>The Lessee is responsible for all costs associated with registration of the lease.</b>
<b>Public Liability</b>	<b>Minimum of \$20 million</b>
<b>Permitted Use</b>	<b>The Lessee is permitted to use of the Premises for the operation and maintenance of a tourist observation wheel and ancillary uses.</b>
<b>Maintenance</b>	<p><b>The Lessee is responsible for:</b></p> <ul style="list-style-type: none"> <li>• <b>All maintenance of the Lessees items and infrastructure located on the Premises;</b></li> <li>• <b>Maintenance of all utility lines and connections installed by the Lessee or Lessor on the Premises and servicing the Lessees infrastructure;</b></li> <li>• <b>Keeping the Premises clean, tidy and litter free;</b></li> <li>• <b>Repairing any damage caused by the Lessee,</b></li> <li>• <b>At the Lessees expense.</b></li> </ul> <p><b>The Lessor may undertake any works reasonably required from time to time on the Leased area. The Lessor will provide reasonable notice to the Lessee prior to undertaking any works to the Premises that may restrict access to the Premises (excepting in the case of an emergency).</b></p> <p><b>The Lessor is not responsible for the maintenance of the Lessees items or infrastructure located on the Premises, including but not limited to the tourist observation wheel, any shed, shipping container or other transportable structure, utility connections or fencing.</b></p>
<b>Sub-lease</b>	<p><b>Subject to the consent of the Lessor and the Minister for Lands, the Lessee may:</b></p> <ul style="list-style-type: none"> <li>• <b>Sub-lease any portion of the Premises; and</b></li> <li>• <b>Sub-licence or hire for fee, any portion of the Licence Area.</b></li> </ul> <p><b>The Lessee does not have the power to sub-lease any other part of the Land.</b></p>
<b>Liquor Licensing</b>	<b>The Lessor shall not unreasonably withhold its support of a liquor licence. Should a liquor license be obtained by the Lessee, the Lessee must comply with the liquor license.</b>



<p><b>Sale of food</b></p>	<p>The Lessee may be permitted to sell food or beverages on the Premises where the sale is ancillary to the purpose of the Lease.</p> <p>The Lessee and any other food vendor on the Premises must be registered as a Food Business with the City of Fremantle; and</p> <p>The premises and/or every food shop must be designed and constructed to comply with the City’s <a href="#">food business construction guidelines</a>.</p> <p>Development approval must be received prior to the commencement of the sale of food or beverages where development approval is required. Contact the City’s Statutory Planning team for further information.</p>
<p><b>Lessor Consent</b></p>	<p>Prior to any Lessee alteration, improvement or development of the Premises, including replacement of the tourist observation wheel, the Lessee must apply for and be granted consent by the Lessor.</p> <p>The application for Lessor consent must include a scope/specification and design of the proposed alteration, improvement or development and a quote or quotes and, where appropriate, a certified quantity surveyor (QS) estimate.</p> <p>Lessor consent may be withheld at absolute discretion or granted subject to conditions.</p> <p>With the exception of any agreed contribution from the Lessor, the Lessee will be responsible for all costs of, or associated with, the Lessee’s alterations, improvements or developments.</p>
<p><b>Statutory Requirements</b></p>	<p>Any proposed works must align with Council Policy and the Lessee must obtain any statutory approval, consent or permit required including but not limited to:</p> <ol style="list-style-type: none"> <li>a. Planning approval from the responsible planning Authority; and</li> <li>b. A building permit under the Building Act 2011 (WA).</li> </ol>
<p><b>Timing of Lessee works</b></p>	<p>The Lessee acknowledges that it must not undertake works to replace the current tourist</p>



	<p><b>observation wheel with a different wheel, without first booking an installation date with the City. It should be noted that October and November 2024 may not be suitable for the wheel replacement works due to public events</b></p>
<p><b>Assignment</b></p>	<p><b>The Lessee must not, without the Lessors prior written consent, assign any part of the Lease.</b></p>
<p><b>Parties to act in good faith</b></p>	<p><b>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</b></p>
<p><b>End of Lease</b></p>	<p><b>At the end of the lease the Lessee must return the Premises:</b></p> <ul style="list-style-type: none"> <li>• <b>In a clean and undamaged condition, fair wear and tear considered,</b></li> <li>• <b>With all of the lessees items and infrastructure removed; and</b></li> <li>• <b>With all utility connections disconnected and made safe.</b></li> </ul> <p><b>The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises for a subsequent term.</b></p>
<p><b>Plan of Premises</b></p>	<p>The plan of premises includes a location sketch and a detailed site plan. The location sketch shows the site's position relative to WARDMAN LANE, MARINE TERRACE, and RAILWAY. The detailed site plan shows the boundaries of LEASE A (330sqm) and surrounding lots: R9399 2046 (CP216961, LR8037638), R27973 1876 (CP229635), and R40755 2038 (CP10881). The plan also shows the RAILWAY and dimensions of the lease area. A scale of @A3 1:250 is provided. The plan is dated 19/07/2024 and includes the City of Fremantle logo and JBA SURVEYS logo.</p>

**Minutes – Ordinary Meeting of Council  
10 July 2024**



**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**



## **C2407-8 DPLH URBAN GREENING STRATEGY ENGAGEMENT – CITY OF FREMANTLE RESPONSE**

**Meeting date:** 10 July 2024  
**Responsible officer:** Manager Strategic Planning and City Design  
**Voting requirements:** Simple Majority  
**Attachments:** 1. Urban Greening Strategy – City of Fremantle Response

### **SUMMARY**

**The Department of Planning, Lands and Heritage (DPLH) has invited the City, along with other local governments, to provide feedback on a proposal to develop an urban greening strategy for the Perth and Peel regions. Officers have prepared a detailed response to the DPLH survey for endorsement by Council.**

**The intent for an urban greening strategy is a positive step towards a holistic approach to tree canopy protection and enhancement, and consolidation of green linkages throughout the metropolitan area. It is envisaged that a State Government strategy of this kind will provide greater support and leverage for the City’s own policies and strategies.**

**Council endorsement is sought for the response prepared by officers (Attachment 1) to aid ongoing advocacy to State Government of the importance of a holistic urban greening strategy and encourage greater leadership from DPLH in this area.**

### **BACKGROUND**

The Western Australian Planning Commission (WAPC) has indicated an intent to develop a strategy for urban greening aimed at enhancing tree canopy coverage and creating more green spaces across the Perth and Peel regions. DPLH advise that elements of the strategy to be developed will include:

- *tree canopy measurement and reporting*
- *education and awareness*
- *urban heat identification and mitigation*
- *green linkages (looking at underutilised State Government land for greening opportunities)*
- *urban greening grant program*

*Initiatives that could be considered include additional Government grant programs, events and incentives, a public education program, expanding successful planting and tree programs, improved tree canopy data and opportunities to partner with local government and community groups.*



Currently, there is no comprehensive State Government policy framework regarding urban greening. The lack of clear strategies and policies within the planning arena is a conspicuous gap which is out of step with best practice, other Australian jurisdictions, and local community sentiment. In recent times, a number of issues relevant to urban greening have been well-publicised, with growing community acknowledgement and anxiety, including:

- Polyphagous Shot-Hole Borer (PSHB) and other biosecurity threats
- Urban Heat Island Effect (UHIE) impacts on amenity, liveability, and wellbeing
- Stress on trees and ecological systems from the south-west's warming and drying climate conditions
- Loss of shade, biodiversity and habitat from land clearing associated with common development models.

The City's Greening Fremantle: Strategy 2020 and Urban Forest Plan (UFP) are important and relevant documents guiding the planning and management of urban greening in Fremantle. The City also maintains a Register of Significant Trees and Vegetation Areas under Local Planning Policy 2.23 (LPP 2.23).

A State Government urban greening strategy has the potential to provide needed support for these activities and policies, as well as leverage more rigorous forms of tree protection and enhancement through new and improved planning instruments and policies.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **CONSULTATION**

Nil

### **OFFICER COMMENT**

City officers have prepared a response addressing structured survey questions from DPLH (refer to Attachment 1).

These comments have been collated from officers across the Strategic Planning and City Design and Parks and Landscape services, drawing on their collective expertise in strategic and statutory urban planning, management of parks and natural areas, landscape architecture, arboriculture, and sustainability practices.



Officers have identified that the three key areas of focus to improve urban greening are education, regulation, and tree retention. The comments in Attachment 1 focus on current difficulties in achieving such improvements within current frameworks and highlight opportunities for improvement and advocacy to achieve more positive outcomes.

Officers recommend that Council formally endorse these comments for submission to the DPLH.

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

Simple majority required.

#### **COUNCIL DECISION ITEM C2407-8 (Officer's recommendation)**

**Moved: Cr Jemima Williamson-Wong      Seconded: Cr Adin Lang**

**Council endorse the City of Fremantle response, as contained in Attachment 1, for submission to the Department of Planning, Lands and Heritage, in response to its guided key stakeholder engagement survey for a proposed urban greening strategy for the Perth and Peel regions.**

**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**





**C2407-9      RESPONSE TO NOTICE OF MOTION – REQUEST FOR  
OPTIONS FOR RETENTION AND INCREASE OF TREE CANOPY**

**Meeting date:** 10 July 2024  
**Responsible officer:** Manager Strategic Planning and City Design and  
Manager Parks and Landscape  
**Voting requirements:** Simple Majority  
**Attachments:** 1. Excerpt from 20/12/2023 OCM Minute – Notice  
of Motion – Request for Options for Retention  
and Increase of Tree Canopy

**SUMMARY**

**At the Ordinary Meeting of Council on 20 December 2023, a Notice of Motion (NoM) was put for a Request for Options for Retention and Increase of Tree Canopy and Council resolved:**

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

**This report considers the various aspects of the NoM against the City of Fremantle Urban Forest Plan and relevant planning policy and provides detail of current operations and the following recommendations;**

- Request officers prepare a draft tree retention/protection policy, with consideration of the WALGA Tree Retention Model Local Planning Policy; and prepare any proposed revisions to Local Planning Policies 1.7, 2.10 and 2.23; to be brought back to Council for further consideration.**
- Request a report be provided to council to consider an expansion of the *subsidised trees for the community program* to include free resident trees for general planting and recommend a suitable budget consideration.**

**BACKGROUND**

Council adopted the City of Fremantle Urban Forest Plan (UFP) in 2017. The Vision of the UFP is:



*To protect the existing green spaces and trees and progressively grow and diversify the City's tree population for adaptive climate management and amenity; to collaborate effectively to plant, plan, design and sustainably fund programs to create a resilient urban forest.*

A core objective of the UFP is to work towards increasing the amount of tree cover up to 20% and encourage landowners to retain vegetation, including protecting trees on private property by implementing a range of policy review and update and potential incentives. The objectives of the UFP are to:

- Assist in maintaining and enhancing green areas / trees
- Increase quality and distribution of green areas / trees
- Increase and improve biodiversity
- Encourage the greening of private property
- Encourage the greening of urban hard surfaces such as car parks
- Apply a coordinated approach through the city's strategies, policy, plans and development applications and operations to target a reduction in urban heat island effect (uhie).
- Manage and guide tree and vegetation populations across the public and private realm
- Increase canopy cover and biodiversity to mitigate the uhie.

The Goals of the UFP are to:

*#1 – Engage: Engage residents, businesses, community groups and government agencies in educating and facilitating ownership of the urban forest.*

*#2 – Protect: Protect the existing and future urban forest.*

*#3 – Grow: Grow the urban forest towards the target of 10,000 new trees in 10 years and increase the ratio of trees per person.*

*#4 – Diversify: Diversify and promote resilience in urban greening and the urban forest.*

*#5 – Manage: Manage urban greening through the development of a coordinated and comprehensive adaptive climate management and funding strategy to ensure the long term health and sustainability of the City urban forest.*

In November 2023, Council considered a report on the City's progress of the Urban Forest Plan and completion of year 6 of the tree planting targets. This report discussed two-year amendments to the tree planting program targets to reset the program and align it with operational and resource capacity to ensure the best long-term outcome for the trees planted by the City. As a result, Council resolved to revise tree planting targets for the UFP as follows:

- a. A revised target of 600 street and reserve trees for the 2024 planting program.*



- b. A revised target of 600 street and reserve trees for the 2025 planting program.*
- c. A return to the Urban Forest Plan (80% in street and reserve trees) target of 1261 street and reserve trees for the 2026 planting program.*

At the Ordinary Meeting of Council on 20 December 2023, a Notice of Motion was raised for a *Request for Options for Retention and Increase of Tree Canopy*. The Elected Member summary stated:

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

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

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

The notice of motion raised a number of questions for consideration, as provided in attachment 1. This report responds to the matters raised in the NoM and provides commentary and options for Council consideration.

## **FINANCIAL IMPLICATIONS**

The contract and materials budget for the annual tree planting and maintenance program is in the following accounts:

<b>Account</b>	<b>Budget</b>
100319 - Maintain Trees - Recreation Reserves	\$118,450
100352 - Maintain Trees - Road Reserves and Carparks	\$427,450
P-12076 - Deliver - Urban Forest Tree Planting	\$400,048
100347 - Plant Trees - Recreation Reserves	\$75,705
100349 - Plant Trees - Road Reserves and Carparks	\$303,850



The planting budgets cover site preparation, tree purchasing, tree planting, staking and mulching, and tree watering for the two-year establishment period after planting. The maintain trees budgets cover all aspects of data management, tree pruning, maintenance and removals.

Any changes to the City's operational model to increase in service levels for the Urban Forest team, will be considered as part of the City's corporate planning and annual budget process.

This report recommends the implementation of subsidised or free trees for the community as a low cost and effective way to get more trees planted within the City of Fremantle. A subsidised or free tree will cost the City in the order of \$4 - \$8 per tree and, if supported, will be submitted through the City's budget review and future budget processes for consideration.

## **LEGAL IMPLICATIONS**

Part of the consideration of options within this report includes the management of trees on private property. One way this may be supported is through planning policy. The procedure for amending a local planning policy is provided for under Schedule 2, Part 2, Clauses 3 and 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Local Planning Scheme No. 4 makes provision for the establishment of a register of significant trees and vegetation areas. *Local Planning Policy 1.7* (effectively) requires approval for removal of registered trees. Criteria for assessing nominations and removal of trees from the Register are addressed in *Local Planning Policy 2.23*.

The consideration of a local law is also contained within this report. The *Local Government Act 1995* does not make provision for local laws to effectively manage trees on private property to retain canopy.

## **CONSULTATION**

Should Council resolve to amend or produce a local planning policy and subsequently adopt that policy for public comment, a notice must be published on the City's website, and a copy of the document made available for public inspection at the Walyalup Civic Centre during normal business hours, for a period of not less than 21 days.

## **OFFICER COMMENT**

Responses to the specific questions raised in the NoM are provided below:



### **Changes to our existing program**

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

Tree canopy coverage is an important metric to track in the management of the City's urban forest. The UFP provided an analysis of the City's canopy coverage and differentiates between public and private canopy coverage and analyses Fremantle thermal patterns to highlight areas more susceptible to UHIE. The UFP interprets this canopy coverage data to inform canopy coverage and tree planting targets proposed in the UFP. This is used at an operational level to inform the urban forest program and areas of focus.

There are benefits to creating separate canopy and vegetation targets for different land uses and land management. On land not managed by the City, it would be useful to understand canopy coverage trends (increase and decrease) to see impacts of change from development etc. and inform responses in the way of policy setting or incentives.

On City managed land, the measurement of tree canopy at key intervals will allow the City to accurately track the effectiveness of the urban forest program and inform how the program is working such as where canopy may be achieving the desired outcomes, or be decreasing, or need improvement. It must be noted that an increase in tree canopy coverage due to trees being planted has a significant lag time of 5-10+ years and should therefore be considered a longer-term measurement for the urban forest program. It is considered that a decrease in canopy coverage due to tree removal is likely to be realised in the immediate term.

#### **2. Should we change yearly targets to track/measure canopy coverage instead of just the number of trees planted.**

The City has undertaken a review of the market and there are products which allow annual tracking of tree canopy data, among other metrics. These can also differentiate between land uses (public and private etc) as noted above. The cost of this type of system is approximately \$10,000 per annum. The biggest barrier to accessing the data is the officer time to effectively access, interpret and use the data. An officer who would administer and interpret this information and use it to inform the tree planting program and urban forest management (among other duties) is discussed in the operational model section of this report. Officers don't currently recommend accessing this type of data as the UFP and City tree management program provide an adequate baseline of information to inform the current program. It is recommended this type of data be used in future. The systems can be accessed at any time in the future and will include prior year data for review.



The tracking of the number of trees planted annually is considered a useful metric to monitor the current investment in the City's tree succession planning for the immediate time and is also collecting other data to review the effectiveness of the current program. It is acknowledged that using a single metric does not take into account whether the tree succeeds and thrives or fails to establish and hence as the program continues over time it is considered that introducing additional metrics will be of value.

The Urban Forest program is investing a lot of resource time in improving the planting program including resident communication, site preparation, species selection, plant procurement, planting methodology and program, watering, juvenile tree care and data capture to ensure trees planted are given the best opportunity to survive and thrive. So in addition to number of trees planted the City currently collects tree survival data to accurately monitor the success of the urban forest planting program and review how any changes implemented for the program are working rather than just using planting rates alone. The City is also tracking juvenile and established tree removals on public land. This allows the City to more accurately understand tree numbers for ongoing management and planning for the future, to ensure the City is increasing the number of trees and inherently, long-term canopy coverage.

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

There are benefits to establishing separate canopy and vegetative targets depending on the vegetation complex that landscape typology could support. For example, coastal dunes typically cannot support trees, however the coastal vegetation contributes to climate change mitigation as well as performing numerous other functions. The tree canopy data collection systems discussed above would give the City the ability to set these targets and measure them, subject to having the resources available to establish and monitor.

The City is also gaining a better understanding of where trees are currently dying, how many and why, through the City's tree management software. This understanding is increasing as data is collected and it is being used to inform the urban forest program.

Current resource and capacity in the team is sufficient to collect this type of tree data through normal operations and targeted programs. This data is then available to use for analysis and interpretation to inform the program when it can be effectively resourced.

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



The City currently provides subsidised plants to City of Fremantle residents for verge gardens. A similar scheme could be set up to provide subsidised or free trees to residents to plant within their property. This type of program has obvious financial benefits, especially in the follow up care program as this is undertaken by the resident. It is recommended this be supported by an education program to ensure residents plant appropriate species in suitable locations. Information could also be provided about tree maintenance and care and other ways residents can green their property to reduce UHIE. This program could be an extension of the verge garden program and would require minimal administration and budget investment.

This could be implemented relatively quickly through a budget review and followed up in following years by adding to the budget for those years. It is recommended that this is actioned as part of the recommendation at the end of this report.

***5. Size Matters: What can the city do to plant the largest possible tree suitable for a particular location?***

The City currently plants trees at a range of stock sizes. There are various factors which influence this decision, including budget, species, availability, location, maintenance and watering requirements as follows:

- Additional budget is required for larger trees due to the cost of purchasing, installation, maintenance and watering.
- Generally, Western Australian trees are not suitable to be grown 'in-ground' (for transplant) or in very large stock sizes.
- Generally, Western Australian juvenile trees will establish better and grow at a quicker rate than planting a large stock size tree.
- Generally, deciduous trees are more suitable to be grown 'in-ground' (for transplant) or in large stock sizes.
- Longer term planning is required to incorporate larger scale trees into the current tree planting program as they often require a larger tree pit or tree pit construction in hard surfaces, potentially have a higher level of integration requirements with existing services, they have a lead time on purchasing and a more complex installation methodology to coordinate.
- Larger tree sizes need a higher volume and frequency of watering which requires additional budget to service.
- Larger trees are generally preferable in areas which are vulnerable to damage or vandalism, as the trees are more robust, or areas where instant canopy is desired.
- Smaller trees generally have been 'potted on' less times and are less susceptible to root defects which manifest and carry through to the mature tree. They also adapt and grow to the site conditions from a young age making for a resilient tree and are easier to install around services and tight environments.



Larger stock trees are more often considered for planting in built up urban environments such as Town Centres (i.e. North Fremantle, Fremantle, Hilton, Wray Avenue, South Terrace etc.), urban areas where there are high levels of existing hardstand and little canopy, and key projects where an immediate impact is sought. This gives an immediate high impact to canopy coverage and reduce UHIE. To plant these larger tree stock sizes, additional tree purchase and planting budget, additional watering and juvenile tree care budget, and additional officer time for planning, procurement and management is required.

Approximate costs for various size trees are as follows. Trees grown in ground are significantly more expensive and dependant on tree size, species, location and other factors.

<b>Item</b>	<b>Purchase</b>	<b>Planting/ installation</b>	<b>Watering for 2 years</b>	<b>Wetting agent and nutrient x 3</b>	<b>Total (ex GST)</b>
35L tree	\$90.00	\$78.80	\$199.50	\$18.90	\$387.20
75L tree	\$220.00	\$98.90	\$217.00	\$20.55	\$556.45
90L tree	\$220.00	\$124.90	\$217.00	\$20.55	\$582.45
150L tree	\$330.00	\$172.30	\$308.00	\$29.70	\$840.00
200L tree	\$340.00	\$344.30	\$308.00	\$29.70	\$1,020.00
300L tree	\$840.00	\$488.10	\$339.50	\$29.70	\$1,697.30
Larger stock sizes or in-ground transplants					Price per tree varies

The current balance of tree size and numbers being planted is well suited to the City’s existing resource, budget and contractor capacity. This was also noted in the report to Council on 22 November 2023 where Council agreed to reduce the annual tree planting target. The operational model discussed further below would allow the City to undertake an expanded program of urban tree planting, including planting larger trees, at a timing for when the team would have the capacity to manage the complex logistics of this part of the program.

**Polyphagous Shot Hole Borer Management**

Since the adoption of the UFP the City has been advised the detection of the invasive pest Polyphagous Shot Hole Borer (PSHB) in the Perth metropolitan area. This has led to a biosecurity response from the Department of Primary Industries and Regional Development (DPIRD). PSHB has a symbiotic relationship with a *Fusarium* fungus, farming it inside the tree as a food source for the beetle and its larvae. In susceptible trees, the fungus kills vascular tissue causing fusarium dieback and tree death.

DPIRD publish a species list of reproductive hosts (plants that PSHB can complete its reproductive lifecycle in) and non-reproductive hosts (plants that PSHB can not complete its reproductive lifecycle in and the tree is not expected to die).





This is separated into a global host list (has been observed globally) and an Australian host list (has been observed in Australia) and is regularly updated by DPIRD to reflect new species. This data is monitored by the City and will be used when selecting species for the tree planting program, to ensure they are not susceptible to PSHB. The City is also undertaking an inspection program with in-house staff, and will continue to work with DPIRD to monitor this matter.

**Operational Model**

The City’s urban forest team has undergone a range of team structure and service improvements over the past 5 years to align it with strategic objectives, community expectation and operational requirements and to support the UFP. This includes bringing previously contracted services in house, increasing resourcing, improving the planting and maintenance programs, implementing tree management software, capturing data, changing supporting contractor structures, improving customer communications, among a range of other actions.

As the team has matured and implemented this model, the next areas of development have been brought into focus and formalised through reviews of the operational model. Through these further reviews, the following core areas and duties that are required to effectively contribute to achieving the five goals of the UFP as they relate to operations have been identified. These reviews have also had a focus on effectively using the available budget and resources to achieve outcomes.

The following diagram highlights areas that are currently resourced, not currently resourced or are an area where additional investment may be required to implement the service level for that part of the program;

<p><b>Planning, Analysis and Communication</b></p>	<p><b>Urban Forest Planting Program</b></p>
<p>Not currently resourced/ additional investment required</p>	<p>Resourced to 500 trees per annum/ additional investment required</p>
<ul style="list-style-type: none"> <li>• Strategic and seasonal planting program planning - Years 1-3</li> <li>• Data gathering and analysis (tree data, tree survival, canopy)</li> <li>• Develop and implement customer notifications i.e. planting, remedial tree surgery and powerline programs.</li> <li>• Develop communication packages i.e. resident communications, species profiles and succession planting.</li> </ul>	<ul style="list-style-type: none"> <li>• Tree species selection and procurement</li> <li>• Planting site validation and preparation</li> <li>• Resident communications</li> <li>• Planting program administration</li> <li>• Watering and soluble nutrient programs</li> </ul>



Arbor Operations	Risk and Threat Management
Currently resourced	Not currently resourced/ additional investment to be considered
<ul style="list-style-type: none"> <li>• Juvenile and semi-mature tree care</li> <li>• Remedial tree surgery</li> <li>• Powerline clearance pruning</li> <li>• Customer requests and resident communications</li> <li>• Emergency response</li> </ul>	<ul style="list-style-type: none"> <li>• Risk management strategy development</li> <li>• Parks and roads risk management</li> <li>• PSHB threat profile</li> <li>• Aging tree population succession planning</li> </ul>

The urban forest team is currently operating at capacity, and this was reflected in the report to Council on 22 November 2023, where Council agreed to reduce the annual tree planting target to 500 trees to match resource and capacity.

Should an increase in service levels be considered appropriate, the above operational model will be finalised into a business case, for further consideration as part of the City’s corporate planning and annual budget process. This will consider resource and capacity requirements and any gaps which may need to be considered as part of any expansion in resources.

**Policy, Scheme and Local Law Updates**

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

The City currently relies on Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas (LPP 2.23) as its primary tool for safeguarding significant trees on private land. Currently, a tree must meet one or more of the following criteria to be judged as significant:

- Botanical / horticultural value
- Visual / aesthetic / landmark value
- Heritage value
- Ecological value not otherwise protected through environmental legislation
- The potential of a juvenile tree to become significant by virtue of height at maturity, native food source, and rarity.

There is recognition that this policy may need to be reviewed. Recently, a lemon-scented gum was added to the Register at the request of the owner, though it was not judged significant in accordance with the above criteria.



This highlighted a potential need to make it easier for owners to voluntarily add trees to the Register that may not meet the criteria to be considered significant, but are highly valued nonetheless.

Conversely, trees that do meet the criteria to be considered significant may still be at risk, as LPP 2.23 currently requires that the landowner consents to their addition to the Register, potentially blocking their protection.

Additions of a place of cultural heritage value to the City's Heritage List do not require the owner's consent, which may place the question of why it is necessary to obtain an owner's consent for a tree to be added to the Register. If a tree is significant, particularly if it has a high degree of botanical / horticultural, visual / aesthetic / landmark, or heritage value, should it be protected for the benefit of the wider community, irrespective of the owner's stance? It should be noted that the requirement to obtain the owner's consent to register a tree is only set out as a procedural matter in LPP 2.23 – it is not a requirement of Clause 13A of Local Planning Scheme No. 4, which is the head of power that allows Council to create and maintain a Register of Significant Trees and Vegetation Areas.

Trees on heritage listed places that are not separately contained in the Register are also at risk, as the City's Local Planning Policy 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4 permits the removal of trees, except where they are contained in the Register of Significant Trees and Vegetation Areas or are required to be retained as a condition of development approval. Therefore, even if a tree that is included in the statement of significance of a heritage listed place, it may be removed without the need for development approval. This suggests that it may be necessary to elevate trees that are captured in the statements of significance of heritage listed places to the Register, or at the very least, to amend LPP 1.7 to require that development approval is sought for the removal of trees on heritage listed places.

## **Tree Retention Policy**

### City of Kalamunda Policy

In terms of new policy options, the City may consider a form of general tree retention or protection policy. On 13 December 2022, the City of Kalamunda was the first in Western Australia to adopt a general tree retention policy, which defined trees worthy of retention as:

- a) *Trees which have:*
  - i. *a height of at least 4m; and/or*
  - ii. *a trunk diameter of at least 160mm, measured 1m from the ground, and/or*
  - iii. *an average canopy diameter of at least 4m; and are*



- b) Healthy specimens with ongoing viability if not disturbed; or*
- c) Trees containing hollows that may provide black cockatoo breeding habitat (including dead trees); and*
- d) Species not included on a Commonwealth, State or local weed register, or if*
  - i. not included on a Commonwealth, State or local weed register;*
  - or*
  - ii. is included on a weed register but provides important habitat for threatened bird species (e.g. Pinus species).*

This policy meant that any tree(s) deemed worthy of retention, in accordance with the above definition, could only be removed in certain circumstances, subject to a development application and the provision of adequate supporting evidence.

A notice of motion to revoke this policy was put to the City of Kalamunda Council on 27 February 2024 and subsequently carried, citing the following rationale:

- 1. Council adopted Local Planning Policy 33 – Tree Retention (Policy) in December 2022; OCM 177/2022.*
- 2. The objectives of the Policy are stated at section 4 of the Policy document.*
- 3. The Policy has been in operation for a period of at least 12 months.*
- 4. There have been reported instances of perverse outcomes to the Policy’s implementation and application, particularly regarding the safety of City residents.*
- 5. It is warranted to repeal the Policy, as the text of the Policy renders it inappropriate and inadequate in balancing the interests of ratepayers, alongside the interest of conservation of our natural assets.*

#### WALGA Model Tree Retention Policy

The WA Local Government Association (WALGA) has recently released a Tree Retention Model Local Planning Policy, which local governments can use to establish clearer guidelines for when planning approval is necessary for tree removal. Developed through collaboration with various local governments, the model policy sets out standardised provisions in accordance with best practice to respond to declining urban tree canopy across the State, which is mostly being eroded on private land.

Specifically, the model policy clarifies whether tree removal (or other tree damaging activity) is considered “works” that require development approval. The model policy aims to provide a consistent approach to tree preservation at all stages of the planning and development process, including strategic planning proposals, subdivision applications, and development applications.



The model policy defines the term “regulated tree” as being a living tree that:

- Is eight metres or more in height; and/or
- Has an average canopy diameter of at least six metres; and/or
- Has a trunk circumference of at least 1.5 metres, measured 1.4 metres above the ground; and
- Is of a species that is not included on a State or local area weed register.

Should Council wish to pursue a general tree retention or protection policy, it would be beneficial to convene workshops focused on the creation of the new policy and the review and update of existing LPPs 1.7 and 2.23 as necessary. In doing so, detailed discussions could take place, which would enable City officers and Council to effectively explore the various options available.

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

On 28 March 2023, the City of Nedlands Council passed a resolution to support an amendment to the City of Nedlands Local Planning Scheme No. 3 by inserting the following provisions into Schedule 1 – Supplemental Provisions:

60. *Requirement for development approval*
- 60A. *No person shall cause or permit the removal, destruction, or damage to any tree that meets the following criteria on a lot zoned Residential with a density code of R20 or below unless development approval has been granted in accordance with Part 8 of the Deemed Provisions:*
- Canopy diameter of 6m or greater; or*
- Height of 8m or greater; or*
- In the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground; or*
- In the case of a tree with multiple trunks, a total trunk circumference of 1.5m or greater, with an average trunk circumference of 625 millimeters or greater, measured 1.4m above the ground.*
61. *Development for which development approval is not required*



	<i>Column 1 Works</i>	<i>Column 2 Conditions</i>
22.	<i>The removal, destruction or damage to a tree which meets the criteria set out in Clause 60A.</i>	<i>Either – a) The tree is identified in a local planning policy as an unwanted species; or b) Tree pruning in accordance with Australian Standards for Pruning of Amenity Trees (AS4373); or c) Tree pruning or removal required for bushfire management purposes, in accordance with the Bush Fires Act 1954; or d) Tree pruning or removal to achieve necessary clearances from utilities.</i>

However, the Minister for Planning announced that the amendment would not be approved. Attempts by the City of South Perth and Town of Bassendena to amend their planning schemes along similar lines have also been rejected by the Minister, clearly indicating that planning scheme amendments for tree protection, beyond the establishment of significant tree registers, will not be supported by the State Government.

Since the rejection of its scheme amendment, the City of Nedlands Council has adopted a draft local planning policy based on the WALGA template. At the time of writing the matter has not yet been reported back to Council for consideration.

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

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law. They typically cover matters such as car parking, activities on thoroughfares, public places and council and committee meetings. Where local laws extend to private property, they commonly deal with matters such as pest plant eradication, keeping of animals, and fencing.

As per section 3.5 of the Act, a local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under the Act.

The power to make a local law under section 3.5(1) of the Act affecting private property is restricted by sections 3.25 and 3.27, and matters listed in Schedules 3.1 and 3.2. These provisions within the Act do not provide for a local government to restrict the removal of a tree on private property. Provisions outside of these powers may result in the local law being disallowed by Parliament’s Committee.



It is considered that a local law would not be the appropriate means to achieve such an outcome. Local planning schemes and planning policies are the current legislative framework used by Western Australian local governments to provide for the protection of trees and other vegetation on private property.

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

The City's Local Planning Scheme and / or local planning policies could potentially be amended to mandate larger deep soil areas as a requirement of new developments. In April 2024, the State Government introduced the Residential Design Codes, Volume 1, Part C, which deal with medium density development (single houses R50+, grouped dwellings R30+, and multiple dwellings R30-R60). These codes incorporate a requirement for minimum deep soil areas and planting of new trees, which exceed those previously contained in the R-Codes.

If Council wishes to pursue this option, there may be opportunity to extend deep soil area requirements to other new development types, in addition to medium density housing. However, if this were to be done via policy, it would require the approval of the Western Australian Planning Commission (WAPC) before it could be applied to lower density residential developments, as it would represent an extra requirement beyond the "deemed-to-comply" criteria set out in the R-Codes, Volume 1, Part B.

Alternatively, if it were to be implemented via the Local Planning Scheme, it would be necessary to undertake a scheme amendment, which would also require WAPC support and would take officer time to prepare and administer.

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

Using existing heritage policies to help retain mature trees may have limited viability, as heritage policies typically focus on conserving historical or culturally significant structures rather than trees. LPP 2.23 or a general tree protection policy would be considered more suitable means to achieve the desired outcome. These policies could provide dedicated mechanisms for identifying, assessing, and safeguarding trees based on their ecological, aesthetic, or community value, ensuring their protection within the local planning framework.

**Changes to Significant Tree Register**

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



The City's local planning policy framework is predominately concerned with management of development on private land. The management and oversight of trees on public land falls under the City's jurisdiction and is administered accordingly, independent of the City's local planning policies. Therefore, the inclusion of trees on public land on the Register is not considered to be necessary.

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

Owners of trees are already welcome to register their mature trees on the Significant Tree Register by application to the City. It is possible to offer planning or financial incentives to encourage the registration of mature trees. Examples could include development bonuses or rates rebates/concession. These options would need be considered carefully as they would have financial implications for the City.

**Summary and Options**

As discussed in the operational model, should an increase in service levels for the Urban Forest team be considered, it is recommended that the proposed operational model be implemented in a staged manner that will allow the ongoing development of the program. To achieve this, the revised operational model will be finalised into a business case for consideration as part of the City's corporate planning and annual budget process.

Officers will continue to build the City's tree database on the tree management program for City managed trees. This provides immediate urban forest program operational information such as tree planting, watering and tree maintenance. It also provides accurate information on tree planting numbers and juvenile tree survival data to monitor the success of the urban forest planting program and the changes implemented rather than just using planting rates alone. Established tree removals are also being captured to more accurately understand tree numbers for ongoing management and planning for the future, to ensure the City increases the number of trees effectively and inherently, long-term canopy coverage.

The implementation of subsidised or free tree's for the community as a low cost and effective way to get more trees planted within is recommended. A subsidised or free tree will cost the City in the order of \$4-\$8 and will be submitted through the City's budget review process for consideration, if adopted as per the officer recommendation contained at the end of this report.

If Council wishes to improve protections for established trees and increase the planting of new trees and the provision of associated deep soil areas on private land, it is recommended that it does so through the local planning policy framework. Establishing a new tree retention / protection policy would make the most significant gains in terms protecting established trees. It would be relatively far-reaching, and it is likely that more local governments will pursue this





option into the future. This will help to normalise the requirement to obtain development approval for major tree works, and potentially drive further reform.

A new tree retention / protection policy should be accompanied by a comprehensive review of LPP 2.23, most likely to permit the voluntary registration of trees that offer amenity to their immediate surrounds, while making the registration of truly significant trees non-voluntary, though subject to engagement with landowners, as is the current practice when heritage-listing buildings and structures. This can be supported by a minor revision to LPP 1.7 to remove the exemption from requiring development approval to remove a tree from a heritage listed place.

A review of Local Planning Policy 2.10 – Landscaping of Development and Existing Vegetation on Development Sites may also be necessary, as a new tree retention /protection policy would supersede provisions relating to existing vegetation on development sites. Landscaping requirements for new developments, particularly non-residential developments, could be increased to achieve better outcomes in terms new tree planting and the provision of associated deep soil areas.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required.

## **OFFICER'S RECOMMENDATION**

**Moved: Cr Ben Lawver**

**Seconded: Cr Jenny Archibald**

### **Council:**

- 1. Note the responses to the questions raised in the Notice of Motion – Request for Options for Retention and Increase of Tree Canopy - contained within this report.**
- 2. Request officers prepare a draft tree retention/protection policy, with consideration of the WALGA Tree Retention Model Local Planning Policy; and prepare any proposed revisions to Local Planning Policies 1.7, 2.10 and 2.23; to be brought back to Council for further consideration.**
- 3. Request a report be provided to council to consider an expansion of the *subsidised trees for the community program* to include free resident trees for general planting and recommend a suitable budget consideration.**

**In accordance with clause 9.7 of the [Meeting Procedures Policy](#), Cr Andrew Sullivan moved the following amendment, as provided in the additional documents:**



## AMENDMENT

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Doug Thompson**

Amend the Officer's Recommendation to include an additional part 4 as follows:

### Council:

- 4. Support increasing the urban forest program capacity over the next four years as part of the draft forward financial plan, to increase the tree planting numbers from the 2026 winter season.**

**Amendment Carried: 9/1**

**For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**

**Against**

**Cr Geoff Graham**

## **COUNCIL DECISION ITEM C2407-9** **(Amended officer's recommendation)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Doug Thompson**

### Council:

- 1. Note the responses to the questions raised in the Notice of Motion – Request for Options for Retention and Increase of Tree Canopy - contained within this report.**
- 2. Request officers prepare a draft tree retention/protection policy, with consideration of the WALGA Tree Retention Model Local Planning Policy; and prepare any proposed revisions to Local Planning Policies 1.7, 2.10 and 2.23; to be brought back to Council for further consideration.**
- 3. Request a report be provided to council to consider an expansion of the *subsidised trees for the community program* to include free resident trees for general planting and recommend a suitable budget consideration.**
- 4. Support increasing the urban forest program capacity over the next four years as part of the draft forward financial plan, to increase the tree planting numbers from the 2026 winter season.**

**Minutes – Ordinary Meeting of Council  
10 July 2024**



**Carried: 10/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen**



## **12.3 Committee and working group reports**

Nil.



## 12.4 Statutory reports

### C2407-10 ADOPTION OF THE ANNUAL BUDGET 2024-2025

<b>Meeting date:</b>	10 July 2024
<b>Responsible officer:</b>	Director City Business
<b>Voting requirements:</b>	Absolute Majority
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Submissions Register Differential Rates 2024-2025</li><li>2. Annual Budget 2024-2025</li><li>3. Capital Projects 2024-2025</li><li>4. Annual Fees and Charges 2024-2025</li></ol>

#### SUMMARY

**This report is to consider the adoption of the 2024-25 Budget which includes the Municipal, Trust and Reserve Fund budget for the 2024-25 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.**

**Budget 2024-25 includes just over \$130 million in operating and capital expenditure over the coming financial year. The budget has been prepared taking into consideration the Strategic Community Plan, Corporate Business Plan and long-term financial plan.**

**This budget proposes a 5.4% increase in revenue collected via rates as well as increases in most non-statutory fees and charges in line with CPI where appropriate.**

**The budget document has been prepared in accordance with the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.**

**This report recommends that Council adopt the 2024-25 Budget which comprises the Statutory Financial Statements, setting of rates and associated rate charges, annual fees and charges, use of reserve funds and Elected Member fees and allowances.**

#### BACKGROUND

The draft 2024-25 budget has been compiled based on principles contained in the Strategic Community Plan and Corporate Plan. In preparing the proposed budget for 2024-25 a thorough review of all base operating, capital and operating projects has been undertaken by Elected Members and Management



through a series of long-term financial planning and budget workshops between February and June 2024.

The proposed differential general rates and minimum payments were endorsed for advertising by Council at its meeting on the 8th May 2024 and advertised for public comment.

## **FINANCIAL IMPLICATIONS**

This report sets the 2024-25 annual budget for the City of Fremantle.

## **LEGAL IMPLICATIONS**

The draft budget 2024-25 has been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (by Absolute Majority) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2024-25 budget as presented is considered to meet statutory requirements.

Section 6.11 of the *Local Government Act 1995* requires the City to establish and maintain a reserve account for the purpose of setting aside money for a specific purpose to be used in a future period. Any change to the purpose or proposed use of reserve funds is to be disclosed in the annual budget.

## **CONSULTATION**

While no specific consultation has occurred on the draft 2024-25 budget, community consultation and engagement has previously occurred during development of the Strategic Community Plan and Corporate Plan.

As per the resolution of Council dated 8 May 2024, the City advertised the proposed differential rates for public comment. During the public submission period (21 days), the City received a total of 6 submissions. These submissions are provided in Attachment 1 for Council consideration.



The draft budget was also made available publicly for the community to view on the City's website prior to council adoption in July. The City communicated this via messages in the Fremantle Herald.

## **OFFICER COMMENT**

### **Economic Context**

The past 5 years have seen the City experience significant milestones in the completion of a once-in-a-generation revitalisation of the City Centre as well the unprecedented impacts of a global pandemic on the City's discretionary revenue sources.

Since that time, global economic conditions have driven rapid inflation and increasing cost pressures across most developed economies. Western Australia has not been immune to this, and Local Governments have had to absorb significant increases to the cost-of-service delivery and wage growth. Positively, the march quarter of 2024 has seen CPI for Perth fall to 3.4% however this remains above the Reserve Bank of Australia's target range for inflation with expenditure items such as housing, health, education and insurance still creating some cost challenges across the economy.

While inflation appears to have peaked and is now returning to more manageable levels it may still take some time to return to the Reserve Bank's target inflation rate which suggests ongoing inflationary pressures will remain in some areas across the Western Australian economy for the foreseeable future.

In the context of local government, while some inflationary pressure may be beginning to ease, costs associated with delivery of construction and other services will remain high in the short term due to those contracts commencing or being entered into in prior years when inflation was still high. As such there will likely be a lag of 2-3 years before local governments will realise the reduction in costs associated with falling inflation.

The City's draft 2024-25 budget is a responsible, balanced budget that delivers for residents and ratepayers today while building a financially sustainable future.

### **A focus on the renewal of our assets**

While the City will have to continue to navigate these high costs, we must also remain focused on investing in the renewal of our existing assets. These assets – parks, footpaths, buildings, library, roads, facilities etc – are worth over \$500 million and the City needs to ensure an adequate program to maintain them, as any delay will present a financial burden for coming future generations.



For the City of Fremantle this means continuing to work towards the investment of at least \$10 million into the renewal of its existing assets. A key objective for the forward financial plan is to close the gap on this target. For 2024/25 the City is proposing to invest close to \$14 million towards the renewal of its existing assets which represents strong progress towards this key financial goal.

In addition to strong investment into the renewal of existing assets, the City is also planning for the delivery of a program of new projects and initiatives that add value for local communities both in the City Centre and across our suburbs. In 2024/25 the city is proposing to invest just over \$6 million in the delivery of projects and initiatives that meet both the needs of our growing community and the ongoing operational requirements of service delivery.

### **Targeted Underground Power Project**

In July 2023, the City of Fremantle signed a memorandum of understanding with Western Power to deliver a Targeted Underground Power Project (TUPP) in the South Fremantle and City South areas, after the successful undergrounding of Hilton’s electricity infrastructure in early 2023.

The planning and design for this major renewal of electricity infrastructure by Western Power has now commenced.

The project will require City to make a substantial investment into this project which will see benefits for properties located within the project area. While this has not impacted the proposed differential rates, properties within the project area will be subject to a service charge in future years to aid in the delivery of the project.

In May 2024, Council approved the advertising of an estimated service charge to ratepayers, which would assist in funding the delivery of Western Power’s Targeted Underground Power Project in the South Fremantle area and surrounds. This was following confirmation from Western Power in the same year, of the area in which the project would be delivered. The purpose of the advertising was to give residents reasonable notice of the estimated charge, allowing for feedback to be received by the city prior to issuing a charge with rates notices.

To give ratepayers in South Fremantle and City South more time to understand the benefits of underground power, the City of Fremantle has decided to defer the collection of a service charge as part of the 2024/25 budget.

The City appreciates the engagement with residents to date, through community information sessions, and has taken into consideration formal submissions made about the project. At the time of finalising this budget it was decided to continue to undertake consultation with the community before setting a service charge in place.





The City remains committed to participating in Western Power's Targeted Underground Power Program which will improve the amenity of the area by putting the power underground, instead of replacing the ageing infrastructure with poles and new overhead wires.

To ensure better understanding of the benefits and requirements of the project, the City will continue to engage with the community and share significant project updates over the next 12 months. This will provide opportunity for a more informed conversation prior to the 2025/26 budget.

Further information regarding the project is available at [www.fremantle.wa.gov.au/tupp](http://www.fremantle.wa.gov.au/tupp)

### **Longer term financial strategy and objectives**

Noting the focus on growing investment into to our renewal program, the 2024/25 budget and proposed differential rates remains predicated as it did in 2023/24, on the achievement of the following core objectives for the community.

- Deliver core services and facilities to our community.
- Enable residential development to get more people living in our city.
- Build key city centre deals to attract investment and build our future prosperity.

The 2024/25 budget will also continue to move the City closer towards building the necessary financial capacity to achieve these objectives and make good on the City's longer term financial strategy which seeks to:

- Strengthen our focus on investment into renewal in line with the value of asset depreciation.
- Build reserves to fund and deliver new capital projects alongside major developments to encourage and attract residential investment in the City centre.
- Continue to grow councils discretionary spend on new, renewal and operating projects.

### **Key 2024/25 Budget Highlights**

In noting the previously mentioned priorities, 2024/25 budget highlights include:

- \$19m in expenditure on delivery of capital projects
- \$110m in operational expenditure for the delivery of services to the community



Operational expenditure highlights include:

- \$14.3m towards the operation of our key community facilities including the Fremantle Library, Fremantle Leisure Centre, Fremantle Arts Centre and Fremantle Community Legal Centre
- \$10.7m towards parks, landscapes and natural areas
- \$9.9m towards the delivery of waste and resource recovery initiatives
- \$5.2m towards the ongoing Maintenance of our buildings
- \$2.9m towards the delivery of economic development, tourism marketing and investment attraction initiatives
- \$2.0m towards the delivery of arts, culture and festivals
- \$2.0m towards community safety

Capital project expenditure highlights include:

- \$3.2m for the completion of South Beach Changerooms
- \$2.9m for investment into our heritage through the commencement of upgrades to the Town Hall, Fremantle Arts Centre, Moore's Building and Old Fire Station.
- \$2.1m for renewal and upgrade of roads
- \$1.0m towards the delivery of upgrades at Samson Park, lighting at Hilton Park (Ken Allen) and continuing to finalise design work for the Hilton Park Masterplan
- \$420K for design of CBD public toilet facilities at Collie Street and Beach Street
- \$1.2m investment in renewal of plant and equipment
- \$900K towards renewal of irrigation systems
- \$600K towards ongoing renewal of City buildings
- \$538K towards renewal of footpaths
- \$310k for upgrade of BBQs and provision of additional parking at South Beach
- \$300K towards renewal of street lighting
- \$350K towards coastal adaptation at Port Beach, replacement of the river wall at John Street and natural area fencing in Booyeembara Park.

Other key features of the draft budget for 2024-25 include:

- The City will generate \$63.5m in rate income, an increase of \$5.6m on last year's budget. The rate income generated by the City for this budget comprises 66% of operating revenue sources, as compared to 64% in the budget set for 2023/24.
- Total budget income is \$106.0m, comprised of \$5.0m in capital grants, \$4.4m in proceeds from sale of assets and \$96.7m in operating cash income.



- Total budget expenditure is \$110.1m, comprised of \$19.2m in capital expenditure, \$88.6m in operating cash expenditure and \$2.3m in loan principal and lease repayments.
- The capital works programme (inclusive of carried forward projects) totals \$19.2m, which is being funded by;
  - \$5.0m from grants and contributions,
  - \$3.7m transferred from reserves, and
  - \$8.4m from municipal funds and \$2.1m carried forward fundsThe full capital works programme is contained within the attachments.
- There are no new loan borrowings proposed for this budget.
- Reserve funds are expected to be increased by \$0.9m during 2024-25.
- The budget for 2024/25 indicates that the closing position for reserves as at 30 June 2025 will be \$15.9m.

Significant transfers to reserves are:

- \$4.4m to Investment Reserve from proceeds from sale of land.
- \$0.3m to Hilton Park Sports reserve for future contributions towards works

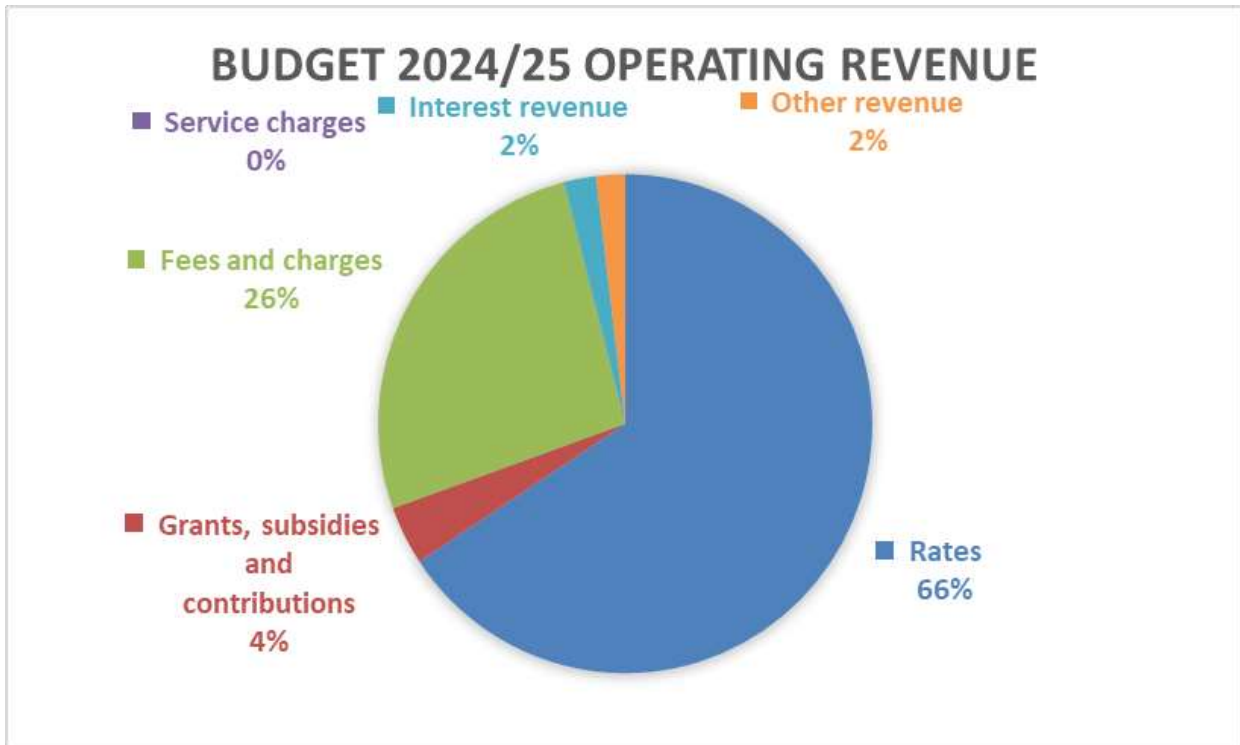
Significant transfers from reserve are:

- \$3.1m from South Beach Reserve towards the South beach changerooms
- \$0.3m from Hilton Park Sports Reserve towards the design and construct of Hilton Park Precinct
- \$0.1m from Fleet Reserve towards fleet replacement.

## **Operating Budget**

### **REVENUE**

The total operating revenue budget totals \$96.7m and is comprised of:



	Budget 2024-25	Budget 2023-24
<b>Rate Income (incl. Specified Area)</b>	63.5m	\$57.9m
<b>Service Charges (Underground Power)</b>	0m	\$0m
<b>Operating Grants, Subsidies and Contributions</b>	3.7m	\$3.9m
<b>Fees and Charges</b>	25.6m	\$25.0m
<b>Interest Earnings</b>	2.0m	\$1.5m
<b>Other Revenue</b>	1.8m	\$1.8m
<b>Total Operating Revenue</b>	<b>\$96.7m</b>	<b>\$90.0m</b>



- Rates – 66%

Total revenue from rates (general and specified area rates) will increase by \$5.6m due to an average proposed rates increase of 5.4%. The increase is in line with increasing cost pressures outlined earlier in this report and ensuring that all renewal works, services and provision of amenities is maintained within a changing economic environment.

- Service Charges – 0%

The 2024-25 budget includes \$9k service charge income for provision of a community bore.

- Grants, subsidies and contributions – 4%

Total revenue from operating grants, subsidies and contributions is lower than 2023-24 mainly due to grants associated with non-recurring projects.

- Fees and charges – 26%

Fees and charges will generally increase by 3%. The total revenue from fees and charges will increase by \$0.7m which is mostly attributed to increased parking fees, income from the leisure centre. This is offset by reduced revenue from art centre merchandise sales.

Details on each individual fee and charge proposed are provided in the Fees and Charges schedule that forms part of the Annual Budget document, attachment 4.

- Interest Earnings – 2%

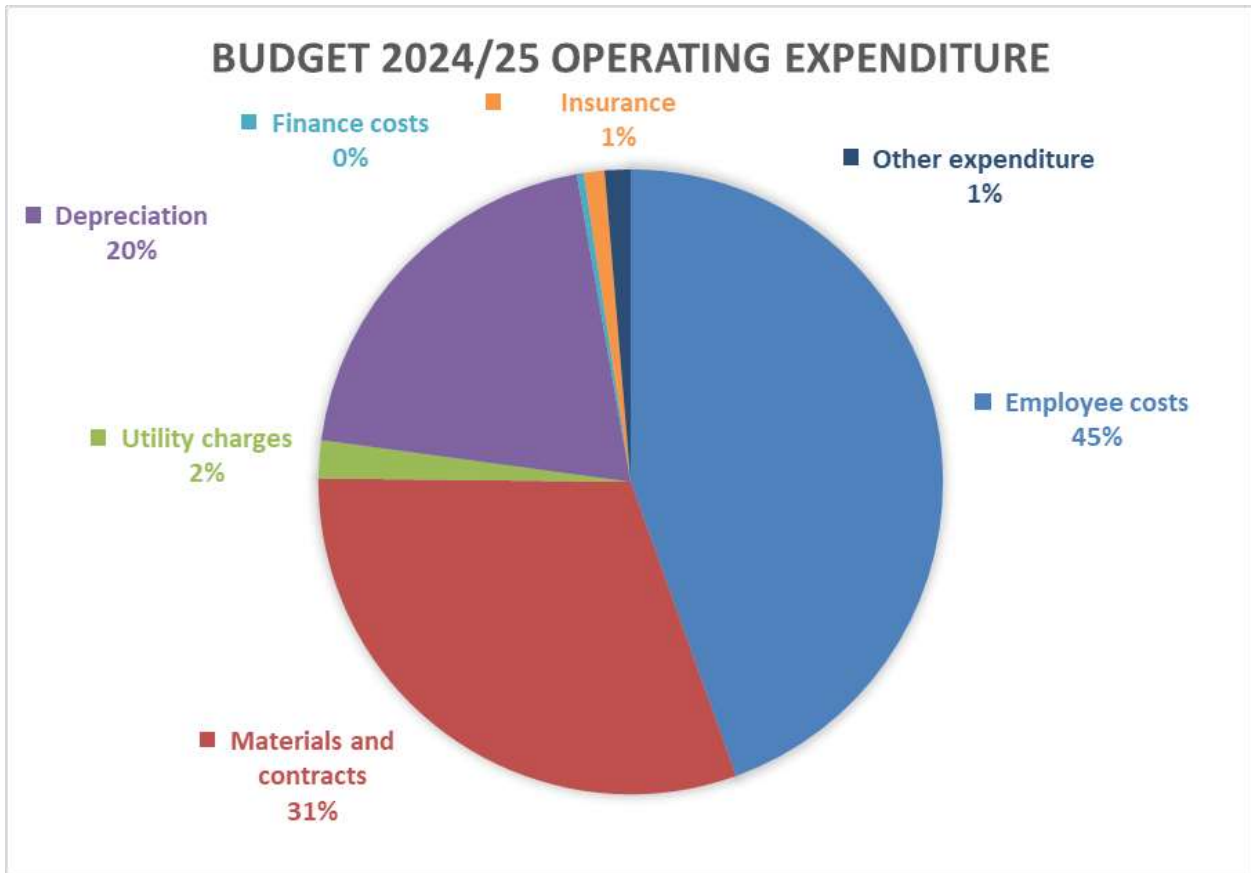
Total revenue from interest earnings will increase by \$0.5m due to the current interest rates settings and available cash funds for investment. Current investment markets continue to offer attractive interest rates, as inflation remains above the RBA's target range and the outlook is uncertain.

- Other revenue – 2%

Total revenue from other revenue will increase by \$0.1m mostly attributed to the reimbursements for leased commercial property expenditure and containers for change.

## **EXPENSES**

The total operating expenses budget totals \$110.9m and is comprised of:



	Budget 2024-25	Budget 2023-24
<b>Employee costs</b>	\$49.4m	\$46.5m
<b>Materials and contracts</b>	\$34.0m	\$32.5m
<b>Utilities</b>	\$2.2m	\$2.1m
<b>Depreciation</b>	\$22.3m	\$11.7m
<b>Finance costs</b>	\$0.4m	\$0.5m
<b>Insurance expenses</b>	\$1.2m	\$1.2m
<b>Other expenses</b>	\$1.5m	\$1.7m
<b>Total Operating Expenses</b>	<b>\$110.9m</b>	<b>\$96.2m</b>



- Employee costs – 45%

Total expenses from employee costs will increase by \$2.9m due to increases in salaries and wages, workers compensation insurance cost and the legislated increase to superannuation guarantee.
- Materials and contracts – 31%

Total expenses from materials and contracts will increase by \$1.5m due to increased expenditure on operating projects, contract expenses & programs. Increases are also to allow for CPI or market adjustments to recurring costs and project expenditure to deliver core services and key projects.
- Utility Charges – 2%

Utility charges which comprise electricity, gas and water costs are based on forecast unit charges together with any growth in usage. Total expenses from Utility charges are expected to increase slightly from 2023-24 primarily due to price escalations expected in the energy market.
- Depreciation – 20%

This is a non-cash item and does not affect rates and charges. Depreciation is included in the Statement of Comprehensive Income to reflect the reduction in the value of assets. Total expenses from depreciation has increased based on the fair value of assets revalued as at 30 June 2023.
- Finance costs- >1%

Total expenses from interest expense relating to loan agreements with the Western Australian Treasury corporation (WATC) and lease agreements will reduce by \$56k mainly due to the City's outstanding principal on loan borrowings being reduced due to repayment of loan instalments.
- Insurance expenses – 1%

Total expenses for insurance expense is estimated to increase \$25k for the insurance premiums as indicated by the Local Government Insurance Scheme of Western Australia (LGIS).
- Other expenses – 1%

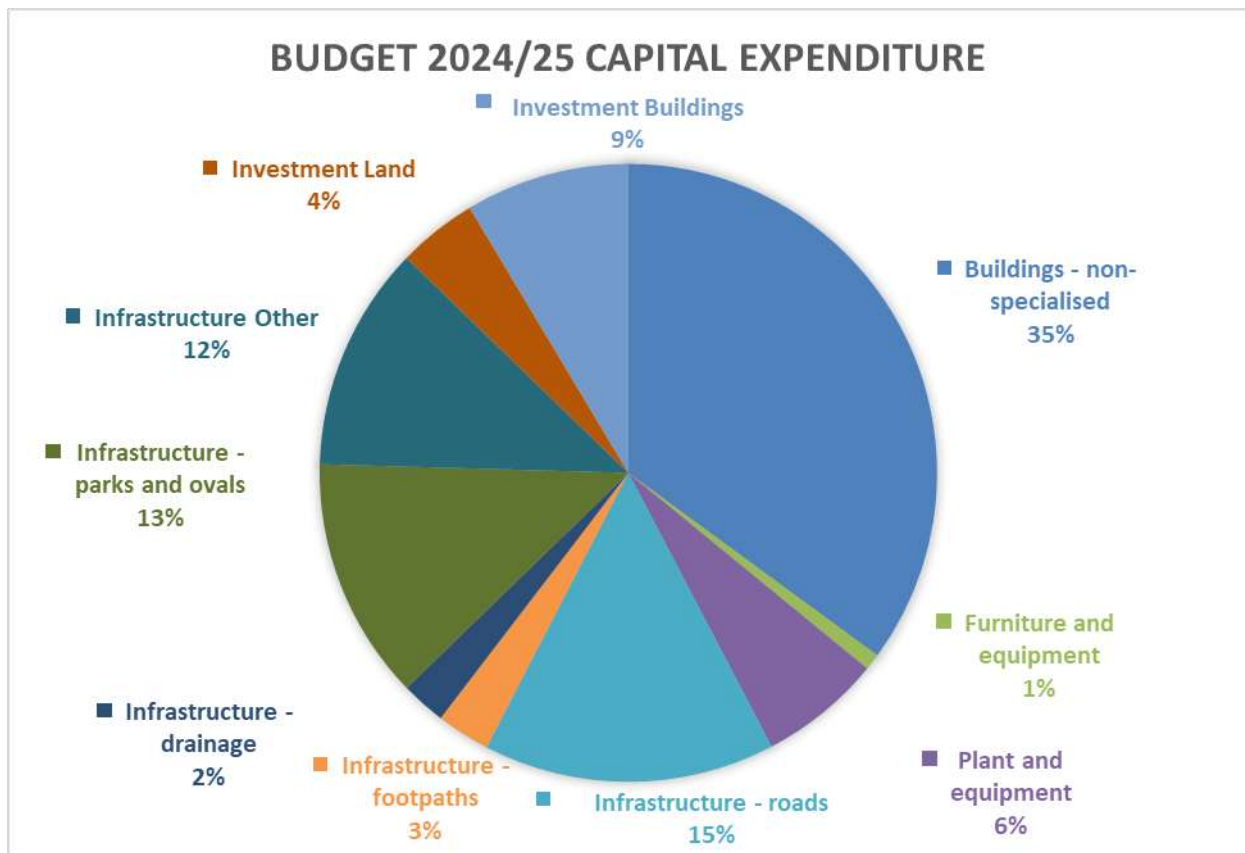
Other expenses comprise of statutory fees, taxes, provision for bad debts, donations and subsidies made to community groups and this will decrease by \$269k.



A provision has also been made for Elected Member superannuation ahead of this being further considered through proposed changes to the Local Government Act 1995 for determination in the 2024/25 financial year.

## Capital Projects

The capital budget 2024-25 includes \$19.2m in capital expenditure in these key areas:



Some of the major projects included in the capital budget have been referenced in the budget highlights section. A detailed listing of all individual capital works program projects is included in attachment 3 – Proposed Budget for Capital Projects 2024-25.

The capital budget does not include any new loan borrowings for next financial year. The opening loan principal balance on 1 July 24 is \$18.5m and, taking into account the principal repayments throughout 2024-25, the estimated closing balance at 30 June 2025 is \$16.9m.

The capital budget contains the following land asset disposals with all proceeds being transferred to the Investment Fund Reserve:





7 Quarry Street	\$ 2,175,000
9 Quarry Street	\$ 2,175,000
<b>TOTAL</b>	<b><u>\$ 4,350,000</u></b>

**Carry forward Capital Projects**

As at the end of the 2023/24 financial year, some projects and asset replacements are either incomplete or not commenced. This may be due to:

- The size and complexity of projects which will by their very nature, need to be segmented over multiple financial years to accommodate accurate development and effective delivery; and
- Projects which suffered delays and interruptions due to supply chain disruptions and/or labour shortages.

It is estimated that the carry-forward capital projects from 2023/24 will amount to \$2.9m. This will bring the total Capital Works Program for 2024/25 to \$19.2m. The carried forward project component is fully funded from the 2023/24 Budget. Actual amounts will however be adjusted based on the final end of year results.

**Proposed Rates**

An advertisement calling for public submissions, on the differential rates as advertised, was placed in The West Australian newspaper and on the City’s public notice webpage from Thursday 11 May 2024. Submissions were also invited via the City’s e-newsletter Freo Weekly. Seven submissions were received as detailed in attachment 1.

The proposed 2024/25 rating structure, nominated Rates in the Dollar and minimum payments which are recommended for consideration are as follows:

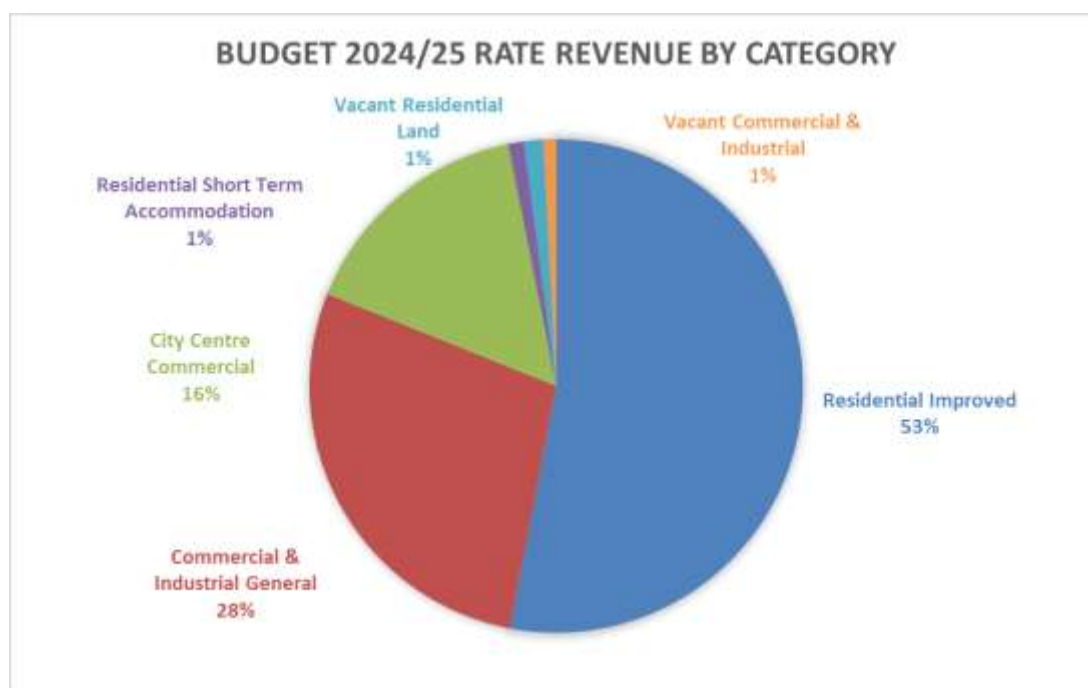
<b>Differential Rate Category</b>	<b>Proposed Rate in the Dollar (\$)</b>	<b>Proposed Minimum Payment</b>
<b>Residential Improved</b>	<b>0.083489</b>	<b>1,738</b>
<b>Commercial &amp; Industrial General</b>	<b>0.113216</b>	<b>1,738</b>
<b>City Centre Commercial</b>	<b>0.113216</b>	<b>1,738</b>
<b>Residential Short Term Accommodation</b>	<b>0.113176</b>	<b>1,738</b>
<b>Vacant Residential Land</b>	<b>0.144207</b>	<b>1,685</b>
<b>Vacant Commercial &amp; Industrial</b>	<b>0.166978</b>	<b>1,738</b>

The proposed 2024/25 specified area rates to be applied, increased by 5.4% on 2023/24, are provided in the table to follow:



Specified area rate	Purpose of the rate	Rate in the \$
CBD Security Levy	A safety and security strategy for a specified area of the Fremantle CBD.	\$0.001456
Leighton Maintenance	To fund the above normal costs associated with maintaining the higher standard of landscaping of the Leighton residential area.	\$0.006299

The rate revenue generated from each rating differential is represented in the following graph:



Alternative Rate Payment Options

This year the City will continue to provide an option of weekly and fortnightly direct debit payment for rates to allow ratepayers to spread payments over the year to ease their financial burden.

The City also has a Hardship Policy accessible to all ratepayers to ensure that those in financial stress or a position of vulnerability have the City’s support.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required



**COUNCIL DECISION ITEM C2407-10**  
**(Officer’s recommendation)**

**Moved: Cr Andrew Sullivan**

**Seconded: Cr Ben Lawver**

**1. Council notes the submissions received regarding the differential rates which were advertised for 21 business days from 11 May 2024 in attachment 1;**

**2. Council adopts the following:**

**2.1. Annual budget for the financial year ending 30 June 2025; Pursuant to the provisions of Section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996, and in accordance with the provisions of Australian Accounting Standards, the Council adopt the Municipal Fund Budget as contained in Attachment 2 for the City of Fremantle for the 2024-25 financial year which includes the following:**

- **Statement of Comprehensive Income by Nature and Type showing a net result for that year of (\$9,260,210).**
- **Statement of Cash Flows, showing cash at end of the year position of \$7,905,007.**
- **Statement of Financial Activity showing an amount required to be raised from general rates of \$54,848,112.**
- **Notes to and Forming Part of the Budget**
- **Capital Budget Program of \$19,173,650 contained in attachment 3.**
- **Transfers to/from Reserve Accounts as per note 9(a) of attachment 2.**

**2.2. Differential Rates; Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 Council impose the following differential general rates and minimum payments on Gross Rental Values for 2024-25 financial year:**

<b>Differential Rate Category</b>	<b>Proposed Rate in the Dollar (\$)</b>	<b>Proposed Minimum Payment</b>
<b>Residential Improved</b>	<b>0.083489</b>	<b>1,738</b>
<b>Commercial &amp; Industrial General</b>	<b>0.113216</b>	<b>1,738</b>
<b>City Centre Commercial</b>	<b>0.113216</b>	<b>1,738</b>
<b>Residential Short Term Accommodation</b>	<b>0.113176</b>	<b>1,738</b>
<b>Vacant Residential Land</b>	<b>0.144207</b>	<b>1,685</b>
<b>Vacant Commercial &amp; Industrial</b>	<b>0.166978</b>	<b>1,738</b>



**2.3. Concessions/waiver;**

Pursuant to Section 6.47 of the Local Government Act 1995, Council adopts to grant rate concessions of \$194,266 to the properties identified and as prescribed in Note 2(f) of the proposed 2024-25 annual budget.

Concessions adopted are capped at \$12,000pa maximum per ratepayer in budget 2024/2025.

**2.4. Instalments;**

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment by instalments:

- a) Full payment:  
Due date – Friday 6 September 2024
- b) Two (2) instalment option:  
1st instalment due date – Friday 6 September 2024  
2nd instalment due date – Friday 17 January 2025
- c) Four (4) instalment option:  
1st instalment due date – Friday 6 September 2024  
2nd instalment due date – Friday 15 November 2024  
3rd instalment due date – Friday 17 January 2025  
4th instalment due date – Friday 21 March 2025
- d) Twenty (20) fortnightly instalments (for direct debits only) option:  
Commencing direct debit date – Friday 6 September 2024  
Final payment direct debit date – Friday 7 June 2025
- e) Forty (40) weekly instalments (for direct debits only) option:  
Commencing direct debit date – Friday 6 September 2024  
Final payment direct debit date – Friday 6 June 2025

**2.5. Administration Charge;**

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge of \$41.70 fixed for the 4-instalment plan and an instalment administration charge of \$13.90 fixed for the 2-instalment plan where the owner has elected to pay rates and charges through the instalment options; being \$13.90 for each instalment after the initial instalment is paid.

**2.6. Instalment Interest;**

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.



**2.7. Penalty Interest;**

Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates, charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable, the rate of interest that may be set by a local government in its 2024-25 annual budget may not exceed 11%.

**2.8. Fees and Charges;**

Pursuant to Section 6.16 of the Local Government Act 1995 and other legislation, Council adopts the Fees and Charges included within Proposed Fees and Charges Schedule for 2024-25 as per attachment 4.

**2.9. Elected Members' Fees and Allowances for 2024-25;**

Council adopt the following Elected Members' fees and allowances, in accordance with the Salaries and Allowances Tribunal determination dated 5 April 2024:

a) Pursuant to Section 5.99 of the Local Government Act 1995, Council adopts the following annual attendance fee for payment of elected members in lieu of individual meeting attendance fees:

- Mayor \$51,412
- Deputy Mayor \$34,278
- Councillors \$34,278

b) Pursuant to Section 5.99A of the Local Government Act 1995, Council adopts the following annual allowances for elected members:

- ICT Allowance \$3,500

c) Pursuant to Section 5.98(5) of the Local Government Act 1995, Council adopts the following annual allowance, to be paid in addition to the annual meeting attendance fee:

- Mayor \$97,115

d) Pursuant to Section 5.98A of the Local Government Act 1995, Council adopts the following annual allowance, to be paid in addition to the annual meeting allowance fee:

- Deputy Mayor \$24,279

**2.10. Material Variance**

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2024-25 for reporting material variances shall be 10% together with minimum value of \$100,000.

**Carried: 10/0**

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Adin Lang, Cr Jemima Williamson-Wong,  
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Ingrid van Dorsen



### **13. Motions of which previous notice has been given**

Nil.

### **14. Urgent business**

Nil.

### **15. Late items**

Nil.

### **16. Confidential business**

Nil.

### **17. Closure**

**The Presiding Member declared the meeting closed at 7:33pm.**