



Minutes

Ordinary Meeting of Council

Wednesday, 23 February 2022, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the Council Chamber at the Walyalup Civic Centre
on **Wednesday, 23 February 2022** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.02pm and welcomed members of the public to the meeting.

Mayor Hannah Fitzhardinge informed members of the public that the meeting was being recorded and streamed live on the internet. She 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
Cr Andrew Sullivan	South Ward
Cr Marija Vujcic	South Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Su Groome	East Ward
Cr Fedeale Camarda	Beaconsfield Ward
Cr Ben Lawver	Hilton Ward
Cr Frank Mofflin	Deputy Mayor/Hilton Ward
Mr Glen Dougall	A/Chief Executive Officer
Mr Matt Hammond	A/Director City Business
Ms Michelle Brennand	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure
Ms Charlie Clarke	Manager Governance
Mr Paul Dunlop	Manager Communications and Events
Mr Joel Hurst	Manager Information Technology
Ms Melody Foster	Executive Assistant
Ms Kayla Goodchild	Meeting Support Officer
Ms Anne-Marie Bartlett	Meeting Support Officer

There were approximately 10 members of the public and no members of the press in attendance.

2.2 Apologies

Cr Geoff Graham
Cr Doug Thompson

2.3 Leave of absence

Nil

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Mayor Hannah Fitzhardinge request for a leave of absence from 16 April 2022 to 22 April 2022 (inclusive) is approved.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Fedele Camarda

Cr Su Groome request for a leave of absence from 20 March 2022 to 26 March 2022 (inclusive) is approved.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Cr Geoff Graham request for a leave of absence from 24 February 2022 to 30 March 2022 (inclusive) is approved.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Cr Andrew Sullivan request for a leave of absence from 27 March 2022 to 4 April 2022 (inclusive) is approved.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

4. Disclosures of interest by members

Cr Andrew Sullivan declared an impartiality interest in item number C2201-8. The matter relates to Cr Sullivan personally.

Cr Sullivan stated that in accordance with directions from the State Government Department, he was obliged to remain in the Council Chamber during consideration of the matter and vote on the item notwithstanding that real or perceived bias may creep into the decision-making process. He was confident he would remain impartial during consideration of this item and would remain in the meeting.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 19 January 2022.

Andrew Luobikis asked the following questions in relation to item FPOL2111-9 Voluntary Goodwill Service Provider Policy

Question 1

Does the City as part of the Walyalup Reconciliation Action Plan 2019-22 (RAP) feel it has an obligation to reach out in support of the vulnerable indigenous girls that were reported to have been attacked during the camp at pioneer park to ensure their welfare has been taken care of?

Response

This is a Police matter. However, in line with the City's WRAP to advocate with local providers for culturally appropriate health and social services in Fremantle, Wungenging Aboriginal Corporation provided representation on the Tent City Pioneer Park Working Group and assisted with the provision of outreach services.

Question 2

As per the City of Fremantle Aboriginal Engagement Plan and community matters dialogue have local Aboriginal Community leaders been contacted by the City to offer support for the two girls that were reported to have been attacked during the camp at pioneer park?

Response

This is a Police matter. Many Elders provided family support at Pioneer Park as well as there being Aboriginal representation through the Wungening Aboriginal Corporation on the Tent City Pioneer Park Working Group to provide guidance and direction on culturally sensitive matters.

Question 3

Has an approach been made by the guardians of the two girls for compensation from the City?

Response

No.

In relation to the girls that were reported to have been attacked during the camp at pioneer park:

Question 4a.

How has this event affected the relationship with the leadership of the Whadjuk community and the City of Fremantle?

Response

The City continues to have an extremely positive and meaningful relationship with the leaders of the Whadjuk Nyoongar Community and is a leader in local government for its journey in reconciliation.

Wungenging Aboriginal Corporation worked alongside other Crisis care agencies to provide support to those in need, in consultation with family members.

Question 4b.

Has there been engagement as per the guidelines of RAP on this event and follow up for these girls and if so, is there a report on this issue as per section 19.4 RAP?

Response

We report annually to Council and Reconciliation Australia on the actions and outcomes achieved in the Plan.

Matters pertaining to the Police are not reported through the WRAP.

Michelle Sheehy asked the following questions in relation to matters not on the agenda.

Question 1

Will Council conduct a process of community consultation to develop a policy position on the privatisation of Council services?

Response

The City has reallocated work for painting, carpentry and graffiti removal to existing contractors who already do the vast majority of this type of work. It was simply not cost effective to continue with continue with 1 internal FTE in each of these areas.

Question 2

The City's proposal document for the outsourcing of building maintenance states the decision follows feedback received from the community and elected members. Will Council publicly release this feedback in the interests of transparency to our community and to show the role Councillors have played in the decision to outsource this service?

Response

The City receives many forms of feedback, comments and suggestions in respect to its services – this comes from numerous sources over extended periods of time, much of this is via public forums.

The City's management team is responsible for operational matters of this nature. The City always strives to respond to feedback and works hard to ensure services and service levels are appropriate, cost effective, and in-line with community expectations.

Question 3

Will Council direct the A/CEO to undertake a review of the decision to outsource building maintenance to ensure all costs, including financial, service quality, responsiveness and community accountability are fully considered and both short term and long-term consequences properly evaluated?

Response

The CEO has been briefed in respect to the proposal and is satisfied that the matter has been appropriately considered.

6. Public question time

The following members of the public spoke against the officer's recommendation for item PC2202-1:

Bonnie Doran
Leigh Holder
David Smith
Breck Hoffman

The following member of the public spoke in relation to items not on the agenda:

Steve Gorman

Dominique Mimmagh spoke in relation to items not on the agenda. She also asked the following questions.

Question 1:

How long was the process of coming half an hour early and putting your name down on a list to speak in place for in the City of Fremantle?

Question 2:

Why has public question time been removed from the agenda without sufficient notice to the ratepayers and by removing public question time, how is your decision all inclusive as per your vision statement?

Questions 1 and 2 were taken on notice at the meeting. A written response will be provided to the speaker and recorded in the Ordinary Meeting of Council Agenda of 23 March 2022.

Mark Woodcock spoke in relation to item FPOL2202-9, and asked the following questions.

Question 1:

Can I get some clarification on point a of the expression of interest criteria, with regards to the 60% utilisation?

Response by Acting Director City Business:

The 60% utilisation figure refers to the period of time per year that the entire facility would be used or activated.

Question 2:

Can the Council show what investigation has been done to ensure that ratepayers' facilities will remain easily accessible to residents and ratepayers, and not attract the problems of past leases, and how the lease is drawn up so the legal issues, that were reported to have happened, don't happen again?

Question 3:

Can Council inform the electors when the Annual General Electors Meeting will be?

Question 4:

Has Council taken any additional steps to ensure its pools water safety and quality has not been compromised by its cut in operating expenses?

Question 5:

Early in 2021 after the illegal tent city event in Pioneer Reserve, the Council noted in the minutes that the CEO final report was pending. Can Council confirm if this is done, and provide a link to the finalised reports?

Question 6:

Is Pioneer Park still under the Minister's authority and if so, when will it be returned to the City of Fremantle authority?

Question 7:

What steps has Council taken to avoid an event like Tent City from happening again?

Questions 2 to 7 were taken on notice at the meeting. A written response will be provided to the speaker and recorded in the Ordinary Meeting of Council Agenda of 23 March 2022.

7. Petitions

Nil

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Andrew Sullivan

Council confirm the minutes of the Ordinary Meeting of Council dated 19 January 2022, with the following corrections:

- 1. Amend the disclosure of interest statement made by Cr Andrew Sullivan to read as follows:**

Cr Andrew Sullivan declared a impartiality interest in item number C2201-8. The matter relates to Cr Sullivan personally.

Cr Sullivan stated that in accordance with directions from the State Government Department, he was obliged to remain in the Council Chamber during consideration of the matter and vote on the item notwithstanding that real or perceived bias may creep in to the decision-making process. He was confident he would remain impartial during consideration of this item and would remain in the meeting.

- 2. With regards to C2201-2, amend the mover and seconder of all 4 separate parts of the alternative recommendation to read moved by Cr Marija Vujcic and seconded by Cr Fedele Camarda.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

10. Elected member communication

Cr Marija Vujcic informed the meeting of the importance of giving voice to the community. She also shared two stories that she stated were examples of living in fear and isolation and stated that she would speak for freedom for all Australians, in relation to the COVID -19 vaccine mandate.

Cr Frank Mofflin informed the meeting that he had attended and participated in a discussion panel at the State of the Blue Economy event in December of last year. He explained that the City was a sponsor of the event and that it is a forum that's been held for a number of years and brings together representatives from the Blue Economy. He stated that the aspiration of the forum is to make WA the leading Blue Economy of the Indian Ocean prior to 2030, and identified that this strongly aligns with the aspirations of the City of Fremantle. Cr Mofflin advised that he will share the draft report on the forum with the elected members.

Mayor Hannah Fitzhardinge advised members of the public in attendance that a balance needed to be struck between effective operations of council and providing a forum for discussion. She explained that significant time had been given to COVID-19 vaccine mandate discussion at both the December council meeting and again at the January meeting but that it is important to address the legitimate business of Council.

Mayor Fitzhardinge informed members of the public that the Meeting Procedures will be reviewed to consider methods of submissions for those who cannot attend a meeting in person, and the City would look at how its Meeting Procedures work in a COVID-19 environment. Mayor Fitzhardinge recognised that livestreaming the meeting was a good start to facilitating distant attendance.

Mayor Fitzhardinge also informed the meeting that Council received a valid Form 1 requesting that a Special Electors Meeting be held on the issue of vaccine mandates. She advised that the meeting would be held next month (March), and any motions from that meeting would be considered by council at the Ordinary Meeting of Council in March.

11. Reports and recommendations from committees

11.1 Planning Committee 2 February 2022

PC2202-1 DEFERRED ITEM - STIRLING HIGHWAY, NO. 82-84 AND ALFRED ROAD, NO.5, NORTH FREMANTLE - EXTENSION AND UPPER FLOOR MULTIPLE DWELLING ADDITIONS TO EXISTING COMMERCIAL BUILDING – (CS DA0250/21)

Meeting Date:	2 February 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Attachments:	1. Amended Development Plans (19 December 2021)
Additional information:	1. Applicant's Covering Letter on Amended Plans 2. Site photos 3. Landscaping Plan 4. Transport Impact Assessment 5. Noise Management Plan SPP5.4 6. Waste Management Plan 7. Main Roads WA Referral Response

SUMMARY

Approval is sought for an extension and the addition of twelve upper floor Multiple dwellings to an existing commercial building at 82-84 Stirling Highway, North Fremantle.

The proposal was referred to the Planning Committee (PC) on 1 December 2021. The application was referred to a future meeting to allow the applicant to consider submitting amended plans to address the following:

- A reduction in the bulk of the northern boundary wall;
- Visual privacy;
- Deep soil planting;
- Internal apartment amenity; and
- For the city to further investigate the amalgamation of Lot 5

The applicant has now submitted revised plans for consideration. The proposal is referred to the Planning Committee (PC) 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
- Wall height
- Solar and daylight access
- Natural ventilation
- Lot boundary setbacks
- Private open space and balconies
- Visual privacy
- Landscaping

- Plot ratio
- Onsite carparking
- Signage
- Overshadowing

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the following additions and alterations to an existing two storey commercial building:

- Rear extension of the existing ground floor tenancies;
- New seating area on the Stirling Highway side of the building for the existing deli;
- Upper floor addition consisting of 12 Multiple dwellings (2 single bedrooms, 10 two bedrooms), and an internal corridor;
- Alterations to the existing roof and façade; and
- Pylon sign.

The applicant submitted amended plans on 24 August 2021, and again on 29 October 2021 including design changes in response to City Officer and Design Advisory Committee (DAC) comments, including:

- Extending the footprint of the ground floor dining area;
- Including additional planting on structures and trees;
- Roof alterations and internal changes of the Multiple dwellings to improve amenity; and
- Improved pedestrian access and legibility.

The applicant submitted a further set of amended plans on 19 December 2021 following the Planning Committee's referral of the application. The applicant has provided the following comments on the design changes:

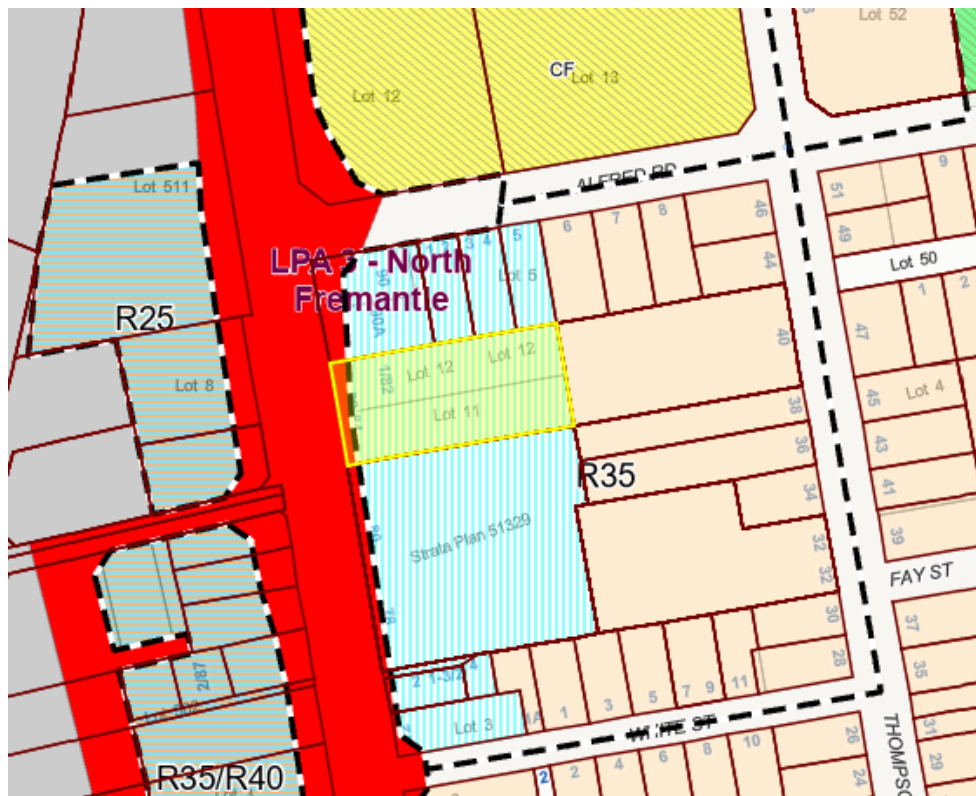
- *Bulk of Northern elevation*
 - *Reduced the height of the on-boundary wall and have proposed a different architectural treatment at the upper level which will reduce its visual impact.*
 - *Also proposed apartments adjacent to the northern neighbours have a different layout which includes outdoor spaces that are set back 600mm from the boundary. This will result in a more articulated form for the upper level which will also reduce its visual bulk.*
- *Overlooking*
 - *The original design of the northern apartments made use of a 1500mm high screen wall with integrated planting to prevent overlooking. This has been replaced with a solid 1600mm high screen wall with internal planting which prevents all overlooking and ensures any planting is contained within the apartments.*
- *Apartment amenity*
 - *Confirm that the apartments will have generous natural light through the articulated roof and internal planted courtyard will provide adequate planting (see cross section)*

- **Landscaping**
 - *The nature of the development, with extensive reuse of the existing structure and its boundary to boundary construction does place limitations on the opportunities for deep planting and large trees. The City's parking requirements, and the need for customer parking for the commercial spaces also impacts on the opportunities for planting.*
 - *Have worked with the landscape designers to maximise the amount of on structure planting and believe that it proposes a great solution with generous planting throughout the project and maximising the opportunities for larger planting where possible.*
 - *It should be noted that the developer has a current DA for one hundred percent commercial development on this site which was approved with comparatively little planting. This current design will achieve a far superior outcome for residents and the community.*

The latest amended development plans are included as Attachment 1.

Site/application information

Date received:	11 June 2021
Owner name:	Woodward Assets Pty Ltd
Submitted by:	United Studio
Scheme:	R35 Neighbourhood Centre
Heritage listing:	North Fremantle Heritage Area
Existing land use:	Shop, Showroom, Warehouse
Use class:	Shop, Showroom, Warehouse, Multiple Dwellings
Use permissibility:	D, D, D, A



CONSULTATION

External referrals

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. No response was received, but it is recommended that the standard built form requirements of Buffer Area 2 of the policy should form part of any approval. These matters can be dealt with as relevant conditions and advice notes.

Main Roads Western Australia (MRWA)

The application was referred to MRWA for comment as the site is affected by a Primary Regional Road reservation. Main Roads have advised:

Main Roads has no objections subject to the following conditions being imposed:

- 1. Prior to occupation of the development, Lot 11 (82) and Lot 12 (84) Stirling Highway must be amalgamated.*
- 2. The area within the Stirling Highway Primary Regional Road reserve that is required for future road purposes must not be included in the car parking requirements for this development.*
- 3. This noise-sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC State Planning Policy 5.4 Road and Rail and implement Noise Insulation "Deemed to Comply" packages for this residential development.*
- 4. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming Condition 2 has been achieved. This certification must be provided to the City of Fremantle.*
- 5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development. The notification is to state:*

"The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise."
- 6. The redundant crossover on Stirling Highway must be removed and the footpath/verge reinstated at the applicant's cost.*
- 7. No works are permitted within the Stirling Highway road reserve unless Main Roads has issued a Working on Roads permit.*
- 8. In the event, where private infrastructure, including the signs contained within the widened road reservation/land requirement as detailed in Land Protection Plan 1.3340/4, upon receipt of a notice from Main Roads, the infrastructure is to be removed and the verge made good at the applicant's expense.*
- 9. Any illumination of the proposed pylon sign must not exceed 300cd/m2 (candela per square metre) between sunset and sunrise.*
- 10. The sign must not flash, pulsate or chase.*

11. The pylon sign must not contain fluorescent, reflective or retro reflective colours or materials.

12. No waste collection is permitted from the Stirling Highway road reserve.

Conditions of approval are recommended along with advice notes as requested by MRWA.

Design Advisory Committee (DAC)

In accordance with LPS4 and LPP 1.9 Design Advisory Committee and Principles of Design, when assessing a development proposal with a building height of greater than 11m, Council must have regard to the comments of the DAC to assist in determining the design quality of the development.

The application was presented twice to the DAC, once on 12 July 2021 and again on 13 September 2021. At the most recent DAC meeting, the members provided the following comments:

Design quality evaluation	
Strengths of the Proposal	<ul style="list-style-type: none"> • The form, profile and roof silhouette, including the saw-tooth arrangement, respond positively to context. • The compact nature of the apartment arrangement provides for an interesting proposal incorporating a mix and level of product diversity appropriate for the location. • The bulk, form and scale of the proposal is appropriate and supported. • The modified roof form assists with mediating the scale and mass of the proposal as well as introducing light into the apartments. • AC and service platforms integrated into, and concealed within, the roof forms. • The detachment and separation of the bedrooms from the walkway and the insertion of a landscape buffer is an improvement in relation to privacy.
Principle 1 Context and character	<i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>
	<p>a) The form, profile and roof silhouette, including the saw-tooth arrangement, respond positively to the context.</p> <p>b) The compact nature of the apartment arrangement provides for an interesting proposal incorporating a mix and level of product diversity appropriate for the location.</p>
Recommendations	<p>1. Consider developing the east entry way further as a pedestrian-focused, mews-style environment with hard and soft landscaping and permeable paving that clearly signals a pedestrian environment over a vehicular roadway.</p>

Principle 2 Landscape quality	<i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>
	a) Consideration of additional landscaping at the Stirling Highway entrance of the commercial tenancies should be explored.
Recommendations	1. Consider the location and viability of trees illustrated within the eastern car park/entry.
Principle 3 Built form and scale	<i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>
	a) The bulk, form and scale of the proposal is appropriate and supported. b) The modified roof form assists with mediating the scale and mass of the proposal as well as introducing light into the apartments. c) The integration and concealment of AC and service platforms within the roof forms is supported.
Recommendations	1. Consider the saw tooth roof pitch taking into account future PV's mounting systems not being dominant or visually obtrusive.
Principle 4 Functionality and build quality	<i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i>
	a) See recommendations below.
Recommendations	1. Consider extending the ground floor Unit 1 and 3 towards the car park and further recessing Unit 2 to create a centralised forecourt. 2. Carefully consider the soffit of the frontage at Stirling Highway to ensure all services in this location will be fully sleeved and concealed from the public realm. 3. The soffit/undercroft under the Stirling Highway entry has the capacity to host a collection of hydraulic pipes and services which need to be concealed
Principle 5 Sustainability	<i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>
	a) The absence of a landscape and Environmental Sustainability Design (ESD) professional remains a concern.
Recommendations	1. The proponent is encouraged to appoint both a landscape professional and ESD professional to assist with the design resolution of the proposal.
Principle 6 Amenity	<i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i>

	<ul style="list-style-type: none"> a) The detachment and separation of the bedrooms from the walkway and the insertion of a landscape buffer is an improvement in relation to privacy. b) The facing windows between the southern unit bedrooms presents privacy and amenity issues for residents.
Recommendations	<ul style="list-style-type: none"> 1. Consider alternating the location of facing windows to the bedrooms of the southern units to mitigate privacy issues between the bedrooms.
Principle 7 Legibility	<i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>
	<ul style="list-style-type: none"> a) The legibility of the entry remains a concern whereby the primary and intuitive entry point is from Stirling Highway but the lift, and therefore disabled entry, is from the rear. b) The Alfred Road entry remains a challenge in relation to legibility. Further consideration of potential design strategies to improve its legibility is encouraged.
Recommendations	<ul style="list-style-type: none"> 1. Consider relocating the lift to the Stirling Highway entry. 2. Consider developing the east entry way further as a pedestrian-focused, mews-style environment with hard and soft landscaping and permeable paving that clearly signals a pedestrian environment over a vehicular roadway.
Principle 8 Safety	<i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>
	a) N/A
Recommendations	1. N/A
Principle 9 Community	<i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>
	a) N/A
Recommendations	1. N/A
Principle 10 Aesthetics	<i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>
	a) N/A
Recommendations	1. N/A

Concluding Remarks

After considering the proposal for 82-84 Stirling Highway, North Fremantle, the Panel advises that whilst support for many of the design initiatives is evident, there are currently unresolved design issues noted above that need addressing.

The applicant is encouraged to consider amending the plans having regard for the comments and recommendations above.

The applicant submitted further amended plans on 29 October 2021 including design changes in response to City Officer and DAC comments, including:

- Further articulation to roof form;
- Landscape plan provided;
- PV cells concealed from public view, and angled to reflect roof form;
- A/C units concealed within roof form;
- Wheelchair access from rear (Alfred Road);
- Reconfiguration of shopfronts to create alfresco area fronting Stirling Highway;
- ESD appointment;
- Privacy improvements to both north and south units; and
- Windows facing internal walkway/communal open space offset to improve amenity of occupiers.

The additional changes provided in the October amended plans are considered to have met the design recommendations made by the DAC.

The amended plans submitted in December 2021 have not been re-referred to the DAC due to the minor nature of the changes.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as discretion was sought against LPS4 and the R-Codes. Letters were sent to residents in the immediate vicinity. The advertising period concluded on 6 July 2021, and ten (10) submissions were received, including one document with five (5) submitters. The following issues were raised (summarised):

- Concerns about sufficient residential parking bays;
- Concerns about odour from the waste facilities;
- Objection to building on the boundary with the balconies above in regard to impact on overlooking, building bulk, ventilation and overshadowing, particularly to the outdoor living areas on the northern residential properties;
- Plant screening is inadequate to protect privacy of adjoining residences;
- Questions about how trellis screening on northern boundary will be maintained;
- Objection to allowing R60 density as it appears the developer is just squeezing as many units as they can into the space and this will set a precedent for future development;
- Objection to overlooking to all adjoining properties;
- Objections to the building height as it will block views and sky;
- Would like more details on the material of the walls;
- Concerns about retaining the existing gate from the rear of one of the Alfred Road residences;
- Requesting a construction management plan and dilapidation report prior to construction to ensure no damage to nearby heritage houses and that the vehicle easement will remain unimpeded.;
- Units could be used as Air BnBs and create noise and amenity impacts;
- There are already traffic and parking difficulties, plus sightline difficulties from the existing electricity substation on Alfred Road;
- Bollards should be placed along the eastern fence to protect it from vehicles, as vehicles currently parking there have already damaged the fence;

- Concerns that noise from the rear of the property, which is already an issue, will be exacerbated;
- Concerns about light spill from the rear of the property;
- Concerns about fumes and pollution from underground car park;
- Waste management;
- Will residents be notified of any variations;
- What are overshadowing impacts from the development, particularly to outdoor living areas of southern lots, and to the east and southeast;
- More information requested on fence and carport details; and
- Subsoil engineering study requested.

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

Element	Officer Comment
Odour	A Waste Management Plan requirement will be a condition of approval
Landscaping	A condition of approval required to finalise landscaping provision and location
Traffic / access	A referral to Main Roads WA has provided a number of conditions to be complied with
Air BnB	Type or length of occupancy is not a planning consideration beyond requirements of R-Codes Volume 2. The use of a multiple dwelling as a short stay dwelling is exempt from the need to obtain planning approval in accordance with LPP 1.7. They will however require registration with the City and will be subject to compliance with the local law.

The remaining comments are addressed in the officer comment below.

The amended plans dated 19 December 2021 have not been re-advertised as they do not create any new areas of discretion.

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. Unlike previous versions of the R-Codes, the Apartment Codes are a performance-based policy. In this regard, there are no deemed to comply criteria, rather objectives for good design. In most instances, the R-Codes set out Acceptable Outcomes which are suggested ways in which a designer might meet the objective. In addition to LPS4 and local planning policy discretions being sought, the following design elements require further interrogation:

- Land use
- Wall height
- Solar and daylight access
- Natural ventilation

- Lot boundary setbacks
- Private open space and balconies
- Visual privacy
- Landscaping
- Plot ratio
- Onsite carparking
- Signage
- Overshadowing

The above matters are discussed below.

Background

The site is located on Stirling Highway just south of Alfred Road. No. 5 Alfred Road is owned by the same entity as the subject site and contains a vehicle access easement. No. 5 Alfred Road (see Figure 1 below) is intended to be utilised as secondary access / exit for residential occupants as well as including vehicle parking.



Figure 1: Lot layout and location

The site is located within the North Fremantle Heritage Area but is not individually heritage listed.

The ground level slopes approximately 3m from Stirling Highway down to the rear of the site. A vehicle ramp along the southern side sits within the lot boundaries of the adjoining southern site (which contains the Rose Hotel) but contains an access easement granting legal right of access for the subject development. This easement connects from Stirling Highway along the south of the site, then north through Lot 5 to meet Alfred Road.

The lot is improved by an existing two storey Commercial building with the ground floor portion built into the natural slope of the lot so as to present as a single storey building when viewed from Stirling Highway. The first floor contains a Shop and two Showrooms. Two Warehouses currently take up the basement portion of building.

At the 6 March 2019 Planning Committee meeting, the Committee resolved to approve an upper floor addition consisting of Offices (DA0332/18). This application has not been acted upon but is still valid and could be developed if this proposal does not go ahead.

The bulk, scale and layout of the subject application is broadly similar to that of the previously approved Offices application, but the inclusion of the Multiple dwellings and the required R-Codes Volume 2 assessment raises different considerations.

Land Use

Multiple dwellings are an 'A' use in the zone, which means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising).

In considering the uses, the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). 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*
- (y) *Any submissions received on the application.*

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

- The addition of Multiple dwellings diversifies the uses in the Neighbourhood Centre Zone as per the objectives of LPS4 (as below).
 - (i) provide for weekly and convenience retailing including small-scale shops, showrooms.... residential (at upper levels),.....local offices, cottage industry.....which serve the local community, consistent with the local-serving role of the centre.

The Multiple dwellings have been considered against the Residential Design Codes Volume 2 – Apartments, and details of notable design elements can be found in the assessment below.

Wall height

Element	Requirement	Proposed	Extent of Variation
Maximum Wall height (LPS4 – North Fremantle LPA3)	7.5m	6.8m to 11.9m	Nil to 4.4m

The applicant has submitted amended plans, which while overall heights have not changed, there are some amendments to configuration and materiality. This is discussed further below.

The subject site slopes down approximately 3m from front to rear, and the proposed development is to be located on top of the existing building which will give it the appearance of a two storey building from the Stirling Highway frontage, and three storey from the rear. As the site slopes, the building height variation occurs. Specifically, the front elevation being less than 7.5m at the lot boundary on the north and south sides, with the maximum height of the saw tooth roof (when viewed from Stirling Highway) being 7.8 - 8.8m.

Clause 4.8.1 of LPS4 allows variations to the heights prescribed by LPS4 in the following circumstances:

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 Rose Hotel on the adjoining site is within the same scheme zone and exceeds the 7.5m building height, thereby triggering the use of clause 4.8.1 to vary height.

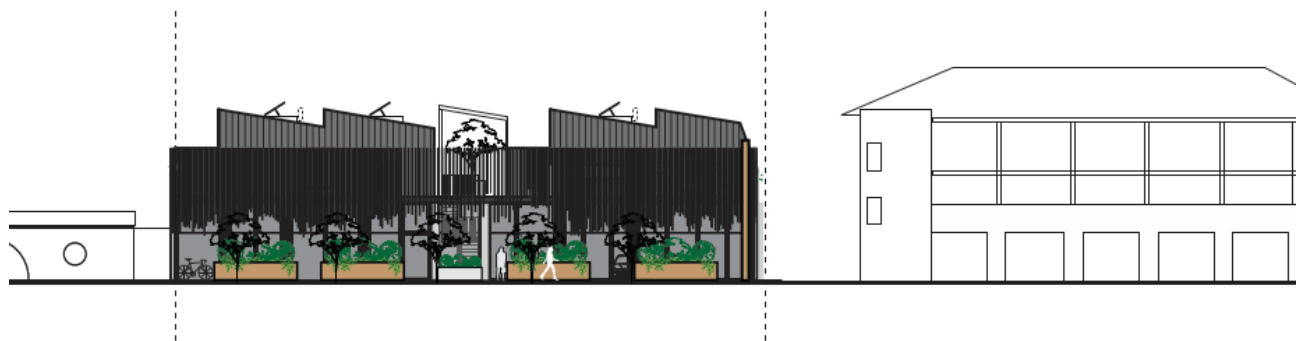


Figure 2: Proposed development at No's 82-84 Stirling Hwy and the existing Rose Hotel



Figure 3: Existing relationship between No's 82-84 Stirling Hwy and the Rose Hotel

The additional building height is considered to meet the requirements of clause 4.8.1.1 for the following reasons:

- The applicant has provided a streetscape comparison showing that the Rose Hotel exceeds the height of the proposed development, which allows the proposed development to graduate the height down (see Figure 2 and 3 above).
- The proposal has been assessed against the Apartment Code provisions in relation to its amenity impact on adjoining properties. The highest portions of wall are at the rear of the site and are separated from adjoining sites by carparking and access easements on both the subject site and neighbouring sites.
- The significant change in level across the site has resulted in the discretion. From the street, the development appears as a two storey and does not have a significant impact on the locality.
- The adjoining site to the north is not heritage listed and could in theory be developed in in a similar manner. Notwithstanding this, the variation in heights across the site have been designed to graduate the height down from the peak (being the Rose Hotel).
- Figure 4 shows the amended northern side elevation the subject of this report. The wall height remains the same, but the materials have been changed, designed to break up the overall bulk of one solid material and reduce the impact on the northern neighbours. The trellis planting has been retained, but the applicant has advised that if the neighbour does not want this it can be removed.
- Figures 4, 5 and 6 below show the height at the rear of the building is lower than the 2018 proposal previously approved by Planning Committee, and that the amended plans dated 19 December have amended the design of the side elevation, with the height remaining the same.

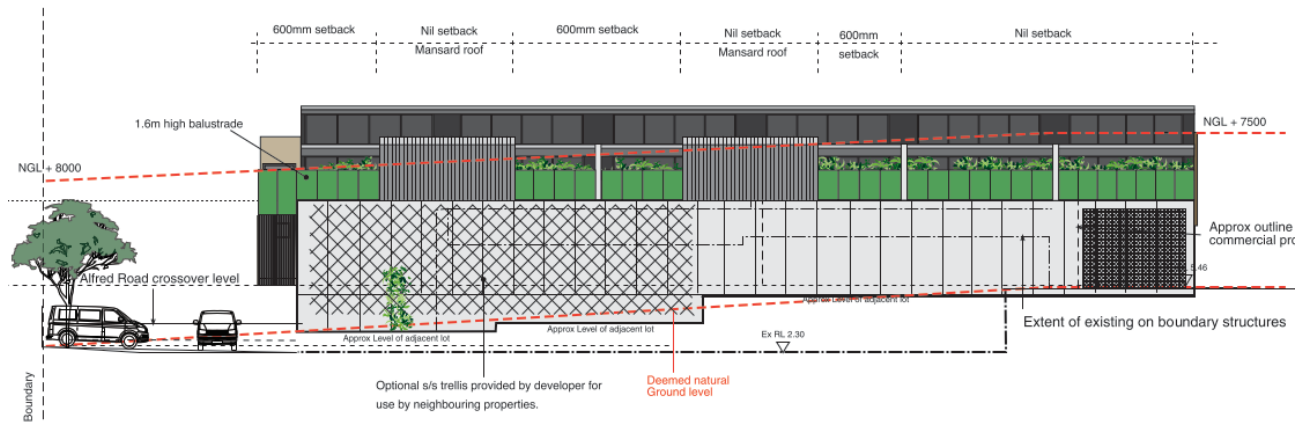


Figure 4: Amended side elevation (north) – Plans dated 19 December 2021

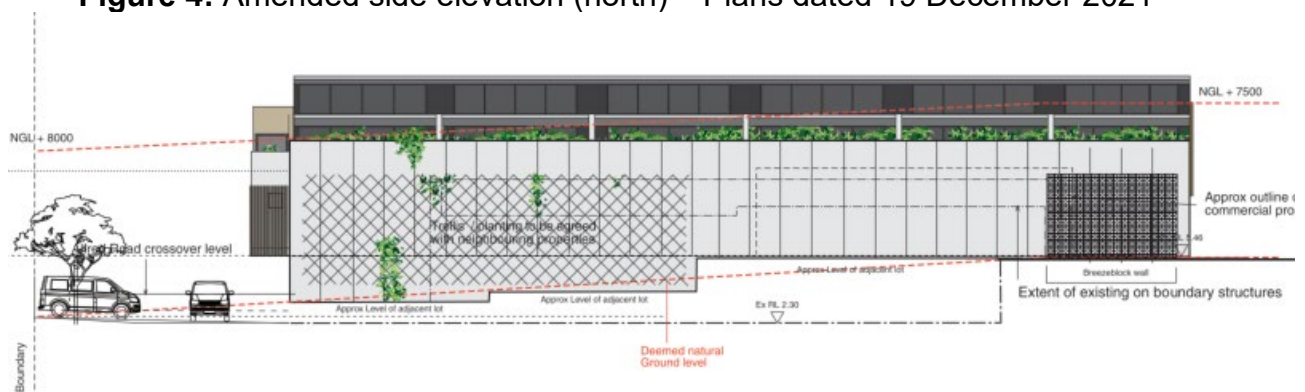


Figure 5: Superseded side elevation (north) – Plans dated 29 October 2021

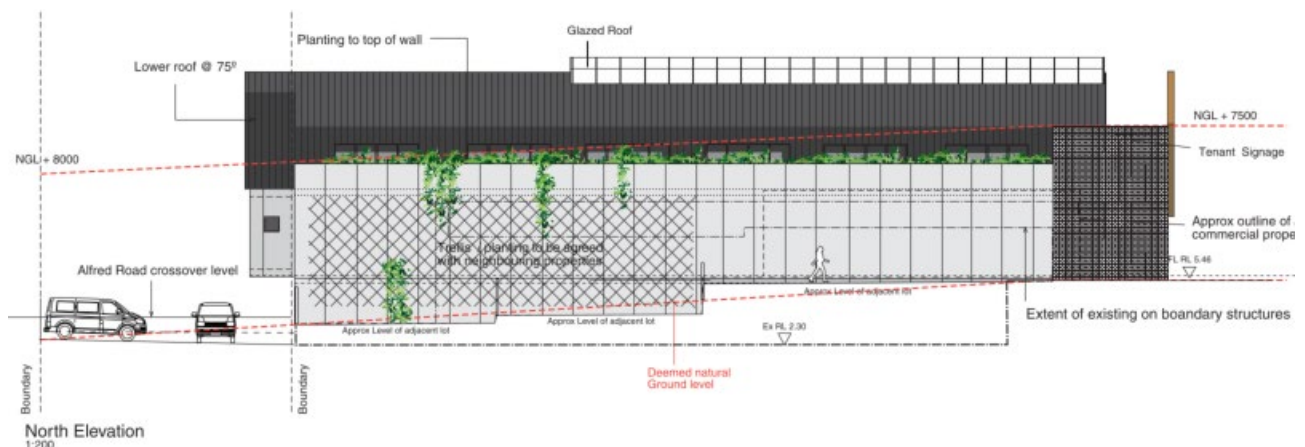


Figure 6: Approved north elevation – Office development

Solar and daylight access

Element Objective

Optimise number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms

Windows designed to optimise daylight access to habitable rooms

The development incorporates shading and glare control from mid spring to autumn

The applicant has not made any changes to the design of the proposal in relation to this matter, however has included an updated section demonstrating compliance.

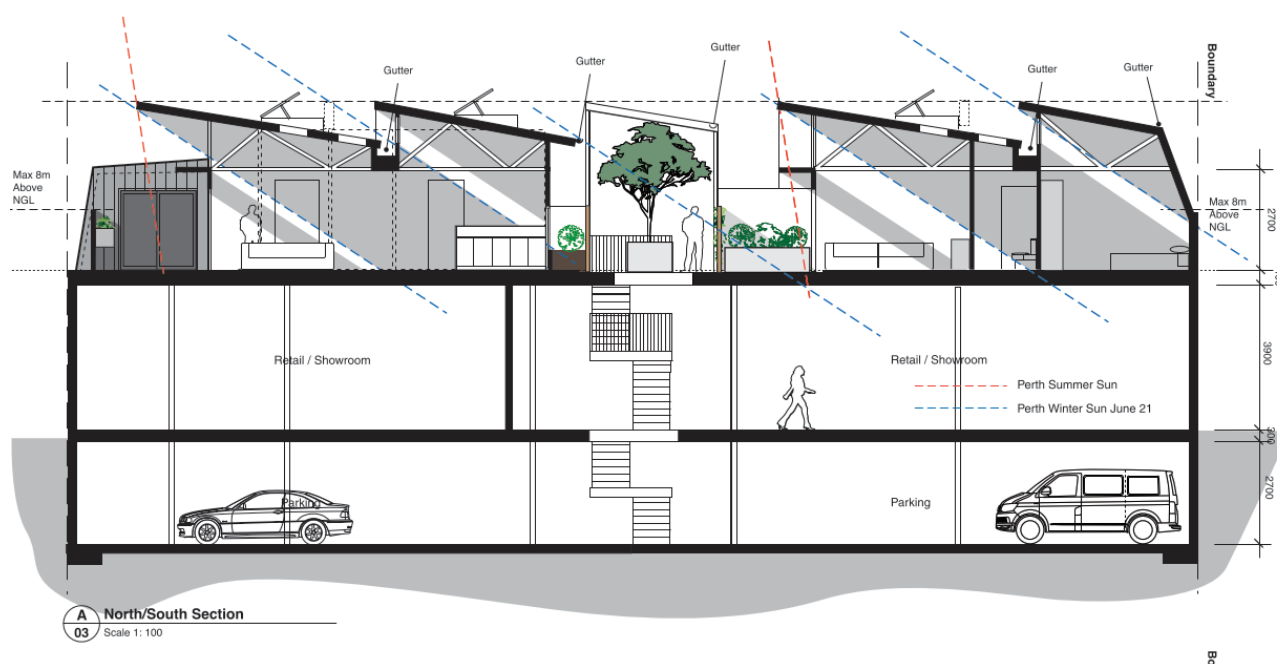


Figure 7: Amended Plan cross section demonstrating winter/summer solar access

The proposed apartments generally meet the objectives above, namely all twelve apartments have dual north/south aspects, with outdoor living areas facing north. Figure 7 above demonstrates the winter solstice sunlight penetrating all apartments, with the additional benefit of the skylights providing additional light to the bedrooms at the rear. Direct sunlight in summer is minimised with the use of enlarged eaves, also providing additional weather protection to the outdoor areas.

The apartments on the northern side of the development rely on daylight and solar access across the site to the north, which could in the future also be developed. This could result in some reduced solar access and daylight to the outdoor living areas and living areas of these apartments during winter months. However, the overall design of the apartments is such that there would continue to be solar access and daylight from the skylight windows, and the partially uncovered outdoor area.

It is recommended a notification be placed on title for the future occupiers of these apartments advising that the sites to the north could be built out to reflect this potential scenario.

Natural Ventilation

Element Objective
Development maximises number of apartments with natural ventilation
Individual dwellings are designed to optimise natural ventilation of habitable rooms
Single aspect apartments are designed to maximise and benefit from natural ventilation

The amended plans dated 19 December 2021 show operable skylights windows to provide for cross ventilation to the apartments.

All apartments in the development are dual aspect, with a total depth of less than 20m, allowing for natural cross ventilation north/south. There will be some limitations for some of the south facing units with their inset windows, however the design response is reasonable and meets the objectives. All habitable rooms have openable windows for ventilation, with the skylights providing additional light.



Figure 8: Floor plan showing operable skylight locations

Lot boundary setbacks

Element Objective

Building boundary setbacks provide for adequate separation between neighbouring properties

Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character

The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce landscape character of the area, support tree canopy and assist with stormwater management

The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development

The amended plans dated 19 December 2021 do not change the lot boundary setbacks from the previous version.

The application proposes a two-storey wall on the north and south boundaries. The boundary wall on the south abuts an existing driveway. The boundary wall on the north is effectively an increase of 3.8m of height to the existing boundary fence adjoining No 1 and 2 Alfred Road. No. 3 and 4 Alfred Road currently only have a standard height dividing fence at the rear of the property. There is a separation distance of 9.7m between the eastern elevation of the upper storey, and the lot boundary to the east.

The suitability of the setbacks of the proposed building is supported against the objectives of the Apartment Codes for the following reasons:

- Half of the length of the boundary wall abuts an existing commercial property and will have minimal impact on the residential lots.
- The proposed wall is located on the southern boundary of the residential lots and will have minimal impact on northern sunlight to outdoor living areas.
- A trellis for vegetation has been proposed on the boundary wall to soften the appearance of the wall.
- The balconies on the upper floor will be setback from the boundary and screened by planter boxes such that all views to the residential lots will be to the roofs. No overlooking will be down to the private outdoor living areas, as shown in Figure 3 below.

The building setbacks are considered to provide adequate separation between neighbouring properties and are consistent with the Neighbourhood Centre Zone objectives (land uses). Further discussion is included in the report below on landscaping and deep planting on site which will improve the amenity of both onsite and neighbouring residents.

Private open space and balconies

Element Objective
Dwellings have good access to appropriately size open space to enhance residential amenity
Private open space is sited, orientated and designed to enhance liveability for residents
Private open space and balconies are integral to overall architecture form and detail of building

The acceptable outcome balcony depth is suggested to be 2.0m for 1-bedroom units, and 2.4m for 2 bedroom units, with a minimum area of 8 m² for 1-bedroom units, and 10 m² for 2-bedroom units.

The amended plans dated 19 December 2021 have reconfigured the layout of four 2-bedroom apartments on the northern side to allow for the visual privacy concerns to the residential properties to the north to be addressed. This has resulted in one bedroom being pushed to the north, with the balcony being deeper but less wide. (see Figures 9 and 10 below). These reconfigured balconies now meet the minimum depth of 2.4m, whilst also still being 11.6 m² in area which exceeds the minimum acceptable outcome. The remaining 1-bedroom and 2-bedroom apartments on the northern side have a reduced balcony depth of 2.1m, but the balcony size of 13.86m² (1-bedroom apartment) and 15.12 m² (2-bedroom apartment) exceed the minimum area required. The reduced depth is considered to be offset by the significantly larger size of the private open spaces provided and the variation is supported.

No change is proposed to the balconies of the apartments on the southern side.

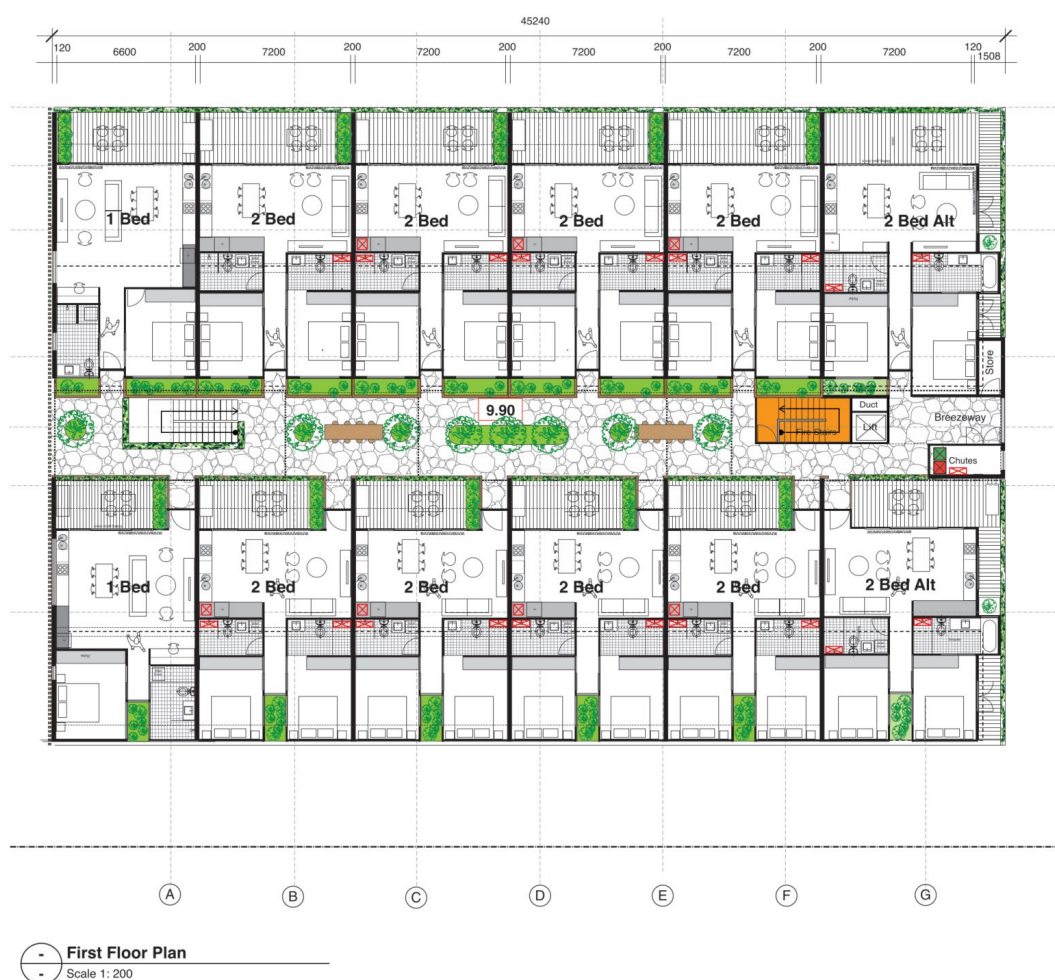


Figure 9: Superseded first floor plan dated 29 October 2021



Figure 10: Amended first floor plan dated 19 December 2021

Visual privacy

Element objective

The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.

The Apartment Codes seek to ensure a usable space is provided for residents, without also compromising the visual privacy of adjoining properties.

The balconies on the upper floor will be setback from the boundary and screened by planter boxes such that all views to the residential lots will be to the roofs. No overlooking will be down to the private outdoor living areas, as shown in Figure 11 below.

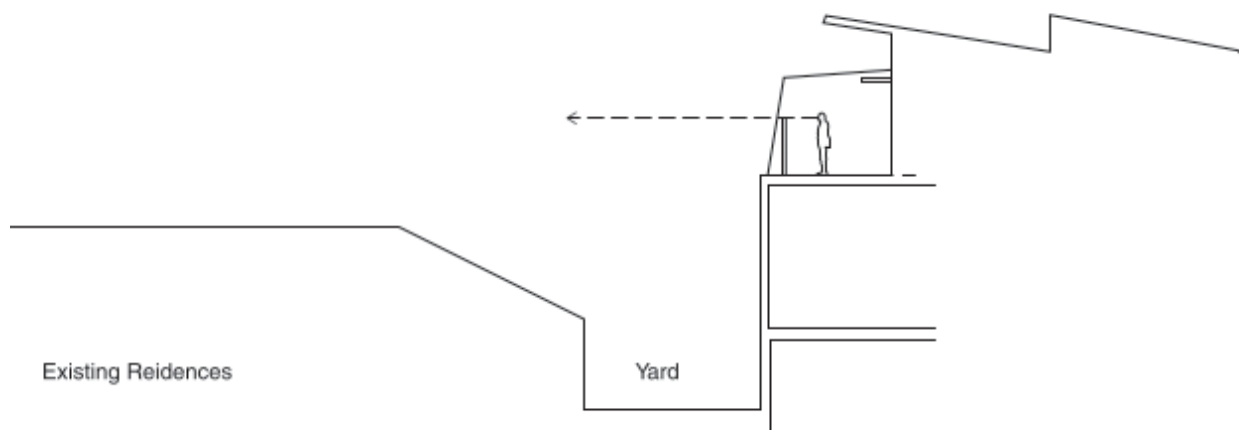


Figure 11: Amended sightline from upper floor balconies

The amended plans dated 19 December 2021 provide a solid 1.6m high screen with planting on the balcony side to prevent overlooking down into the private outdoor areas of the adjoining residences by pushing the position of a person on the balcony further back (as per Figure 11 above).

Landscaping (Tree canopy and deep soil areas)

Element Objective
Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees
Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition
Development includes deep soil areas, or other infrastructure to support planting on structures with sufficient area and volume to sustain health plant and tree growth

A site of this size (>1000m²), should provide at least 10% of the site area as deep soil area planting, including a number of large and medium trees under the Acceptable Outcomes of the Apartment Codes. Where the required deep soil areas cannot be provided due to site restrictions (for example, this site is an additional storey to an existing commercial premises), planting on structure with an area twice the shortfall of deep soil area provision is to be provided.

The applicant has advised that no further landscaping plan will be provided.

While City officers support a variation to the deep soil areas, this is on the proviso that the on structure planting is of a high quality and that tree planting in the car parking area is also included on Lot 5. A condition of approval is recommended to require improvements to the landscaping plan.

Plot ratio (Density)

Element	Requirement	Proposed	Extent of Variation
Plot ratio	0.8	0.65	Complies

The amended plans dated 19 December 2021 do not change the plot ratio from the previous version.

The development seeks to increase the density from R35 to R60 under clause 4.2.5 of LPS4, which states:

Notwithstanding the requirements of clause 4.2.3, residential density in the Local Centre, Neighbourhood Centre and Mixed-Use zones may be increased up to R60, where residential development is part of a mixed use development, where, in the opinion of Council the proposal is not detrimental to the amenity of the area.

The total area of the application site (No.5 Alfred Rd and No's 82-84 Stirling Hwy) is 1378m². The plot ratio of the proposed multiple dwellings is 904 m². This is compliant with the maximum plot ratio allowance for the R60 residential coding.

The proposal includes the commercial element of Warehouse, Showroom and Shop, which retains the existing tenants. There is approximately 50% Residential and 50% Commercial uses in the proposed development, therefore is considered to meet the requirements of Clause 4.2.5 of LPS4 in seeking the higher density coding.

The existing character of the area is a mix of residential, comprising single houses, grouped dwellings and multiple dwellings, and existing commercial elements, ranging from shops and showrooms to warehouses and offices. The additional residential element proposed in this development is considered appropriate for the area and will not have a detrimental impact to the amenity of the area.

Onsite car parking

Element	Requirement	Proposed	Extent of Variation
Showrooms x 2 (551 m ²)	1:50m ² gla = 11	25 standard bays 3 delivery bays 1x ACROD	8 car bays
Shop (397 m ²)	1:20m ² nla = 20		
Warehouse (184 m ²)	1:100m ² gla = 2		
Residential	0.75 bay/ 1 bedroom units = 2 1 bay/ 2+ bedroom units = 10	15	Complies
Visitor (residential)	1 bay/4 units = 3	3	

The amended plans dated 19 December 2021 do not change the car parking provision or layout from the previous version.

The proposed commercial element has an eight car bay shortfall, however, in this location with close proximity to bus and train routes, the shortfall is considered supportable given the showroom and warehouse elements are unlikely to generate the customer numbers to require the car bays.

It is noted that there are an additional 11 car bays for the commercial uses proposed within the MRWA Primary Regional Road Reserve area that have been excluded in the totals above. These car bays have been excluded from the calculations as these bays are considered 'bonus' bays for the commercial element due to their possible removal during potential road widening and/or upgrades, and cannot be relied upon for the lifetime of the development. The MRWA resumption timeframes are in excess of four years therefore the additional 11 bays would be available for at least this amount of time.

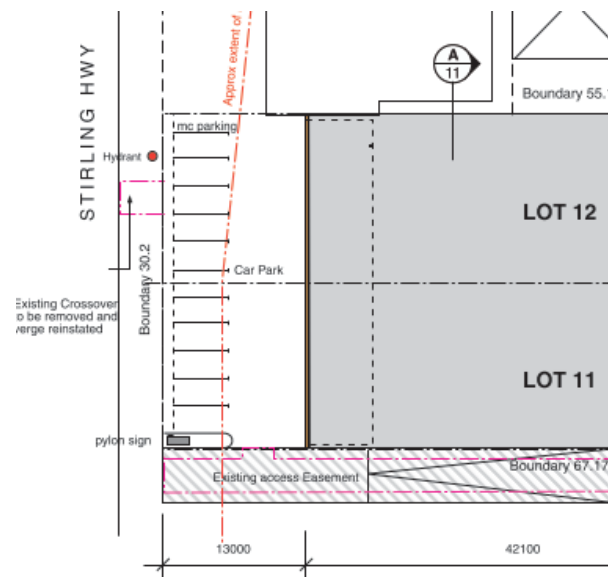


Figure 12: Extent of MRWA Primary Regional Road Reserve

A condition of approval is necessary to ensure that the three residential visitor bays are provided outside of any secured area, and are clearly marked and available for visitors to access at all times.

Signage

The amended plans dated 19 December 2021 do not change proposed signage heights from the previous version.

The proposed pylon sign is shown as 7.5m in height. LPP2.14 (Advertising) allows for a free-standing sign or pylon sign where it is no more than the height of the immediately adjoining subject building or no more than 6.0m in height, whichever is the lesser. The proposed additions to the existing building would create a maximum height (Stirling Highway frontage) of 7.8 – 8.8m.



Figure 13: Existing signage and proposed sign

The pylon sign as proposed is not supported as other existing signage in the immediate vicinity is not comparable to the increased height proposed, and there is no precedent demonstrated. A condition of the approval is required to ensure amended plans are provided to reduce the height of the pylon sign to no more than 6m in height.

Overshadowing

The amended plans dated 19 December 2021 do not change the overshadowing from the previous version.

The orientation of the lots (east/west) results in overshadowing falling onto the site to the south (No.78 Stirling Hwy). The overshadowing permitted is based on the base-coding which in this location is R35, which is 35%. The development to the south has undercroft car parking (accessed from the shared driveway), with communal outdoor areas of the residences on the level above, which is located at the equivalent of street level at Stirling Highway. The private outdoor areas of the residences on the western side of No.78 Stirling Highway are already subject to screening along the northern side of the balcony(s), and the height of the proposed development will remain lower than the height of this building, therefore the additional height of the development proposed is not considered to result in unacceptable levels of overshadowing to these dwellings. The units on the eastern side have their main outdoor area on the eastern side which will not be impacted by the new structures proposed.



Figure 14: Approximate overshadowing of development at No.78 Stirling Highway



Figure 15: Existing development at No.78 Stirling Highway

Amalgamation of Lots

The proposal shows a one way system for vehicles, accessed from Stirling Highway at the west, along the side of the building with the exit onto Alfred Road to the north. The proposal also includes approximately ten car bays on the land 'Lot 5'.

The reliance on 'Lot 5' to provide not only vehicle access (exit), but also a significant number of car bays, and landscaping creates a situation where the City believes an Access Easement across this land would not be sufficient. The lots should be amalgamated to create one lot to ensure ongoing provision for the development of vehicle and pedestrian access, as well as sufficient car parking bays and landscaping.

The applicant has not provided any further information with their amended plans on the amalgamation of the lots.

A condition of approval should be the lots be legally amalgamated prior to lodgement of the Building Permit. This is also consistent with the conditions of the previous 2018 planning approval for the commercial development.

CONCLUSION

The amended plans dated 19 December 2021 have provided minor design changes to the northern boundary wall, the overlooking to the north, and apartment amenity to address Planning Committee concerns as outlined in the report above.

The application continues to be recommended for conditional approval.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Increase the net lettable area of retail space
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

Green Plan 2020

Encourage the planting of vegetation on private land.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Extension and Upper Floor Multiple Dwelling Additions to Existing Commercial Building at No. 82-84 (Lots 11 and 12) Stirling Highway, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 19 December 2021. 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 shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. The development hereby approved, including any footings, shall be wholly located within the cadastral boundaries of the subject site Nos. 82-84 (Lots 11 and 12) Stirling Highway, and No. 5 (Lot 5) Alfred Road, North Fremantle.
4. Prior to the issue of a Building Permit, Nos. 82-84 (Lots 11 and 12) Stirling Highway, and No. 5 Alfred Road, North Fremantle are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, with the lots to be amalgamated no later than 2 years from the issue of a Building Permit, to the satisfaction of the City of Fremantle.
5. Prior to the issue of the Building Permit, the applicant must demonstrate that this noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with *WAPC State Planning Policy 5.4 Road and Rail* and implement Noise Insulation 'Deemed to Comply' packages for this residential development to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit and/or Demolition Permit, a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;

- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

7. Prior to the issue of a building permit amended plans should be submitted to include to the satisfaction of the City of Fremantle:
 - a minimum of 2 Class 1 bicycle racks, and 1 Class 3 bicycle racks An end of trip facility consisting of one male and one female (or two unisex) shower
 - Two lockers shall be providedAnd be thereafter installed and maintained to the satisfaction of the City of Fremantle
8. Prior to the issue of a Building Permit, a Waste Management Plan is to be submitted to include all proposed uses and depicting that all waste collection will occur within the site in forward gear via the access easement or from Alfred Road. No waste collection will be permitted on Stirling Highway. The management plan is to be approved by the City of Fremantle on advice from Main Roads.
9. Prior to the issue of a Building Permit, amended plans for the pylon sign should be provided, to reduce the total height of the sign to no more than 6m in height as per the requirements of LPP3.14 – Advertisements to the satisfaction of the City of Fremantle.
10. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including:
 - Species selection appropriate to location
 - Size of container for proposed trees on structure
 - Reticulation,
 - Maintenance schedule or method for landscaping within private and common areas
 - Additional trees within carparking area, including area of No.5 Alfred Road
 - Treatment of hard and soft landscaped surfaces (i.e. paving, mulch, lawn, synthetic grass etc),

Shall be submitted to and approved by the City of Fremantle.

Implementation of the landscaping shall be in accordance with the approved landscaping plan prior to occupation of the development. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.

11. Prior to the issue of a Building Permit, details of compliance with the following shall be submitted and approved to the satisfaction of the City of Fremantle:
 - Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or 'double glazed' utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - All safety glass shall be manufactured and installed to an appropriate Australian Standard.
 - All air conditioning systems shall incorporate the following features:
 - i. Multiple systems to have internally centrally located shut down point and associated procedures for emergency use.
 - ii. Preference for split 'refrigerate' systems
 - Quiet house design guidelines shall be applied to residential developments
 - All developments shall incorporate roof insulation
12. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
13. Prior to occupation of the development approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed Multiple dwellings advising owners and subsequent owners of the land of the potentiality of the enclosure of the balconies located along the northern boundary by future development of the adjacent site. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
14. Prior to occupation of the development approved, a Notification, pursuant to Section 70A of the *Transfer Act 1893* is to be placed on the Certificate of Title of the proposed development. The notification is to state:

"The lots are situated in the vicinity of a transport corridor and are currently affected or may be in the future be affected by transport noise"
15. Prior to occupation of the development approved, a Notification, pursuant to Section 70A of the *Transfer Act 1893* is to be placed on the Certificate of Title of the proposed development. The notification is to state:

"The subject lot is located within 1 kilometres of Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port"
16. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming that compliance with SPP5.4 has been achieved to the satisfaction of the City of Fremantle.
17. Prior to occupation of the development hereby approved, the boundary walls located on the northern and southern boundaries shall be of a clean finish in any of the following materials:

- coloured sand render,
 - face brick,
 - painted surface,
- and be thereafter maintained to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
 19. Prior to the occupation of the development hereby approved, the redundant northern-most crossover on Stirling Highway and related kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle on advice from Main Roads WA.
 20. All car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
 21. The signage hereby permitted shall not contain any flashing, pulsating, chasing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure. Any illumination must be of a low level not exceeding 300cd/m².
 22. 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. All works within the Stirling Highway road reserve require separate approval from the City's Infrastructure and Project Delivery Directorate. Applicants must first receive approval from Main Roads (refer below).

New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via ibs@fremantle.wa.gov.au. For crossover specifications, FAQ's, permits, etc refer to <https://www.fremantle.wa.gov.au/crossovers>.
- ii. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the Stirling Highway road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

- iii. Main Roads does not allow commercial waste collection from a Primary Regional Road where alternative access to a side street or easement is available. It is noted from the street view imagery that bins are already situated at the rear of this site and at Alfred Street. It is not considered appropriate nor safe to have a waste collection vehicle 'stand' on the major road (and in close proximity to a signalised intersection) which results in undesirable traffic hazards and impedes traffic flows.
- iv. This property is affected by land reserved in the Metropolitan Region Scheme as shown on the Main Roads Drawing Land Protection Plan 1.3340/4 and will be required for road purposes at some time in the future.
- v. In the event, where private infrastructure, including the signs contained within the widened road reservation / land requirements as detailed in Land Protection Plan 1.3340/4, upon receipt of a notice from Main Roads, the infrastructure is to be removed and the verge made good at the applicants expense.
- vi. The existing car parking located at the front of the site affected by the future road widening is to be viewed as 'temporary and surplus parking' only to the actual parking requirements as defined under the City of Fremantle's LPS No.4.
- vii. The applicant is advised that when the Stirling Highway upgrades occur, that access to/from Stirling Highway via the easement access on Lot 7 (No.80) Stirling Highway is planned to be limited to left-in / left-out vehicle movements only.
- viii. The upgrading/widening of Stirling Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

AMENDMENT 1

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Amend condition 8 to read as follows:

- 8. Prior to the issue of a Building Permit, a Waste Management Plan is to be submitted to include all proposed uses and depicting that all waste collection will occur within the site *with waste collection vehicles accessing the site* in forward gear via the access from Alfred Road. No waste collection will be permitted on Stirling Highway. The management plan is to be approved by the City of Fremantle on advice from Main Roads**

Amendment carried: 7/0

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

AMENDMENT 2

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Amend Condition 10, point 5, to read as follows:

- Additional trees within carparking area, including area of No. 5 Alfred Road and consideration of including trees in place of some car bays in front setback area, not within the Stirling Highway primary regional road reserve.**

Amendment carried: 7/0

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

COUNCIL DECISION ITEM PC2202-1
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Bryn Jones

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Extension and Upper Floor Multiple Dwelling Additions to Existing Commercial Building at No. 82-84 (Lots 11 and 12) Stirling Highway, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 19 December 2021. 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 shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. The development hereby approved, including any footings, shall be wholly located within the cadastral boundaries of the subject site Nos. 82-84 (Lots 11 and 12) Stirling Highway, and No. 5 (Lot 5) Alfred Road, North Fremantle.**
- 4. Prior to the issue of a Building Permit, Nos. 82-84 (Lots 11 and 12) Stirling Highway, and No. 5 Alfred Road, North Fremantle are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, with the lots to be amalgamated no later than 2 years from the issue of a Building Permit, to the satisfaction of the City of Fremantle.**
- 5. Prior to the issue of the Building Permit, the applicant must demonstrate that this noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with *WAPC State Planning Policy 5.4 Road and Rail* and implement Noise Insulation 'Deemed to Comply' packages for this residential development to the satisfaction of the City of Fremantle.**
- 6. Prior to the issue of a Building Permit and/or Demolition Permit, a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**

- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

7. Prior to the issue of a building permit amended plans should be submitted to include to the satisfaction of the City of Fremantle:
 - a minimum of 2 Class 1 bicycle racks, and 1 Class 3 bicycle racks An end of trip facility consisting of one male and one female (or two unisex) shower
 - Two lockers shall be provided
 And be thereafter installed and maintained to the satisfaction of the City of Fremantle
8. *Prior to the issue of a Building Permit, a Waste Management Plan is to be submitted to include all proposed uses and depicting that all waste collection will occur within the site with waste collection vehicles accessing the site in forward gear via the access from Alfred Road. No waste collection will be permitted on Stirling Highway. The management plan is to be approved by the City of Fremantle on advice from Main Roads*
9. Prior to the issue of a Building Permit, amended plans for the pylon sign should be provided, to reduce the total height of the sign to no more than 6m in height as per the requirements of LPP3.14 – Advertisements to the satisfaction of the City of Fremantle.
10. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including:
 - a. Species selection appropriate to location
 - b. Size of container for proposed trees on structure
 - c. Reticulation,
 - d. Maintenance schedule or method for landscaping within private and common areas
 - e. *Additional trees within carparking area, including area of No. 5 Alfred Road and consideration of including trees in place of some carbays in front setback area, not within the Stirling Highway primary regional road reserve.*
 - f. Treatment of hard and soft landscaped surfaces (i.e. paving, mulch, lawn, synthetic grass etc),

Shall be submitted to and approved by the City of Fremantle.

Implementation of the landscaping shall be in accordance with the approved landscaping plan prior to occupation of the development. All landscaped

areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.

11. Prior to the issue of a Building Permit, details of compliance with the following shall be submitted and approved to the satisfaction of the City of Fremantle:
 - a. Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or 'double glazed' utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b. All safety glass shall be manufactured and installed to an appropriate Australian Standard.
 - c. All air conditioning systems shall incorporate the following features:
 - i. Multiple systems to have internally centrally located shut down point and associated procedures for emergency use.
 - ii. Preference for split 'refrigerate' systems
 - d. Quiet house design guidelines shall be applied to residential developments
 - e. All developments shall incorporate roof insulation
12. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.
13. Prior to occupation of the development approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed Multiple dwellings advising owners and subsequent owners of the land of the potentiality of the enclosure of the balconies located along the northern boundary by future development of the adjacent site. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
14. Prior to occupation of the development approved, a Notification, pursuant to Section 70A of the *Transfer Act 1893* is to be placed on the Certificate of Title of the proposed development. The notification is to state:

"The lots are situated in the vicinity of a transport corridor and are currently affected or may be in the future be affected by transport noise".
15. Prior to occupation of the development approved, a Notification, pursuant to Section 70A of the *Transfer Act 1893* is to be placed on the Certificate of Title of the proposed development. The notification is to state:

"The subject lot is located within 1 kilometres of Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port"
16. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming that compliance with SPP5.4 has been achieved to the satisfaction of the City of Fremantle.

17. Prior to occupation of the development hereby approved, the boundary walls located on the northern and southern boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
19. Prior to the occupation of the development hereby approved, the redundant northern-most crossover on Stirling Highway and related kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle on advice from Main Roads WA.
20. All car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
21. The signage hereby permitted shall not contain any flashing, pulsating, chasing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure. Any illumination must be of a low level not exceeding 300cd/m².
22. 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. All works within the Stirling Highway road reserve require separate approval from the City's Infrastructure and Project Delivery Directorate. Applicants must first receive approval from Main Roads (refer below).

New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via ibs@fremantle.wa.gov.au. For crossover specifications, FAQ's, permits, etc refer to <https://www.fremantle.wa.gov.au/crossovers>.

- ii. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the Stirling Highway road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- iii. Main Roads does not allow commercial waste collection from a Primary Regional Road where alternative access to a side street or easement is available. It is noted from the street view imagery that bins are already situated at the rear of this site and at Alfred Street. It is not considered appropriate nor safe to have a waste collection vehicle 'stand' on the major road (and in close proximity to a signalised intersection) which results in undesirable traffic hazards and impedes traffic flows.
- iv. This property is affected by land reserved in the Metropolitan Region Scheme as shown on the Main Roads Drawing land Protection Plan 1.3340/4 and will be required for road purposes at some time in the future.
- v. In the event, where private infrastructure, including the signs contained within the widened road reservation / land requirements as detailed in Land Protection Plan 1.3340/4, upon receipt of a notice from Main Roads, the infrastructure is to be removed and the verge made good at the applicants expense.
- vi. The existing car parking located at the front of the site affected by the future road widening is to be viewed as 'temporary and surplus parking' only to the actual parking requirements as defined under the City of Fremantle's LPS No.4.
- vii. The applicant is advised that when the Stirling Highway upgrades occur, that access to/from Stirling Highway via the easement access on Lot 7 (No.80) Stirling Highway is planned to be limited to left-in / left-out vehicle movements only.
- viii. The upgrading/widening of Stirling Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

Carried: 6/5

For

Mayor Hannah Fitzhardinge, Cr Ben Lawver, Cr Fedele Camarda,
Cr Frank Mofflin, Cr Bryn Jones, Cr Andrew Sullivan

Against

Cr Adin Lang, Cr Su Groome, Cr Marija Vujcic,
Cr Jenny Archibald, Cr Rachel Pemberton

**PC2202-2 DEFERRED ITEM - BRACKS STREET, NO.90 (LOTS 241 – 260),
NORTH FREMANTLE – DEMOLITION OF EXISTING BUILDINGS AND
STRUCTURES – (CS DA0440/21)**

Meeting Date:	2 February 2022
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Planning Committee
Attachments:	1. Demolition Plans
Additional information:	1. WAPC Plan No.1.7977
	2. WAPC Decision Letter (5 January 2022)
	3. City's Heritage Assessment

SUMMARY

Approval is sought for the demolition of all existing buildings and structures on the site.

The proposal is referred to the Planning Committee (PC) as it proposes demolition of buildings and incidental structures within the North Fremantle Heritage Area.

The application was presented to PC in January 2022, with PC referring the application back to the administration to allow for the applicant to consider providing further information on the heritage significance of the site and to explore opportunities for interim uses of the buildings.

The applicant has not provided any additional supporting written information to this proposal but did invite PC members to site to review the existing structures and speak with the applicant's heritage consultant.

The existing buildings and structures are of no cultural significance, nor do they make a positive contribution to the character of the area, therefore the application remains recommended for conditional approval.

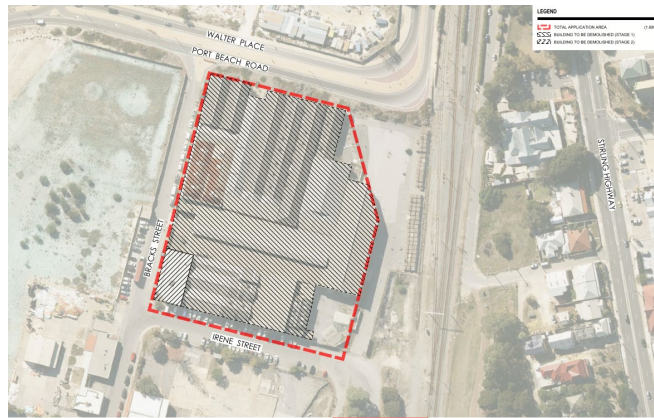
PROPOSAL

Detail

Approval is sought for the complete demolition of all existing buildings and structures on site. Multiple buildings and structures are proposed to be demolished over the large site. No subsequent development has been proposed at this stage.

The demolition of these buildings and structures is in addition to demolition of other buildings on nearby properties approved in previous applications at No.22 Bracks Street (DA0178/21) and the Shell State Business Centre and Yard East (DA0347/21).

The aerial image below shows the location of the buildings proposed for demolition under this application.



Development plans are included as attachment 1.

Site/application information

Date received:	11 October 2021
Owner name:	North Fremantle JV Pty Ltd
Submitted by:	Taylor Burrell Barnett
Scheme:	Industrial Zone
Heritage listing:	North Fremantle Heritage Area
Existing land use:	Various industrial / warehouse buildings
Use class:	n/a
Use permissibility:	n/a



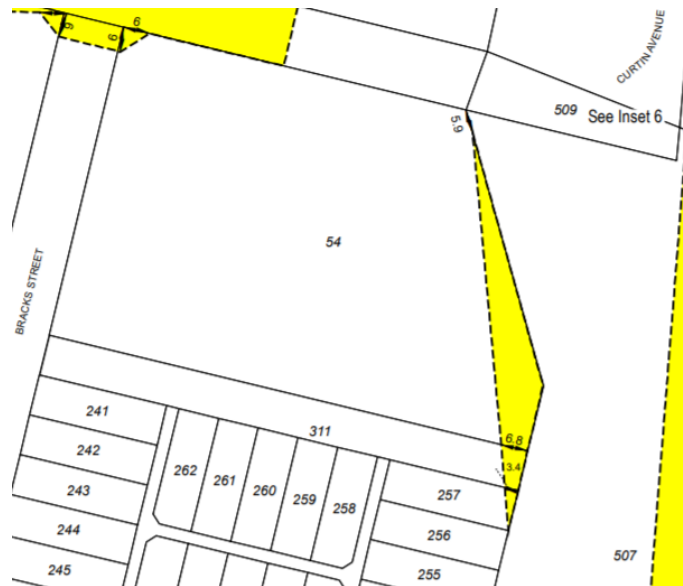
CONSULTATION

External referrals

Department of Planning, Lands and Heritage (DPLH)

The application was referred the Department of Planning Lands and Heritage as a portion of the subject site is within Planning Control Area 158. This section of land is subject to a separate approval by DPLH. Approval subject to conditions was granted by

the DPLH on 5 January 2022 (see WAPC Decision Letter) therefore the area highlighted in yellow on the plan below is excluded from the application to be considered by the City of Fremantle.



Department of Water and Environmental Regulation (DWER)

The application was referred to DWER as the subject site is adjacent to a contaminated site. DWER has advised that an accredited contaminated sites auditor has been engaged to review the current and previous investigations and are expected to provide a mandatory auditors report in 2021. DWER has advised that based on the available information, and considering the application is not proposing to change to a more sensitive land use, they have no objection to the proposed demolition. They recommend, given the risks associated with potential disturbance of impacted soils, that an advice note is applied to any approval granted by the City of Fremantle to ensure appropriate site management during demolition.

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. FP have advised that they have no objection to the proposal demolition as it will have no immediate impact on port operations. They have requested that the City requires the proponent to provide parking on site rather than on street during the demolition process. A condition of approval is recommended requiring the lodgement of a Demolition Management Plan which will need to detail site management during demolition.

Main Roads Western Australia (MRWA)

The application was required to be referred to MRWA as the site is affected by a Primary Regional Road reservation. MRWA have advised that they have no objection to the proposal subject to conditions and advice notes to protect the road reservation vegetation, correct discharge of stormwater and permit approvals. These matters can be dealt with as relevant conditions and advice notes.

Public Transport Authority (PTA)

The application was referred to PTA for comment as the site is within 50 metres of the PTA's Rail Reserve (or PTA Protect Zone). PTA have advised that they have no

objection to the proposal subject to advice to ensure appropriate permit approvals are sought by the applicant/owner. These matters can be dealt with as relevant advice notes.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as complete demolition of all buildings on a site located within a heritage area is proposed. The advertising period concluded on 23 November 2021, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies.

Background

The site has a land area of approximately 17060m² and currently has a number of industrial buildings located on it. The site is zoned Industry. The site is located within the North Fremantle Heritage Area.

At its meeting on the 12th January 2022, PC referred the application for the following reason:

Refer the application to the Administration with the advice that Council is not prepared to grant planning approval to the application for the demolition of existing buildings and structures at No. 90 (Lot 241-260) Bracks Street, North Fremantle based on the current submitted plans and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider providing more information on the heritage significance of the site and explore opportunities for interim uses of some or all of the existing buildings.

While the applicant has not provided any additional written information for consideration, they have verbally advised that the proponent has chosen not to explore opportunities for interim use of existing buildings. They also invited PC members to site to review the existing structures and speak with the applicant's heritage consultant.

Demolition

Clause 4.14.1 of LPS4 states:

Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- a) has limited or no cultural heritage significance, and*
- b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

The subject site is a roughly rectangular site bounded by Walter Place to the north, the railway to the east, Irene Street to the south and Bracks Street to the west. Industrial buildings almost completely cover the site from boundary to boundary with the exception of small areas on the north-east and south-east corners of the site. The vehicle access is

onto Bracks Street, which corresponds with the earlier Vaughn Street. The areas of the site without buildings are all bituminised and fenced. The vehicle entry from Bracks Street has a high face brick wall with wrought iron gates.

The buildings proposed to be demolished under this application are all located on the eastern side of Bracks Street and are identified as:

- Massey-Harris Co Ltd Building (pre 1936)
- J Gadsden Pty Ltd Building (1937-39)
- Irene Street Block West (c. 1954 – 65)
- Irene Street Block East (c. 1954 – 65)
- Corner Officer (c. 1966 – 74)

The proposed demolition works are intended to be split over two stages:

- All warehouse structures (Stage 1 - majority of the site)
- Two storey brick office building on corner of Bracks Street and Irene Street (Stage 2)

A heritage assessment of the application site and surrounding lots has identified that the oil tanks on the west side of Port Beach Road were demolished in the 1990's followed by most of the buildings of the former Caltex Oil Installation at 85 Bracks Street in 2004, followed by additional tanks in 2014. In 2017 most of the Shell oil terminal structures on the west side of Bracks Street were decommissioned and demolished including the fuel tank farm, oil tank farm, bitumen plant and workshop buildings. In 2021 applications have been approved to demolish all the oil terminal buildings east of Bracks Street, including industrial buildings, structures, offices and laboratories.



Photo 1 –Existing buildings on site proposed for demolition (viewed from Bracks Street)



Photo 2 – Existing buildings on site proposed for demolition (viewed from Irene Street)



Photo 3 – Existing buildings on site proposed for demolition (viewed from Walter Place)

The heritage assessment of the proposed demolition has found that the Inter-War and Post War era industrial buildings at No. 90 Bracks Street have little heritage significance and do not contribute to a significant streetscape. Generally, these buildings are generic industrial buildings of the era with little aesthetic value or landmark quality.

The historic and social values of this place can be captured by recording the information collected as part of this assessment in Inherit as a Historic Record Only listing. A condition of approval is recommended requiring the submission of an archival record.

The proposed demolition is supported on heritage grounds as it does not contribute to the identified significance of the North Fremantle Precinct Heritage Area or meet the threshold for individual listing.

It is noted that at the January meeting, the applicant requested that the archival record condition be altered to remove the requirement for architectural plans. On further review and on advice from the City's Heritage Coordinator, this is recommended by officers as a reasonable response given the limited heritage significance of the site.

CONCLUSION

The proposed demolition of all buildings on site is considered supportable for the reasons discussed above and is recommended for conditional approval.

STRATEGIC IMPLICATIONS

The demolition is associated with the long term urban redevelopment aspirations of the owners for the site. However, these are in a very early stage of formulation as a preliminary request for rezoning of the land to Urban in the Metropolitan Region Scheme (MRS) has been submitted to the Western Australian Planning Commission (WAPC), but the WAPC has not yet formally decided whether to commence an MRS Amendment Process, which will be a lengthy process involving significant community and stakeholder consultation and will likely be linked to the recently announced WAPC Future of Fremantle Planning Committee project.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of buildings and structures at No.90 (Lots 241-260) Bracks Street, North Fremantle subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 11 October 2021. It does not relate to the area of land subject to PCA158 shown on the attached WAPC Plan No.1.7977. 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. Any damage to the existing verge vegetation within the Port Beach Road reservation shall be made good.
3. Stormwater discharge, if any, shall not be discharged into the Port Beach Road reservation or the future Curtin Avenue reservation.
4. No works are permitted within the Port Beach Road or future Curtin Avenue reservations.

5. Prior to the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared study of the physical, documentary and other evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:
 - a) A photographic report which includes the following:
 - (i) A site plan showing the position, direction and number of each photograph.
 - (ii) The history of the original building and subsequent stages of development.
 - (iii) Old photographs relating to this site and building.
 - (iv) Any other relevant historical information.

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of development.

6. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

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

Advice Note(s):

- i. In regard to the condition requiring a Demolition Management Plan, Local Planning Policy 1.10 Construction sites can be found on the City's website via <http://www.fremantle.wa.gov.au/development/policies>

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999

- ii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- iii. This area is currently subject to quarantine regulations to limit the spread of Red Imported Fire Ants. A permit is required if you are moving any potential host material (including soils and building waste) outside the quarantine area. For more information and permit requirements visit agric.wa.gov/rifa
- 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.
- v. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirement of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- vi. The applicant is advised that an appropriate management plan should be prepared to manage any environmental or health risks from potential exposure of contaminated soils during demolition works.

Any material (soil and hardstand) proposed for off-site disposal should be adequately assessed in accordance with the Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) and the PFAS National Environmental Management Plan (Heads of EPA's Australia and New Zealand, January 202).
- vii. The applicant is required to submit an Application form to Main Roads Western Australia to undertake works within the Curtin Avenue or Port Beach Road reserves prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

- viii. This property is affected by land reserved under Planning Control Area 158 as shown on WAPC Plan No.1.7977 and will be required for road purposes at some time in the future.
- ix. The upgrading/ widening of Curtin Avenue and Port Beach Road are not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- x. The Public Transport Authority of Western Australia (PTA) advises that, as the proposed works are within 50 metres of the PTA's Rail Reserve (or the PTA Protect Zone), the owner must seek PTA's approval for working in close proximity to the operating railway prior to conducting the proposed demolition works.
- xi. The Public Transport Authority (PTA) advises that the applicant/owner should submit the following documents to PTAThirdPartyAccess@pta.wa.gov.au at least six weeks prior to the commencement of works:
 - a. A completed checklist as located within Appendix 2 of the PTA Procedure 8103-400-004 '*Working in and around the PTA Rail Corridor, Assets and Infrastructure*' and all required documents listed within the Checklist.
 - b. A Work Method Statement
 - c. Details of plant and equipment that will be used, including cranes, and their location within the worksite.All PTA specifications and procedures can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>

Lost 1/6

For

Cr Geoff Graham

Against

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

COMMITTEE RECOMMENDATION ITEM PC2202-2
(Amended officer recommendation)

Moved: Cr Andrew Sullivan

Seconded: Cr Su Groome

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of buildings and structures at No.90 (Lots 241-260) Bracks Street, North Fremantle subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans *as amended by conditions following*, dated 11 October 2021. It does not relate to the area of land subject to PCA158 shown on the attached WAPC Plan No.1.7977. 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 following structures and/or buildings are excluded from the approval and shall be retained:**
 - a. Three (3) central structural bays and their internal timber trusses on the northern elevation fronting Walter Place to a depth of at least 4 truss bays.**
 - b. One (1) whole structural bay on the western side of the site fronting Bracks Street, including the portion of masonry façade on this elevation, roofing and internal walls. This bay starts approximately 40m from the intersection with Walter Place and extends for approximately 36m from this point.**
 - c. The masonry wall that extends into the interior of the site from the end of the western bay mentioned in part b (parallel with the southern lot boundary), as well as necessary supporting structures to ensure its viable retention.**
- 3. Prior to the issue of a Demolition Permit, a detailed plans and report shall be submitted that demonstrates the demolition methodology and ongoing protection of the structures required to be retained by this approval to the satisfaction of the City of Fremantle.**
- 4. Any damage to the existing verge vegetation within the Port Beach Road reservation shall be made good.**
- 5. Stormwater discharge, if any, shall not be discharged into the Port Beach Road reservation or the future Curtin Avenue reservation.**
- 6. No works are permitted within the Port Beach Road or future Curtin Avenue reservations.**
- 7. Prior to the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared study of the physical, documentary and other**

evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:

- a) A photographic report which includes the following:
 - (i) A site plan showing the position, direction and number of each photograph.
 - (ii) The history of the original building and subsequent stages of development.
 - (iii) Old photographs relating to this site and building.
 - (iv) Any other relevant historical information.

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of development.

- 8. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

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

Advice Note(s):

- i. In regard to the condition requiring a Demolition Management Plan, Local Planning Policy 1.10 Construction sites can be found on the City's website via <http://www.fremantle.wa.gov.au/development/policies>

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999

- ii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- iii. This area is currently subject to quarantine regulations to limit the spread of Red Imported Fire Ants. A permit is required if you are moving any potential host material (including soils and building waste) outside the quarantine area. For more information and permit requirements visit agric.wa.gov/rifa
- 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.
- v. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirement of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- vi. The applicant is advised that an appropriate management plan should be prepared to manage any environmental or health risks from potential exposure of contaminated soils during demolition works.

Any material (soil and hardstand) proposed for off-site disposal should be adequately assessed in accordance with the *Landfill Waste Classification and Waste Definitions 1996* (as amended 2019) and the *PFAS National Environmental Management Plan* (Heads of EPA's Australia and New Zealand, January 202).

- vii. The applicant is required to submit an Application form to Main Roads Western Australia to undertake works within the Curtin Avenue or Port Beach Road reserves prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- viii. This property is affected by land reserved under Planning Control Area 158 as shown on WAPC Plan No.1.7977 and will be required for road purposes at some time in the future.

- ix. The upgrading/ widening of Curtin Avenue and Port Beach Road are not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- x. The Public Transport Authority of Western Australia (PTA) advises that, as the proposed works are within 50 metres of the PTA's Rail Reserve (or the PTA Protect Zone), the owner must seek PTA's approval for working in close proximity to the operating railway prior to conducting the proposed demolition works.
- xi. The Public Transport Authority (PTA) advises that the applicant/owner should submit the following documents to PTAThirdPartyAccess@pta.wa.gov.au at least six weeks prior to the commencement of works:
 - a. A completed checklist as located within Appendix 2 of the PTA Procedure 8103-400-004 '*Working in and around the PTA Rail Corridor, Assets and Infrastructure*' and all required documents listed within the Checklist.
 - b. A Work Method Statement
 - c. Details of plant and equipment that will be used, including cranes, and their location within the worksite.

All PTA specifications and procedures can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>

Carried: 6/1

For

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

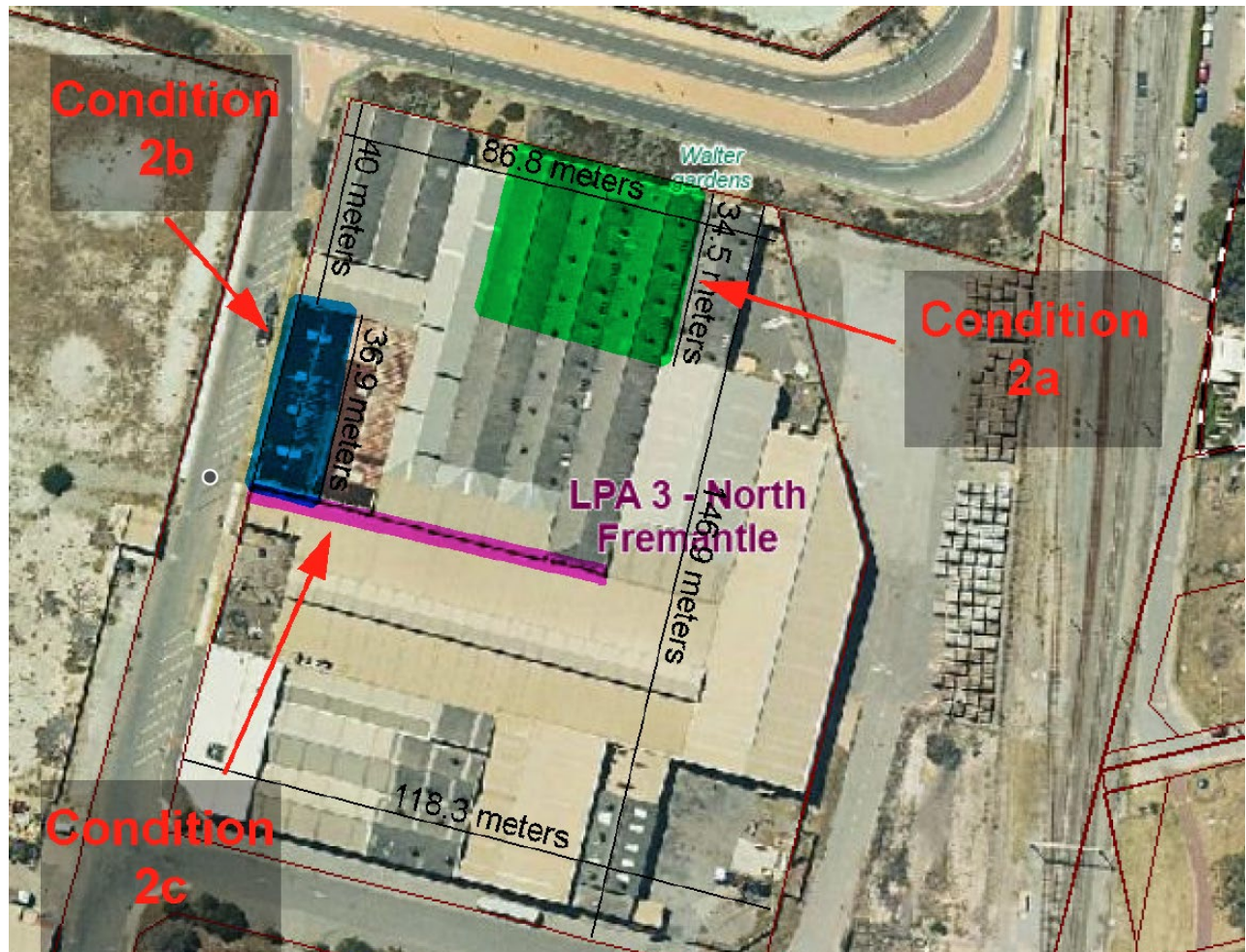
Against

Cr Geoff Graham

Cr Geoff Graham requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Bryn Jones.

ADDITIONAL OFFICER COMMENT

The following diagram is provided as supporting information to the Committee Recommendation:



AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Bryn Jones

To amend condition 2, and add a part B to the committee recommendation, to read as follows.

PART A:

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Demolition of buildings and structures at No.90 (Lots 241-260) Bracks Street, North Fremantle subject to the following condition(s):

1. His approval relates only to the development as indicated on the approved plans as *amended by conditions following*, dated 11 October 2021. It does not relate to the area of land subject to PCA158 shown on the attached WAPC Plan No.1.7977. 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 following structures and/or buildings are excluded from the demolition approval and all original fabric, not including asbestos roofing or other replacement claddings, shall be retained in place, be made structurally sound, and be maintained, all to the satisfaction of the City of Fremantle:
 - a. ~~Three (3) central structural bays and their internal timber trusses on the northern elevation fronting Walter Place to a depth of at least 4 truss bays.~~
 - b. ~~One (1) whole structural bay on the western side of the site fronting Bracks Street, including the portion of masonry façade on this elevation, roofing and internal walls. This bay starts approximately 40m from the intersection with Walter Place and extends for approximately 36m from this point.~~
 - c. ~~The masonry wall that extends into the interior of the site from the end of the western bay mentioned in part b (parallel with the southern lot boundary), as well as necessary supporting structures to ensure its viable retention.~~
 - a. The three (3) central structural bays of the Massey Harris Buildings, measuring approximately 38 metres in width, and a depth of at least 25 metres measured northwards from the original Vaughan Street boundary. All other original timber trusses of the c.1928 Massey Harris Buildings are to be salvaged and stored so as to be available for re-use as part of any future conservation works, including any conservation works requiring reinstatement and/or interpretation.
 - b. The two structural bays of the J Gadsden Buildings located on the western side of the site with a frontage to Bracks Street of approximately 38 metres and a frontage to the former Vaughan Street of approximately 28 metres.
 - c. The masonry facade wall that formed the southern elevation of both the Massey Harris Buildings and J Gadsden Buildings, including the facade walls that unified these buildings together, measuring approximately 73 metres in length located on the north side of the former Vaughan Street road reserve.
3. Prior to the issue of a Demolition Permit, a detailed plans and report shall be submitted that demonstrates the demolition methodology and ongoing protection of the structures required to be retained by this approval to the satisfaction of the City of Fremantle.
4. Any damage to the existing verge vegetation within the Port Beach Road reservation shall be made good.
5. Stormwater discharge, if any, shall not be discharged into the Port Beach Road reservation or the future Curtin Avenue reservation.
6. No works are permitted within the Port Beach Road or future Curtin Avenue reservations.
7. Prior to the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared

study of the physical, documentary and other evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:

- a. A photographic report which includes the following:
 - i. A site plan showing the position, direction and number of each photograph.
 - ii. The history of the original building and subsequent stages of development.
 - iii. Old photographs relating to this site and building.
 - iv. Any other relevant historical information.

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of development.

8. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a. Use of City car parking bays for construction related activities;
 - b. Protection of infrastructure and street trees within the road reserve;
 - c. Security fencing around construction sites;
 - d. Gantries;
 - e. Access to site by construction vehicles;
 - f. Contact details;
 - g. Site offices;
 - h. Noise - Construction work and deliveries;
 - i. Sand drift and dust management;
 - j. Waste management;
 - k. Dewatering management plan;
 - l. Traffic management; and
 - m. Works affecting pedestrian areas.

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

Advice Note(s):

- i. In regard to the condition requiring a Demolition Management Plan, Local Planning Policy 1.10 Construction sites can be found on the City's website via <http://www.fremantle.wa.gov.au/development/policies>
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>
The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999
- ii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.

- iii. This area is currently subject to quarantine regulations to limit the spread of Red Imported Fire Ants. A permit is required if you are moving any potential host material (including soils and building waste) outside the quarantine area. For more information and permit requirements visit agric.wa.gov/rifa
- 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.
- v. Any removal of asbestos is to comply with the following –
Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirement of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- vi. The applicant is advised that an appropriate management plan should be prepared to manage any environmental or health risks from potential exposure of contaminated soils during demolition works.

Any material (soil and hardstand) proposed for off-site disposal should be adequately assessed in accordance with the Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) and the PFAS National Environmental Management Plan (Heads of EPA's Australia and New Zealand, January 202).

- vii. The applicant is required to submit an Application form to Main Roads Western Australia to undertake works within the Curtin Avenue or Port Beach Road reserves prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- viii. This property is affected by land reserved under Planning Control Area 158 as shown on WAPC Plan No.1.7977 and will be required for road purposes at some time in the future.
- ix. The upgrading/ widening of Curtin Avenue and Port Beach Road are not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.

- x. The Public Transport Authority of Western Australia (PTA) advises that, as the proposed works are within 50 metres of the PTA's Rail Reserve (or the PTA Protect Zone), the owner must seek PTA's approval for working in close proximity to the operating railway prior to conducting the proposed demolition works.
- xi. The Public Transport Authority (PTA) advises that the applicant/owner should submit the following documents to PTAThirdPartyAccess@pta.wa.gov.au at least six weeks prior to the commencement of works:
 - a. A completed checklist as located within Appendix 2 of the PTA Procedure 8103-400-004 'Working in and around the PTA Rail Corridor, Assets and Infrastructure' and all required documents listed within the Checklist.
 - b. A Work Method Statement
 - c. Details of plant and equipment that will be used, including cranes, and their location within the worksite.

All PTA specifications and procedures can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>

PART B:

That officers provide a further report and recommendation to Council regarding the heritage significance of the Massey Harris Buildings, J Gadsden Buildings and former Vaughan Street elevations and streetscape as part of the next available Heritage List Yearly Update.

PROCEDURAL MOTION

At 7.20pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Cr Andrew Sullivan

Seconded: Cr Frank Mofflin

Refer the application to the next available Planning Committee meeting to allow Council to review the additional information provided by the applicant in relation to the heritage significance of the buildings on site.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**PC2202-12 LOCAL HERITAGE SURVEY AND HERITAGE LIST –
ANNUAL UPDATE 2021 – OUTCOMES OF CONSULTATION**

Meeting Date: 2 February 2022
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Attachments: Schedule of Submissions
Additional Information: Heritage Assessments

SUMMARY

The purpose of this report is to consider the outcomes of consultation on minor changes to the Local Heritage Survey and Heritage List as part of the periodic update of the Local Heritage Survey (LHS) required under the *Heritage Act 2018* and Council's Local Planning Policy 2.6.

The report recommends a number of changes to the Local Heritage Survey and Heritage List.

BACKGROUND

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

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

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

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

On 15 September 2021, Council considered a report on the 2021 yearly update and resolved to:

Invite comment from affected landowners on the following proposed modifications to the Local Heritage Survey (LHS) and Heritage List:

Place	Local Heritage Survey	Heritage List	Reason
Houses, 286, 288, 315, 319, 321, 323, 325 & 327 High Street, Fremantle.	Change to "Historic Record Only".	Remove	These places were demolished as part of the High Street upgrade
House / Limestone Feature, 112A and B South Street, Fremantle	Change to "Historic Record Only".	Remove	House and Limestone feature have been demolished
House, 2 Ada Street, South Fremantle	Change to "Historic Record Only".	Remove	House has been demolished
House, 27 Chamberlain St O'Connor	Add as "Level 3"	Add to Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.
House, 19 Little Howard	Add as "Historic Record Only".	Do not add to Heritage List	Heritage Assessment has confirmed that the place has been substantially modified in the Post War era, has little cultural heritage significance within the context of Fremantle and it is not worthy of conservation.
Shop & Attached House, 84 Hampton Road	Add as "Level 3"	Add to Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.
Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle	Add as "Level 2"	Add to Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation
House, 25 Samson Street	Add as "Level 3"	Add to Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.
Shop & Attached House, 31 Samson Street	Add as "Level 3"	Add to Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.
Commercial Building 116 Wray Avenue	Change from "Limestone Feature" to "Level 3"	Change from Limestone Feature to Commercial Building on Heritage List	Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.

In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be adopted, documented and communicated to the Heritage Council of Western Australia, and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council.

The purpose of this report is to consider the outcomes of consultation with affected landowners on the proposed updates.

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

OFFICER COMMENT

Consultation with affected landowners and tenants was undertaken between 3 November and 26 November 2021 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At the completion of consultation, 2 submissions had been received, as outlined in Attachment 1. In summary, these are:

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

Officers have considered each submission and reconsidered each property's significance in relation to the Burra Charter criteria (as per local planning policies 1.6 and 2.6) but remain of the view that both properties meet the thresholds for listing and are worthy of protection. No change to the recommendation is therefore proposed.

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

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

CONSULTATION

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Mayor Hannah Fitzhardinge

Council

1. Note the submissions received in relation to the 2021 Local Heritage Survey and Heritage List Yearly Update as outlined in Attachment 1.
2. Modify the Local Heritage Survey and Heritage List as follows:

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>Shop & Attached House, 84 Hampton Road</i>	<i>Add as "Level 3"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.</i>
<i>Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle</i>	<i>Add as "Level 2"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation</i>

3. Note that changes to the listing of places where no objection was received will proceed without further reference to Council in accordance with Council's previous resolution.

AMENDMENT

Moved: Cr Geoff Graham

Seconded: Cr Andrew Sullivan

Amend the officer's recommendation to insert a new part 3 to read as follows:

Defer consideration of the Hi Fidelity Recording Studio (Fmr.) 63 Thompson Road North Fremantle to the April round of Council meetings to allow the landowner additional time to obtain advice and provide comment.

and re-number the original part 3 as 4 accordingly.

Amendment carried: 7/0

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

COUNCIL DECISION ITEM PC2202-12
(Committee recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

- 1. Note the submissions received in relation to the 2021 Local Heritage Survey and Heritage List Yearly Update as outlined in Attachment 1.**
- 2. Modify the Local Heritage Survey and Heritage List as follows:**

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>Shop & Attached House, 84 Hampton Road</i>	<i>Add as "Level 3"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation.</i>

- 3. Defer consideration of the Hi Fidelity Recording Studio (Fmr.) 63 Thompson Road North Fremantle to the April round of Council meetings to allow the landowner additional time to obtain advice and provide comment.**
- 4. Note that changes to the listing of places where no objection was received will proceed without further reference to Council in accordance with Council's previous resolution.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

PC2202-13 PLANNING FOR TOURISM CONSULTATION SUBMISSION

Meeting Date	2 February 2022
Responsible Officer:	Director Planning & Strategic Projects
Decision Making Authority:	Council
Attachments:	Nil
Additional information:	1. WAPC draft Position Statement: Planning for Tourism 2. WAPC draft Planning for Tourism Guidelines 3. Previous item FPOL1901-3

SUMMARY

In December 2021 the State Government released for public comment a draft Position Statement and draft Guidelines on Planning for Tourism. Concurrently, the Government also announced that the Department of Local Government, Sport and Cultural Industries is investigating the implementation of a State-wide registration system for short-term rental accommodation, and comment on this proposal is also invited.

These proposals are part of the Western Australian Government's response to the recommendations of a Parliamentary inquiry into matters relating to the regulation of short-stay accommodation in WA conducted in 2019. The Council approved a submission by the City of Fremantle on the matters covered by the inquiry in January 2019, and City officers subsequently attended inquiry hearings.

Given the significant role played by short-stay accommodation in supporting Fremantle's visitor economy, it is recommended that the City makes a submission on the draft policy documents. This report sets out the content of a recommended submission for Council's consideration and approval.

BACKGROUND

In 2019 the Economics and Industry Standing Committee of the Legislative Assembly of the Parliament of Western Australia conducted an inquiry into matters relating to the regulation of short-stay accommodation in WA, with particular reference to:

1. The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities.
2. The changing market and social dynamics in the short-stay accommodation sector.
3. Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms.
4. Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.

The Council approved a submission by the City on the matters covered by the inquiry on 30 January 2019 (refer to previous item FPOL1901-3) and City officers subsequently attended the inquiry hearings conducted by the Standing Committee.

The Committee's report was tabled in Parliament on 26 September 2019. The report made 10 recommendations, the most significant being:

- The Minister for Planning and Western Australian Planning Commission (WAPC) should update model local planning scheme land use definitions relating to different types of short-term rental accommodation, and update planning guidance to greater assist local governments in appropriately regulating short-term rentals.
- Relevant Ministers should establish an interdepartmental working group to coordinate whole-of-government policy responses to short stay accommodation.
- The working group should establish baseline requirements for a state-wide registration scheme for both hosted and unhosted short stay accommodation, including regulatory arrangements for such a scheme including information disclosure requirements for online booking platform operators and compliance and enforcement mechanisms.

The State Government published its response to the inquiry in February 2020 and adopted nearly all the Committee's recommendations, including the key ones outlined above. The recently published draft Planning for Tourism Guidelines and Position Statement, and invitation to comment on a state-wide registration scheme (via an online survey) are part of the Government's enactment of its response.

FINANCIAL IMPLICATIONS

None at this stage. Depending on the final form of a state-wide registration scheme there might be resource implications if local governments are required to perform a role in the administration and/or enforcement of registration requirements under State regulations, but this is unknown at the present time.

LEGAL IMPLICATIONS

None at this stage. Depending on the final form of a state-wide registration scheme there might be implications if local governments are required to perform a role in the administration and/or enforcement of registration requirements under State regulations, but this is unknown at the present time.

CONSULTATION

The purpose of the report is to recommend a submission by the City in response to consultation being undertaken by the State Government.

OFFICER COMMENT

Given the significant role played by short-stay accommodation in supporting Fremantle's visitor economy, and the proactive approach taken by the City since 2008 in managing certain forms of accommodation through the City of Fremantle Short Stay Accommodation Local Law, it is considered that the City should make a submission on the draft documents.

Proposed state-wide registration scheme for providers of short-term rental accommodation

Summary of proposals:

Few written details of the registration scheme being investigated by the Department of Local Government, Sport and Cultural Industries (DLGSC) have been released. It has been indicated that the scheme would require providers of short-term rental accommodation to register their property in order to operate and advertise, including advertising and taking bookings via online booking platforms such as Airbnb. Registered operators would receive a unique registration number which would have to be included in advertising of the rental, including on online platforms. DLGSC has stated it is in discussions with online platforms to seek their support to only permit advertising of properties which provide a registration number, in the event of a registration scheme coming into operation.

It is likely that regulations under State legislation would be required to give mandatory force to a state-wide registration scheme.

Recommended comments for submission by City of Fremantle:

The City of Fremantle's Short Stay Accommodation Local Law which has operated since early 2009 requires the proprietor of a dwelling intended to be used as short-stay accommodation to register the dwelling with the City, and not to use the property for such purposes without a certificate of registration issued by the City. Registration also requires the operator to adhere to some basic conditions of responsible management.

Since the local law took effect in March 2009, the City has found it to be a generally effective mechanism to regulate the use of dwellings for short-stay accommodation purposes. Since the local law came into effect, the City has averaged less than 5 complaints per year regarding the operation of registered or alleged unregistered short-stay dwellings. In August 2017 the City conducted a cross-check of properties registered for short-stay use against properties within the City of Fremantle being advertised for rental as short-stay accommodation on online booking platforms. This did not reveal any significant disparity between the number of properties advertised for rent on platforms such as Airbnb and the number of properties registered under the City's local law. The City considers this information indicates a high level of voluntary compliance.

Based on this experience, in its submission to the 2019 Parliamentary inquiry the City expressed general support for the principle of a uniform state-wide registration system. Officers consider that the City should continue to support the introduction of such a system in its response to the current consultation. It is also recommended that the following more specific comments be made:

- A registration scheme should cover both hosted (where the property owner/proprietor resides in the property) and unhosted (where the owner/proprietor lives elsewhere) short-term accommodation.
- The proposed requirement for a unique registration number to be displayed in any advertising of a property for short-term rental is strongly supported.
- The State Government is encouraged to secure cooperation from the major online booking platforms in the implementation of a registration system, and specifically

agreement that platforms will not permit advertising of a property without that property's registration number being provided for display in the advert.

- Registered properties should be listed in a whole-of state register, which should be accessible to local governments to assist them in monitoring short stay accommodation in their municipality and ensuring compliance with planning and other regulatory requirements.
- Information to be provided by accommodation operators as part of the registration scheme should include the name and 24/7 contact details for a designated accommodation manager. This information should be available to local governments as part of their access to the register. A similar provision in the City of Fremantle Short Stay Accommodation Local Law has proved effective in responding to complaints about property management and inappropriate guest behaviour and should be replicated in a state-wide registration scheme.
- Consideration should also be given to providing a public version of the register, perhaps with certain information withheld to protect privacy rights of registered accommodation operators. This could provide greater transparency and certainty to local communities about short term accommodation operating in their local area.
- Any split of responsibilities between state and local government for administering and enforcing compliance with the registration scheme needs careful consideration. Any proposal to make local governments responsible for monitoring registration compliance needs to take account of potential resourcing implications, with opportunities to offset additional workload through a cost recovery fee system for registration application being explored.
- Notwithstanding the state-wide registration scheme local governments should be able to maintain the ability to require the provision of additional information and/or apply additional operating requirements over short-term rental accommodation operating within their jurisdiction, e.g. the requirements of the City of Fremantle's Short Stay Accommodation Local Law 2008 relating to minimum duration of stay and responsible management.

Draft Position Statement: Planning for Tourism

Summary of proposals:

The Position Statement is intended to provide guidance on the appropriate location and management of all types of tourism land uses through the planning framework. It recognises the contribution made by tourism to the State's economy, but also the need to balance tourism development with protection of amenity and environmental and landscape values, and to manage potential land use conflicts.

The first part of the Position Statement sets out broad policy objectives and measures to be addressed in strategic and statutory planning decision-making, and includes a statement that local governments are best placed to plan for tourism within their communities. The policy objectives include:

- Adopting a strategic approach to tourism land use development and management by ensuring decision-making is guided by a local planning strategy which reflects the demand for local and regional tourism.
- Identify opportunities and protect precincts/sites where demand for future tourism use has been identified.
- Plan appropriate infrastructure and services to support tourism development.

- Recognise that the commercial sustainability of tourism may require flexibility in product mix and site design. Promote co-location of complementary and compatible tourism land uses to create identifiable tourism precincts.
- Ensure land use impacts between tourism activities and other land uses (including residential areas) are appropriately managed.

The second part of the Position Statement addresses specific issues relating to short-term rental accommodation. The Position Statement uses this term as the collective name given to single dwellings, units (grouped dwellings) or apartments (multiple dwellings) usually built for residential purposes which are offered for short-term letting. The Position Statement distinguishes between short-term rentals which are hosted (where a permanent resident is present) or unhosted (where guests have exclusive use of an entire house, unit or apartment). The Position Statement proposes that the Planning (Local Planning Schemes) Regulations should be amended to include the following new or revised land use definitions in the Model Provisions for planning schemes:

Proposed land use term	Proposed meaning	Dwelling type under the R-Codes
Hosted accommodation (Note: new definition)	<i>means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.</i>	Single house, ancillary dwelling, grouped dwelling or multiple dwelling. Note: The WAPC considers the use of an ancillary dwelling for short-term accommodation (where the host resides in the main dwelling and the guest stays in the ancillary dwelling – or vice versa) is a hosted form of short-term rental accommodation.
Holiday house (Note: amended definition)	<i>means a single dwelling used to provide short-term accommodation</i>	Single house
Holiday unit (Note: new definition)	<i>means a grouped dwelling used to provide short-term accommodation</i>	Grouped dwelling
Holiday apartment (Note: new definition)	<i>means a multiple dwelling used to provide short-term accommodation</i>	Multiple dwelling

Land use term	Proposed meaning
Tourist development (Note: amended definition)	<i>means a building, or a group of buildings forming a complex, other than a caravan park, used to provide –</i> (a) <i>short-term accommodation for guests; and</i> (b) <i>onsite facilities for the use of guests; and</i> (c) <i>facilities for the management of the development</i>
Serviced apartment (Note: amended definition)	<i>means a group of units or apartments providing –</i> (a) <i>self-contained short-term accommodation for guests; and</i> (b) <i>any associated reception or recreational facilities</i>
Note: It is intended to delete the land use term 'bed and breakfast' from Schedule 1 (Model Provisions) of the LPS Regulations.	
Note: It is intended to delete the land use term 'holiday accommodation' from Schedule 1 (Model Provisions) of the LPS Regulations.	

General term	Proposed meaning
Short-term accommodation (Note: amended definition)	<i>means temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period.</i>

The Position Statement notes that the WAPC is considering recommending to the Government that the following forms of accommodation be made exempt from requiring development approval through an amendment to the Local Planning Schemes Regulations (presumably by adding them to the list of uses exempted from requiring approval under clause 61(2) of the Deemed Provisions). These exemptions would automatically apply under the planning schemes of all local governments in WA.

- **Hosted accommodation** in a single house (or ancillary dwelling), grouped, or multiple dwelling which does not exceed a maximum of four adult persons (or one family) and a maximum of two guest bedrooms. This definition would encompass traditional 'bed and breakfast' style accommodation as well as more contemporary Airbnb-style accommodation offerings.
- **Unhosted accommodation** in a single house, grouped or multiple dwelling where it is let for no more than 60 days per calendar year.

These provisions would not prevent a local government from providing a greater level of exemption from development approval through its local planning scheme or a local planning policy if it considered it appropriate to do so, but a local government could not remove or amend exemptions provided through the Deemed Provisions.

Recommended comments for submission by City of Fremantle:

- The City supports the broad policy objectives set out in the first part of the draft Position Statement. The document states that '*Local Governments are best placed to plan for tourism within their communities, with local knowledge of tourism activities, opportunities, constraints, including potential impacts and what requirements, if any, should be placed on tourism proposals*'. The general and more specific policy measures in the document align with this intent and are supported.
- The City supports the updated model provisions for tourism-related land use definitions for inclusion in Schedule 1 to the *Planning and Development (Local Planning Schemes) Regulations 2015*. This will provide consistent categories for the zoning of land, and definitions of land uses, to be applied in individual local planning schemes across WA. The proposed land use terms and definitions more accurately reflect contemporary forms of short-term accommodation.
- The City supports the proposal to exempt hosted accommodation from the requirement to obtain development approval on the basis that the operation of this type of accommodation is likely to have low impacts on local amenity, and is incidental to the permanent residential use of the dwelling. The City recognises that making this exemption subject to a cap of a maximum of four adult guests/one family and a maximum of two bedrooms being used may be an appropriate 'default setting' to use in all local government areas applied through the Deemed Provisions in the Local Planning Schemes Regulations. However, the City of Fremantle already permits accommodation of this type to be occupied by a maximum of six persons where two or more bedrooms are occupied by guests without development approval being required under the exemptions in its Local Planning Policy 1.7. The City's experience since the adoption of this exemption and the associated Short Stay Accommodation Local Law in 2009 has suggested that this level of exemption has not been problematic in Fremantle. It is suggested the final version of the Position Statement should acknowledge that local

governments may consider providing exemptions from development approval for hosted accommodation at a scale larger than four adult guests/two bedrooms through provisions in their local planning scheme/local planning policy if the local government considers this is appropriate in the context of local circumstances.

- The proposal to exempt unhosted short-term rental accommodation from requiring development approval where it is let for no more than 60 days per calendar year is not supported by any justification for this time limit in the draft Position Statement. A proposal of this nature was not contemplated or deemed necessary by the 2019 Parliamentary Inquiry. The 60-day time limit appears arbitrary and of questionable benefit to operators – the majority of unhosted accommodation is operated as commercial business enterprises and on the assumption that such accommodation would need to be let for considerably more than 60 days per year to be commercially viable owners would need to obtain planning approval anyway, and therefore it is hard to see how the exemption for up to 60 days would be of any real benefit. The practicality of monitoring and enforcing compliance with the 60-day limit would also be extremely problematic for local planning authorities as they would not have access to bookings data and therefore no real alternative to very resource-intensive on-site inspections. The City therefore suggests that this exemption proposal should be abandoned, and it should be left to individual local governments to determine what level of permissibility to apply to the three unhosted accommodation land uses (holiday house, holiday unit and holiday apartment) through their local planning schemes – permitted without development approval, discretionary (permitted with approval) or not permitted – in each of the zones in their scheme area. This would allow for greater differentiation to take account of local factors such as existing land use patterns, the significance of tourism accommodation to the local economy and the extent to which use of residential properties for short-term rental puts pressure on the supply and cost of housing stock for long-term occupation.

Draft Planning for Tourism Guidelines

Summary of proposals:

The draft Guidelines supplement the Position Statement and provide more detailed guidance on the following matters:

- Local planning strategy considerations, and how the local tourism profile should inform tourism-related content in local planning strategies and schemes.
- General statutory planning considerations including how tourism development can be appropriately managed through zoning provisions in local planning schemes.
- Advice on specific types of tourism activities and development such as rural tourism and eco-tourism.
- Advice on different types of tourism accommodation, and an explanation of which forms of accommodation the proposals in the Position Statement are intended to apply to, or not apply to. The provisions of the Guidelines and Position Statement do not apply to house swapping/housesitting arrangements or personal use of a holiday home by its owner or family. They also do not apply to accommodation controlled under other legislation, such as lodging houses required to be registered with the local government under the Health Act 1911 (which includes backpacker hostels) or temporary workforce accommodation such as transportable buildings on mine sites or for seasonal agricultural workers. The Guidelines also differentiate between what it terms ‘traditional’ tourist

accommodation (e.g. hotels, purpose-built tourist serviced apartments, caravan and chalet parks) and short-term rental accommodation (i.e. the hosted and unhosted use of dwellings addressed in the Position Statement).

- **Local Laws.** The Guidelines acknowledge that some local governments (including the City of Fremantle) already have local laws requiring operators of short-term rental accommodation to register with/obtain a licence from the local government. The Guidelines state that how such existing local government requirements will interact with or be superseded by the proposed state-wide registration system is still under consideration. The Guidelines do acknowledge however that a local law might require an operator of short-term accommodation to meet certain local requirements in order to register through the State's mandatory registration scheme (e.g. parking requirements, maximum number of guests).
- **Short-term rental accommodation in residential strata developments.** The Guidelines acknowledge that strata titled complexes may be more susceptible to negative impacts of short-term accommodation use due to the proximity of neighbours, a high proportion of units being used for unhosted accommodation and reliance on shared or communal facilities. The Guidelines note that current strata titles legislation does not include model by-laws which specifically prohibit or restrict use of individual properties within the strata scheme for short-term accommodation. However, strata companies can formulate their own by-laws to control the use of individual properties for this purpose, or to prohibit such use. The Guidelines do not propose any change to the current situation whereby a planning or other legislative approval does not override the need to obtain the approval of the strata company (where required) for a particular use of a property within the strata scheme. The onus is on a property owner wishing to use a strata-titled property for short-term rental purposes to confirm the permissibility of the use under the relevant strata by-laws.

Recommended comments for submission by City of Fremantle:

- The content of the draft Guidelines on local planning strategy, scheme and general statutory planning considerations provides greater detail on the policy objectives and approaches to tourism development set out in the Position Statement. These objectives are supported. The City particularly welcomes the inclusion of the statement in section 1.7 of the Guidelines recognising how tourism-related uses can play a key role in the conservation and adaptive reuse of heritage buildings, and how heritage tourism can contribute to urban rejuvenation and provide economic benefits, given the relevance of these issues in Fremantle.
- The City supports the inclusion in the Guidelines of advice on which forms of accommodation the proposals in the Position Statement are intended to apply to, or not apply to. This should help ensure consistency of approach in assessment of relevant types of development and land use state-wide.
- The Guidelines include a statement that local governments may require applicants to prepare management plans to cover the operation of short-term rental accommodation. The Guidelines outline matters that might be contained within management plans but do not indicate what mechanism might be used to secure the provision of management plans, or how compliance with them might be monitored. A number of the issues which the Guidelines suggest management plans should address, e.g. arrangements for an accommodation manager to be contactable 24 hours per day to deal with complaints, guest check-in arrangements, health and safety protocols, are not matters that could be managed

through the development approval process (and in any event under the Government's proposals some forms of accommodation would be exempt from requiring planning approval). The City recommends that further consideration should be given to whether some of these requirements should be standard conditions of registration under the state-wide registration scheme to ensure a consistent approach to the provision and content of management plans.

- The City requests that in further considering how local laws governing short-term accommodation will interact with or be superseded by the proposed state-wide registration system the Department of Local Government, Sport and Cultural Industries should engage with local governments who already have experience in the operation of such local laws. The City of Fremantle has over ten years' experience in the operation of a local law dealing with this issue and would be pleased to be involved/offer input based on its experience to assist DLGSC in further considering this aspect of the proposals.
- The City supports the proposed guidance relating to the operation of short-term accommodation in properties forming part of strata title schemes. The City considers it is appropriate for any strata by-law requirements relating to the use of properties for short-term accommodation to be kept as a separate matter for strata companies and individual owners within strata schemes to deal with, and these requirements should continue to comply in addition to compliance with any planning or other legislative requirements governing the operation of short-term accommodation.

Conclusion

It is recommended that a submission be made by the City on the three elements of the Government's draft proposals, based on the contents of the Officer Comment section above. It is also recommended that a copy of the City's submission be referred to the WA Local Government Association (WALGA) for consideration in the formulation of WALGA's own submission.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM PC2202-12
(Committee recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

Council:

- 1. Endorse the submission by the Chief Executive Officer of comments by the City of Fremantle on the draft Position Statement and Guidelines on Planning for Tourism and proposed implementation of a State-wide registration system for short-term rental accommodation, based on the contents of the report on the matter included in the agenda of the Planning Committee meeting held on 2 February 2022.**
- 2. Refer a copy of the City's submission to the WA Local Government Association (WALGA) for consideration in the formulation of WALGA's own submission on the draft documents referred to in (1) above.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

11.2 Finance, Policy, Operations and Legislation Committee 9 February 2022

FPOL2202-9 NORTH FREMANTLE BOWLING CLUB – EXPRESSION OF INTEREST CRITERIA

Meeting date: 9 February 2022
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

At the Finance, Policy, Operations and Legislation Committee Meeting held on Wednesday 10 November 2021, Council endorsed the following:

- 1. Receive the petition relation to the North Fremantle Bowling Club*
- 2. Request the CEO form a reference group to develop criteria for an EOI for a licence or lease, as appropriate, for the medium-term use of the North Fremantle Bowling Club site that includes:*
 - a. Tenancy arrangements*
 - b. Anticipated community use of the site*
- 3. Request a report be brought back to Council on the criteria for an EOI for the January Council meeting.*
- 4. Officers prepare and cost a maintenance plan for the site for Council's consideration as a separate report*

This report outlines the key criteria developed by the CEO reference group for an expression of interest for a license or lease, as appropriate, for the medium-term use of the existing North Fremantle Bowling Club site. It includes the main objective and expected outcome for the North Fremantle and wider community. The running cost and maintenance plan for the site currently being prepared will be submitted to Council as a separate report as per the point 4 of endorsed actions (above).

This report recommends that Council endorse the criteria for the delivery of an expression of interest process that will seek to identify potential future uses for the existing North Fremantle Bowling Club.

BACKGROUND

The traditional way local government has catered for community facilities is with single use and stand-alone facilities. While many of these facilities still exist and are used, there has been a major shift to multi-purpose facilities, which can improve the use and sustainability of community facilities significantly. This trend will continue with an increasing focus on improving the capacity of single use facilities to cater for multiple users.

Current arrangements

The North Fremantle Bowling Club facility is leased to a community group who operates the venue as a social bowling club.

The lessee currently has access to the premises under a lease arrangement, which has expired and has been operated in a holding over arrangement since 2012. Termination of the lease would be subject to providing 30 days written notice.

The City has been made aware that there have been various concerns raised by members of the community regarding membership and accessing the facility to enable wider community benefit and use.

To enable fuller consideration of the issues and support a more comprehensive recommendation a reference group was established by the Chief Executive Officer in accordance with Council's Internal Groups policy in December 2021. The reference group was tasked to consider criteria for an expression of interest for the medium-term use of the existing North Fremantle Bowling Club including tenancy arrangements and anticipated community use of the site.

It is intended that a medium-term lease would be based on a five plus five-year agreement with the preferred community group.

The EOI process will look at potential future usage of the site, including participation trends and industry standards. The current indication is that bowls alone for this site is potentially unviable in the longer term for reasons such as oversupply of bowls facilities across the City and declining membership of bowls across WA.

Residents within the City of Fremantle are well catered for in terms of bowls club options. There are a number of clubs within other Local Government Authorities that also service the City of Fremantle residents, these include East Fremantle, Mosman Park, Kardinya and Spearwood.

FINANCIAL IMPLICATIONS

The City currently receives \$1 per year income from a peppercorn lease, with outgoings paid by the lessee.

It is intended the building will be leased out as-is, in current building condition.

A further report will be presented by the Infrastructure team on building and grounds maintenance costs, along with any building compliance requirements.

LEGAL IMPLICATIONS

The lessee currently has access to the premises under a lease agreement, which has expired and has been operated in a holding over arrangement since 2012. The agreement can be terminated by giving a minimum of 30 days-notice.

The liquor licence is a club licence, it cannot be transferred to another entity. The licence would be cancelled if the bowling club lease is terminated.

CONSULTATION

Council staff have been liaising with the current lessee of the North Fremantle Bowling Club to keep them up to date and will continue to liaise through the projected timeframe as outlined below:

PROJECTED TIMELINES	
9 February 2022	Council to endorse criteria
End February 2022	Forecast draft expression of interest
March 2022	Release of expression of interest to market for 6 to 8 weeks
End April 2022	EOI Closes
May 2022	Assessment process
July 2022	Potential appointment with terms of lease potentially going to Council for endorsement

The Expression of interest timeframe of 6-8 weeks will allow bidders to seek funding and attract community collaboration opportunities as part of developing submissions.

A clear statement that Elected Members are not to be canvassed during the procurement process is to be included in the expression of interest.

OFFICER COMMENT

The Chief Executive Officer established the North Fremantle Bowling Club reference group to develop criteria for the delivery of an expression of interest process for a licence or lease, as appropriate, for the future medium-term use of the existing North Fremantle Bowling Club that includes, consideration of the following:

- a. Tenancy arrangements
- b. Anticipated community use of the site.

Reference group members attended two meetings on the 15th and 21st December 2021, with the objective to ensure the equitable and appropriate allocation of tenant and usage, whilst optimising maximum community benefit of the existing North Fremantle Bowling Club. The outcome of the EOI process is to activate and enhance the physical activity, social interaction, and cultural development in the North Fremantle wider community.

The reference group developed the following criteria:

- a. The ability to demonstrate an ongoing utilisation of the facility that is equal to or greater than 60% per half day
- b. The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated
- c. The use is complementary to surrounding sites such as the Community Hall, Community Farm and Playground, and impact to surrounding residents is minimal
- d. The financial and operational sustainability of the use can be clearly demonstrated through the provision of a business plan and other relevant financial documentation
- e. The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so
- f. The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies

The proposed criteria will work to achieve the objective of guaranteeing the equitable and appropriate allocation of tenant and usage, whilst maximizing community benefit of the North Fremantle Bowling Club.

The City recognises that community facilities can have a strong impact on residents' quality of life, and contribute to the quality of visitors' experience. Community facilities can facilitate and promote the adoption of sport and recreational activities, as well as consolidate social inclusion. They are pivotal in community wellbeing.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. Endorse the following criteria for the delivery of an expression of interest process that will seek to identify potential future uses for the North Fremantle Bowling Club:
 - a. The ability to demonstrate an ongoing utilisation of the facility that is equal to or greater than 60% per half day.
 - b. The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated
 - c. The use is complimentary to surrounding sites such as the Community Hall, Community Farm and Playground, and impact to surrounding residents is minimal
 - d. The financial and operational sustainability of the use can be clearly demonstrated through the provision of a business plan and other relevant financial documentation
 - e. The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so
 - f. The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies
2. Note that a further report will be presented on the current running costs and maintenance plan for the North Fremantle Bowling Club site.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Frank Mofflin

To remove the wording 'per half day' in 1a.

Amendment carried: 7/0

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

COMMITTEE RECOMMENDATION ITEM FPOL2022-9
(Officer's recommendation, as amended)

Moved: Cr Jenny Archibald

Seconded: Cr Doug Thompson

Council:

- 1. Endorse the following criteria for the delivery of an expression of interest process that will seek to identify potential future uses for the North Fremantle Bowling Club:**
 - a. The ability to demonstrate an ongoing utilisation of the facility that is equal to or greater than 60%.**
 - b. The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated**
 - c. The use is complimentary to surrounding sites such as the Community Hall, Community Farm and Playground, and impact to surrounding residents is minimal**
 - d. The financial and operational sustainability of the use can be clearly demonstrated through the provision of a business plan and other relevant financial documentation**
 - e. The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so**
 - f. The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies**
- 2. Note that a further report will be presented on the current running costs and maintenance plan for the North Fremantle Bowling Club site.**

Carried: 7/0

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

ADDITIONAL OFFICER COMMENT

Following discussion at the Finance Policy, Operations and Legislation Committee held on 9 February 2022, an additional point to the criteria, encouraging user group collaboration as part of any potential expression of interest.

AMENDED OFFICER'S RECOMMENDATION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

1. Endorse the following criteria for the delivery of an expression of interest process that will seek to identify potential future uses for the North Fremantle Bowling Club:
 - a. The ability to demonstrate ongoing utilisation of the facility that is equal to or greater than 60%.
 - b. The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated
 - c. The use is complimentary to surrounding sites such as the Community Hall, Community Farm and Playground, and impact to surrounding residents is minimal
 - d. The financial and operational sustainability of the use can be clearly demonstrated through the provision of a business plan and other relevant financial documentation
 - e. The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so
 - f. The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies
 - g. The proposal demonstrates opportunities for collaboration that will ensure the facility is a focal point for all sections of the community to come together and participate in a range of social and recreational opportunities in the one location.
3. Note that a further report will be presented on the current running costs and maintenance plan for the North Fremantle Bowling Club site.

AMENDMENT

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Amend point 1a to read as follows.

- a. The ability to demonstrate ongoing utilisation of the facility that is equal to or greater than 60% **of the time, within 12 months of operation.**

Amendment carried: 9/2

For

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Ben Lawver,
Cr Frank Mofflin, Cr Bryn Jones, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic, Cr Fedele Camarda

COUNCIL DECISION ITEM FPOL2202-9

(Amended officer recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:

- 1. Endorse the following criteria for the delivery of an expression of interest process that will seek to identify potential future uses for the North Fremantle Bowling Club:**
 - a. The ability to demonstrate ongoing utilisation of the facility that is equal to or greater than 60% *of the time, within 12 months of operation.***
 - b. The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated**
 - c. The use is complimentary to surrounding sites such as the Community Hall, Community Farm and Playground, and impact to surrounding residents is minimal**
 - d. The financial and operational sustainability of the use can be clearly demonstrated through the provision of a business plan and other relevant financial documentation**
 - e. The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so**
 - f. The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies**
 - g. The proposal demonstrates opportunities for collaboration that will ensure the facility is a focal point for all sections of the community to come together and participate in a range of social and recreational opportunities in the one location.***
- 2. Note that a further report will be presented on the current running costs and maintenance plan for the North Fremantle Bowling Club site.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “en bloc” as recommended.

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Bryn Jones

The following items be adopted en bloc as recommended:

FPOL2202-7	ORGANISATIONAL COUNCIL POLICY REVIEW – FIELD SERVICES AND ASSET MANAGEMENT
ARMC2202-1	AUDIT AND RISK MANAGEMENT COMMITTEE – INDEPENDENT MEMBERS
ARMC2202-5	PURCHASING POLICY EXEMPTIONS DECEMBER 2021
ARMC2202-7	TENDERS AWARDED UNDER DELEGATION DECEMBER 2021
C2202-3	STATEMENT OF INVESTMENTS – JANUARY 2022
C2202-4	SCHEDULE OF PAYMENTS JANUARY 2022

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**FPOL2202-7 ORGANISATIONAL COUNCIL POLICY REVIEW – FIELD SERVICES
AND ASSET MANAGEMENT**

Meeting date: 9 February 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Amended Policies
Additional information: Nil

SUMMARY

A key role of Council is to make policies to guide its decision making, as specified in clause 2.7 of the *Local Government Act 1995*. Council has 81 policies, a number of which have not been reviewed for some time. A staged review of all policies has commenced to ensure that these continue to represent the position of Council and to identify desirable and / or necessary updates. The purpose of this report is to consider policies relating to the Field Services and Asset Management business units, as part of this review.

This report recommends that Council adopt the recommendations listed in the table included in the 'officer comment' section of this report, noting that the following policies are recommended for deletion:

1. Breakout areas approval process for licensed premises under the Liquor Act
2. Greywater reuse systems

BACKGROUND

Policies are (in their ideal form) clear, simple statements of how an organisation plans to conduct its services, actions or business. In local government policies reflect the leadership and decision-making role of Council and are a way for Council to give expression to preferred solutions to problems or matters of concern. Policies are in turn a guide for officers and elected members when making decisions, although they are not procedural in nature. They are implemented by way of administration policies, procedures and processes.

This report is part of a program where a number of reports will be presented to Council over the next 12 months, to update the City's Policies. The purpose of this program is to simplify the City's policies and create stronger alignment across the City's Divisions.

Clause 2.7 of the *Local Government Act 1995* make provision for Council to adopt policies to guide its decision making. These exist in addition to strategies, action plans, budgets, operational policies and procedures, and instruments (including policies) adopted under the *Planning and Development Act 2005*.

Council has approximately 81 policies (not including those made under the Planning and Development Act), a number of which have not been reviewed for some time. As part of its general administration and in the interests of good governance, a staged review of policies has commenced to ensure that these continue to represent the position of Council and to identify any desirable / necessary updates.

The proposed approach is to undertake a preliminary review of policies by area to establish whether a policy is:

1. Current, requiring no amendments.
2. Largely current, requiring minor updates only.
3. Requiring minor updates and future review
4. Not current, recommended for deletion.
5. Requiring future review.

OFFICER COMMENT

A review of the 12 policies sitting under the Field Services and Asset Management Teams has been undertaken and recommendations are included below.

The regular review and update of Council Policy contributes to Council's objective to "*maintain high standards of corporate governance*" (Strategic Community Plan) and addresses the auditor recommendation to:

- "Introduce a periodic City-wide policy review to:
- minimise the risk of policies becoming outdated;
 - ensure consistency of formatting between policies; and
 - promote culture where employees bring all proposed policy amendments to the attention of council."

Policies considered to be current, no amendments recommended:	
1. Circuses on land owned or controlled by the City of Fremantle	Adopted: 26/04/2006 Last Reviewed: 28/09/2011
Council's position remains the same on performing animals in circuses.	Recommendation: Adopt as unchanged.
2. Dog exercise and prohibited areas	Adopted: 18/04/2018 Last Reviewed: 24/10/2018
This policy is still current.	Recommendation: Adopt as unchanged.
3. Alcohol Management	Adopted: 22/02/2017 Last Reviewed: -
This policy is still current.	Recommendation: Adopt as unchanged.

Policies that are largely current, recommended for minor amendment:	
1. Residential and multi-purpose parking permits	Adopted: 14/12/2005 Last Reviewed: 27/05/2015
This policy is still current. Minor amendments shown in the attachment are recommended to improve wording and update language.	Recommendation: Adopt policy with minor amendments.
2. Parking infringement appeals	Adopted: 23/11/2016 Last Reviewed: -
This policy is still largely current. Minor amendments are shown in attachment to provide clarity to residents and make easier for City staff to understand and apply.	Recommendation: Adopt policy with minor amendments.
3. Consumption of liquor without a meal in outdoor eating areas	Adopted: 25/03/2009 Last Reviewed: -
This policy is still largely current. Minor amendments, shown in the attachment, include updates to references and language.	Recommendation: Adopt policy with minor amendments.
4. Liquor licencing act provisions	Adopted: 24/08/2005 Last Reviewed: -
This policy is still largely current. Minor amendments, shown in the attachment, include updates to references and language.	Recommendation: Adopt policy with minor amendments.
5. Pyrotechnic management	Adopted: 28/02/2007 Last Reviewed: -
This policy is still largely current. Minor amendments, shown in the attachment, include updates to position titles, legislative references and language.	Recommendation: Adopt policy with minor amendments.
6. Risk management plan approval for licensed premises under the Liquor Act	Adopted: 26/04/2006 Last Reviewed: -
This policy is still largely current. Minor amendments, shown in the attachment, include updates to references and language.	Recommendation: Adopt policy with minor amendments.
7. Asset Management	Adopted: Last Reviewed: -
This policy is still largely current. Minor amendments are shown in the attachment.	Recommendation: Adopt policy with minor amendments.

Policies considered not current/obsolete, recommended for deletion:	
4. Breakout areas approval process for licensed premises under the Liquor Act	Adopted: 25/10/2006 Last Reviewed: -
Policy no longer required. The issue is considered to be adequately regulated under the Tobacco Control Act & Regulations.	Recommendation: Delete policy.
5. Greywater reuse systems	Adopted: 28/03/2007 Last Reviewed: -
This Policy is no longer required as it has not been used for some time.	Recommendation: Delete policy.

Copies of each policy in their current form are available on the City's website, and any proposed amendments to policies are shown in the above table and are shown in the attachment to this report with red and green text, indicating red for removal and green for inclusion.

All final policies will also be updated in line with current City templates and any spelling, formatting or grammatical inconsistencies will be corrected.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Clause 2.7 of the *Local Government Act 1995* make provision for Council to adopt policies to guide its decision making.

CONSULTATION

Consultation is not statutorily required or considered necessary for the minor amendments made during this part of the review.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

COUNCIL DECISION ITEM FPOL2202-7
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Council:

- 1. Approve the following policies to remain unchanged:**
 - a. Circuses on land owned or controlled by the City of Fremantle**
 - b. Dog exercise and prohibited areas**
 - c. Alcohol Management**
- 2. Adopt the minor amendments to the policies below (as shown in attachment 1):**
 - a. Residential and multi-purpose parking permits**
 - b. Parking infringement appeals**
 - c. Consumption of liquor without a meal in outdoor eating areas**
 - d. Liquor licencing act provisions**
 - e. Pyrotechnic management**
 - f. Risk management plan approval for licensed premises under the Liquor Act**
 - g. Asset Management**
- 3. Delete the following policies:**
 - a. Breakout areas approval process for licensed premises under the Liquor Act**
 - b. Greywater reuse systems**

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

11.3 Audit and Risk Management Committee 16 February 2022

ARMC2202-1 AUDIT AND RISK MANAGEMENT COMMITTEE – INDEPENDENT MEMBERS

Meeting date:	16 February 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	Candidate Details (Confidential attachment under separate cover)
Additional information:	Nil

SUMMARY

The purpose of this report is to consider the appointment of independent members to the Audit and Risk Management Committee.

This report recommends that Council appoint Mr Ben Arnold as an independent member of the Audit and Risk Management Committee. The City will also explore other options to seek candidates for consideration to appoint as a second independent member.

BACKGROUND

Following each ordinary election, Council appoints all members, including independent members, to the Audit and Risk Management Committee, in accordance with the Committee's Terms of Reference.

A report for this appointment was presented for consideration at the Ordinary Meeting of Council held on 24 November 2021, where Council resolved to:

- 1. Request that the Chief Executive Officer, Presiding Member and Deputy Presiding Member of the Audit and Risk Management Committee interview a selected shortlist of applicants and provide a recommendation to Council for consideration before the February meeting of the Committee.*
- 2. Approve an amendment to the committee's terms of reference, membership clause, to include reference to two independent members.*

The Chief Executive Officer, Presiding Member and Deputy Presiding Member of the Audit and Risk Management Committee selected a shortlist of applicants for interview and conducted those interviews in December 2021. Following the interview process the interview 'panel', made up of the Chief Executive Officer, Mayor and Deputy Presiding Member recommended one candidate for appointment.

FINANCIAL IMPLICATIONS

The independent member of the Audit and Risk Management Committee may be reimbursed a maximum of \$250 per meeting in accordance with the Terms of Reference for that Committee.

Financial implications of this report also include the costs associated with the advertising of expressions of interest for this position.

LEGAL IMPLICATIONS

Part 7 of the *Local Government Act 1995* requires that all local governments establish an audit committee.

CONSULTATION

The Chief Executive Officer, Mayor (in the Presiding Member's absence) and Deputy Presiding Member conducted interviews with the selected shortlist of applicants.

OFFICER COMMENT

The panel determined that Mr Ben Arnold was a suitable candidate for appointment as one of the Independent Members of the Audit and Risk Management Committee.

The panel also determined that the City would explore some further options to find a second independent member including the possibility that the City may approach suitably qualified candidates to gauge their interest in appointment to the Audit and Risk Management Committee.

The City intends to specifically target individuals with proven experience in governance, and or change management to add value and diversity to the knowledge base of the committee.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council appoint Mr Ben Arnold as an independent member of the Audit and Risk Management Committee.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Andrew Sullivan

To add a part 2 to the officer's recommendation, to read as follows.

Council:

- 1. Appoint Mr Ben Arnold as an independent member of the Audit and Risk Management Committee.**
- 2. Formally acknowledge Mr Phillip Draber's 9 years of service and contributions as the immediate previous independent member of the Audit and Risk Management Committee.**

Amendment carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

ADDITIONAL OFFICER COMMENT

This report incorrectly states that the Deputy Presiding Member of the Audit and Risk Management Committee attended the interviews for the independent member positions. The Deputy Presiding Member was scheduled to attend the interviews but was unexpectedly unavailable during the scheduled times.

COUNCIL DECISION ITEM ARMC2202-1
(Committee recommendation)

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council:

- 1. Appoint Mr Ben Arnold as an independent member of the Audit and Risk Management Committee.**
- 2. *Formally acknowledge Mr Phillip Draber's 9 years of service and contributions as the immediate previous independent member of the Audit and Risk Management Committee.***

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

ARMC2202-5 PURCHASING POLICY EXEMPTIONS DECEMBER 2021

Meeting date: 16 February 2022
Responsible officer: Director Infrastructure
Decision making authority: Council
Attachments: 1. Purchasing Policy Exemption Details November 2021 to December 2021
Additional information: Nil

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempt to the requirements of the purchasing policy, during the period November to December 2021.

This report recommends that Council receive the Purchasing Policy Exemptions report for November to December 2021.

BACKGROUND

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

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

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

November 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$11,500.00 for the month of November 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$11,500.00
Original Equipment Manufacturer (OEM) Exemption	\$0.00
Specialist Consultancy	\$0.00
Sole Source of Supply Exemption	fee for service
Total	\$11,500.00

Details regarding individual exemptions can be found in attachment 1.

December 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$195,345.00 for the month of December 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$20,345.00
Original Equipment Manufacturer (OEM) Exemption	\$150,000.00
Specialist Consultancy	\$25,000.00
Sole Source of Supply Exemption	\$0.00
Total	\$195,345.00

Details regarding individual exemptions can be found in attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2202-5 (Committee recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Council receive the information report on purchasing policy exemptions for November 2021 to December 2021.

Carried en bloc: 11/0
Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

ARMC2202-7 TENDERS AWARDED UNDER DELEGATION DECEMBER 2021

Meeting date: 16 February 2022
Responsible officer: Director Infrastructure
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and Committees during the period November 2021 to December 2021.

This report recommends that Council receive the report on tenders awarded under delegation between November 2021 and December 2021.

BACKGROUND

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

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

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

CONSULTATION

Nil.

OFFICER COMMENT

Below is a list of tenders awarded under delegation between November 2021 and December 2021.

November 2021

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
FCC567/21 - Cleaning of Walyalup Civic Centre, Library and Old Town Hall	FPOL	Briteshine Cleaning and Maintenance Services Pty Ltd	4 years	\$1,034,228
FCC568/21 - Cleaning Services Various City Facilities	Director	OCE Corporate	4 years	\$162,84
FCC572/21 - Plumbing Services	FPOL	Techworks Plumbing	4 years	\$1,065,208
FCC586/21 - Chemical Free Weed Control	FPOL	Greensteam Australia Pty Ltd	5 years	\$2,008,380
WFCC80/21 - Road Pavement Microsurfacing	FPOL	Colas	3 years	\$705,076

December 2021

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
FCC584/21 - HVAC Mechanical Services	CEO Delegation	Australian Hvac Services Pty Ltd	4 years	\$300,000
WFCC90/21 - After Hours Call Centre Management	Director	Royal lifesaving Society of Australia	3 years	\$93,780

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2202-7
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Council receive the report on tenders awarded under delegation between November 2021 and December 2021.

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

12. Reports and recommendations from officers

C2202-3 STATEMENT OF INVESTMENTS – JANUARY 2022

Meeting date: 23 February 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Investment Report – 31 January 2022
Additional information: Nil

SUMMARY

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

This report recommends that Council receive the Investment Report for the month ended 31 January 2022, as provided in Attachment 1.

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

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

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

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

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

FINANCIAL IMPLICATIONS

To date, actual investment interest earned is \$123,188 against a year-to-date budget of \$127,604 and a full year adopted budget of \$200,000.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.42% for the month of 31 January 2022. The City's actual portfolio return in the last 12 months is 0.34%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.03% (refer Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards which are overviewed by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 January 2022 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 31 January 2022

At period end, the City's investment portfolio totalled \$51.83m. The market value was \$51.90m, which takes into account accrued interest.

The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$09.33m
Term Deposits (> 3 months)	\$42.50m
TOTAL	\$51.83m

Of which:

Unrestricted cash	\$47.57m
Restricted cash (Reserve Funds)	\$ 4.26m
TOTAL	\$51.83m

The current amount of \$47.57m held as unrestricted cash represents 61.2% of the total adopted budget for operating revenue (\$77.76m)

2. Portfolio counterparty credit framework (as at 31 January 2022)

The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

Counterparty credit framework

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

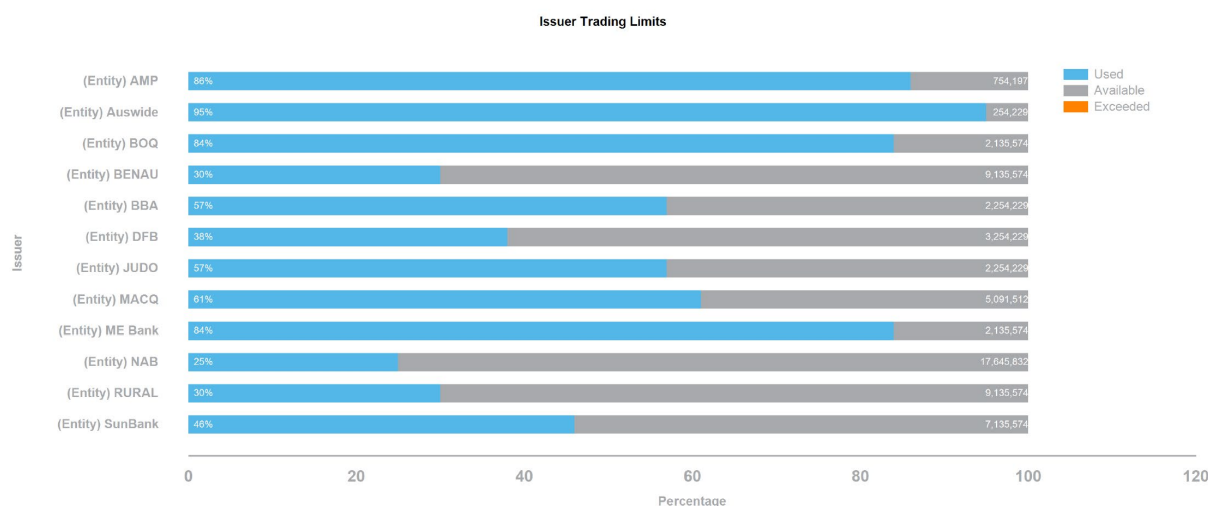
Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

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

Portfolio Credit Framework Limits As at 31 January 2022

Tier	Allocation	Allocation %	Maximum Allocation	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	5,290,095.04	10.21%	100.00%	10.21%	89.79%	0.00%
Tier 2	29,044,094.09	56.03%	60.00%	93.38%	6.62%	0.00%
Tier 3	17,500,000.00	33.76%	35.00%	96.46%	3.54%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	51,834,189.13					

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



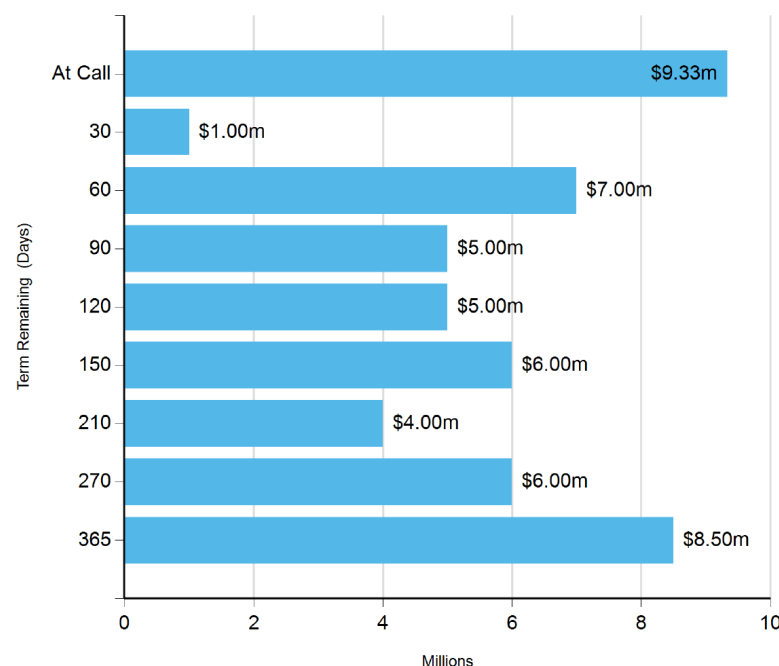
As reported in the above graphs at 31 January 2022, the portfolio was compliant with the issuer trading limit (Attachment 1).

3. Portfolio Liquidity Indicator (as at 31 January 2022)

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

Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

Face Value by Term Remaining



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

At the end of this month, \$23m (44.3%) of the portfolio was invested in "Green Investments"; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI's).

In order to address the City's ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in "Green Investments". However, it has been challenging for the City to invest in banks deemed "green" as these banks are full on liquidity and therefore are not issuing new term deposits.

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



Non Fossil Fuel Lending ADIs (44.4%)

Fossil Fuel Lending ADIs (55.6%)

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

During the month of January 2022, interest income earned from matured investments was \$7,479.45 (refer to Attachment 1 point 9).

6. Investing Activities (For 1 January 2022 to 31 January 2022)

During the month of January 2022, one (01) term deposit investments were renewed for a total of \$3.0m.

Full details of the institution invested in, interest rate, number of days and maturity date are provided in the attached report (Attachment 1).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2202-3
(Officer recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Council receive the Investment Report for the month ending 31 January 2022, as provided in Attachment 1.

Carried en bloc: 11/0
Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2202-4 SCHEDULE OF PAYMENTS JANUARY 2022

Meeting date: 23 February 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Schedule of payments and listing
 2. Purchase Card Transactions
Attachments viewed electronically
Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending January 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of January 2022, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,872,016.73 in payments were made this month from the City's municipal and trust fund accounts

LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction; and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*

- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending January 2022 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$ 4,271,438.54
Purchase card transactions	\$ 26,879.29
Salary / Wages / Superannuation	\$ 2,573,368.90
Other payments (as outlined in Attachment 1)	330.00
Total	\$ 6,872,016.73

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending January 2022.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2202-4 **(Officer recommendation)**

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$6,872,016.73 for the month ending January 2022, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending January 2022, as contained within Attachment 2.**

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

11.2 Finance, Policy, Operations and Legislation Committee 9 February 2022

FPOL2202-8 PROPOSED PUBLIC ROAD CLOSURE - BAYLY STREET NORTH FREMANTLE - AMALGAMATION WITH FREMANTLE PORTS PROPERTY

Meeting date:	9 February 2022
Responsible officer:	Manager Information Technology
Decision making authority:	Council
Attachments:	1. Bayly Street – Location Map 2. Fremantle Ports – road closure application form
Additional Information:	Nil

SUMMARY

The City of Fremantle ('City') has received an application from the Fremantle Ports (FP) to close and amalgamate the whole of Bayly Street, North Fremantle for amalgamation with No. 33 (Lot 10) Tydeman Road, North Fremantle in the ownership of the FP (Applicant).

The FP has purchased No. 28 (Lot 42) Bayly Street being the only other property affected by the proposed closure of Bayly Street road reserve. The FP has indicated that the proposed amalgamation of Bayly Street will include the amalgamation Lot 42 with No. 33 (Lot 10) Tydeman Road.

This report recommends that;

Council, in accordance with Sections 58 and 87 of the *Land Administration Act 1997*, advertise the proposed closure of Bayly Street, North Fremantle for the purpose of amalgamation with No. 33 Tydeman Road, North Fremantle subject to no objections being received.

BACKGROUND

The Fremantle Ports has recently purchased Lot 42 (No.28) Bayly Street, North Fremantle for amalgamation with the FP owned Lot 10 Tydeman Road. The acquisition of Lot 42 Bayly Street completes the ownership by the FP of all properties adjoining Bayly Street, North Fremantle.

The FP proposes to amalgamate both Lot 42 Bayly Street and the Bayly Street road reserve with the FP main Lot 10.

The Fremantle Ports have made the following comments as to purpose and future use of Bayly Street road reserve and adjoining land;

"Fremantle Ports acquired Lot 42 Bayly Street on 25 July 2021 by mutual agreement with the previous owner. The purchase was facilitated in order to amalgamate this parcel of land zoned "Port Installation" and currently land locked by Fremantle Ports owned land, with the larger footprint of land to enable a more favourable parcel configuration and allow for the best use of the land.

As part of optimising the area, Fremantle Ports are seeking to close the Bayly Street road reserve which served to provide a means of vehicle access to the above-mentioned residence.

Now that this access is no longer required by the previous home owner, Fremantle Ports wishes to close the road reserve, purchase the land, and facilitate optimal land configuration.

It is proposed that the road reserve will become part of the greater Fremantle Ports land holding with the intent to lease the consolidated area for port related use."

FINANCIAL IMPLICATIONS

There are no financial implications. Fremantle Ports has agreed to pay all costs associated with the proposed road closure and amalgamation.

LEGAL IMPLICATIONS

Section 58 and Section 87 of the *Land Administration Act 1997 (LAA)* apply in relation to the proposed closure and amalgamation described above.

All public road closures for the purpose of amalgamation with an adjoining property require a 35 day public comment period before being submitted to the Department of Planning, Lands and Heritage (DPLH), in accordance with Section 58 of the LAA.

CONSULTATION

In accordance with Section 58 of the *LAA*, the City will carry out public advertising for a period of not less than 35 days by:

- Advertising in the Fremantle Herald (NewsBites)
- Freo Weekly e-newsletter
- Public Comment invited on the City's "My Say Freo" webpage
- Writing to public utility service providers for comments

Subject to no objections received after 35 days, Council may make a final decision regarding the proposal.

The Applicant has conducted the initial "*Dial Before You Dig*" enquiry on 27/08/2021. The enquiry identified assets located within the vicinity of Bayly Street, North Fremantle with comments from the agencies tabled below.

Atco Gas	High pressure pipeline in the vicinity
Western Power	Overhead power lines located within Bayly Street.
NBN Services	Contains infrastructure within the subject roadway
Water Corporation	Subject area contains a critical pipeline
Telstra (WA)	Contains critical network route in plot area.
Western Power	Contains overhead power lines located

	within Bayly Street.
Fremantle Ports	Inner Harbour Electrical Service Sheet 37 drawing 006-700-37 shows low tension power cables.

OFFICER COMMENT

The proposed closure of Bayly Street, North Fremantle will assist the Fremantle Ports in the future use and consolidation of the land zoned as "Port Installation". The proposed amalgamation of Bayly Street and No. 42 Bayly Street into the FP main Lot 10 will eliminate the need for a public road and street addressing to continue at that location.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2202-8 (Officer recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Doug Thompson

Council

1. In accordance with Sections 58 and 87 of the *Land Administration Act 1997*, approves the advertising of the proposed whole road closure of Bayly Street, North Fremantle for the purpose of amalgamation with No.33 Tydeman Road as described on Certificate of Title Volume 2786 Folio 652 being Lot 10 on Deposited Plan 69297 and subject to no objections being received:
 - a. Supports the proposal, and applies to the Minister for Lands to close and amalgamate the whole of Bayly Street, described in part 1 above, and
 - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from that closure and amalgamation.

Carried: 7/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Fedele Camarda,
Cr Frank Mofflin, Cr Marija Vujcic

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Rachel Pemberton

Add new parts 2 and 3 to the Committee Recommendation to read as follows:

- 2. Note the information provided by Fremantle Port Authority to City officers stating that the Port Authority has started documentation of the history of the house at No. 28 Bayly Street and has no current plans to demolish the house, which was formerly the long-term residence of Ms Eileen Carmel Mullally. Council's support for the road closure is based on a strong preference for the Port Authority to retain the house in situ, in recognition of the heritage significance of the property which is already individually listed on the City's Heritage List and included within the Inner Harbour Heritage Area.**
- 3. Acknowledge the life of Eileen Carmel Mullally, who passed away on 11 February 2022 aged 89, and offer the City's condolences to her family.**

Amendment carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM FPOL2202-8

(Committee recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Bryn Jones

Council:

- 1. In accordance with Sections 58 and 87 of the *Land Administration Act 1997*, approves the advertising of the proposed whole road closure of Bayly Street, North Fremantle for the purpose of amalgamation with No.33 Tydemans Road as described on Certificate of Title Volume 2786 Folio 652 being Lot 10 on Deposited Plan 69297 and subject to no objections being received:
 - a. Supports the proposal, and applies to the Minister for Lands to close and amalgamate the whole of Bayly Street, described in part 1 above, and**
 - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from that closure and amalgamation.****
- 2. *Note the information provided by Fremantle Port Authority to City officers stating that the Port Authority has started documentation of the history of the house at No. 28 Bayly Street and has no current plans to demolish the house, which was formerly the long-term residence of Ms Eileen Carmel Mullally. Council's support for the road closure is based on a strong preference for the Port Authority to retain the house in situ, in recognition of the heritage significance of the property which is already individually listed on the City's Heritage List and included within the Inner Harbour Heritage Area.***
- 3. *Acknowledge the life of Eileen Carmel Mullally, who passed away on 11 February 2022 aged 89, and offer the City's condolences to her family.***

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

11.3 Audit and Risk Management Committee 16 February 2022

ARMC2202-2 ADOPTION OF THE 2021 COMPLIANCE AUDIT RETURN

Meeting date:	16 February 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. 2021 Compliance Audit Return
Additional information:	1. Quantum Assurance – Quality Assurance Review Report

SUMMARY

The 2021 Compliance Audit Return (CAR) has now been completed by an independent auditor and is presented to Council for adoption in accordance with the requirements set by the Department of Local Government, Sport and Cultural Industries.

It is recommended that Council adopt the 2021 Compliance Audit Return as shown in attachment 1 and note it will then be submitted to the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

In accordance with the *Local Government Act 1995* (the Act), each local government authority is required to carry out a compliance audit for the period 1 January to 31 December of each year as instructed by the Department of Local Government, Sport and Cultural Industries.

The City appointed Quantum Assurance as an independent auditor to undertake the 2021 CAR. An in-depth Quality Assurance Review Report has been provided by the auditor, and has been made available as additional information to this report for consideration.

The 2021 CAR contains 89 compulsory questions and 9 optional questions relating to the local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk".

Questions are generally asked in a positive phrase where a 'yes' response indicates compliance and a 'no' response indicates non-compliance. In some cases, an 'NA' response may be recorded which indicates that the question did not apply to the City during the return period.

Under section 14 (3A) of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Management Committee is required to review the compliance audit return and make recommendations to Council on any action required in response to the audit findings. The Council are required to adopt the CAR prior to it being submitted to the Minister for Local Government before the deadline of 31 March 2022.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

In accordance with Section 7.13(1)(i) of the *Local Government Act 1995* and Regulations 13, 14 and 15 of the *Local Government (Audit) Regulations 1996*, local governments are required to carry out an audit of compliance for the period 1 January to 31 December each year.

Following preparation of the return a local government is to:

- a. Review the audit report at its audit committee,
- b. Present the audit report to council,
- c. Adopt the audit report, and
- d. Record the audit report in the minutes of that meeting.

The return is to be signed by the Mayor and Chief Executive Officer before it is submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March following the period to which the return relates.

CONSULTATION

In order to provide an appropriate response to each question, the auditor consulted with all appropriate officers within the city, seeking information and evidence in relation to the questions asked in the return.

OFFICER COMMENT

The City's reviewer has examined documents and records relevant to the 98 questions contained in the CAR, in order to verify answers, and has recorded responses based on these examinations.

The City has achieved a 95% compliance rating for the period covered by the 2021 CAR. This compares with 100% compliance in 2020 and 99% in 2019. The reviewer identified five (5) non-compliances, which are outlined in the table below.

Reference	Question	Exception Notes
Disclosure of Interest	Question 5: Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	One annual return was received after the deadline. The DLGSC and Corruption and Crime Commission were notified as required.
Disclosure of Interest	Question 25: Did the CEO prepare, and implement and publish an up-to date version on the local government's website, a code of conduct to be observed by employees of the local government?	The new employee code of conduct is in the process of being finalised and is not yet available on the City's website.
Finance	Question 3: Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	The Office of the Auditor General (OAG) is yet to conclude the audit and has provided advice that this is due to OAG resourcing issues.
Optional	Question 3:	One exception occurred relating to a

Reference	Question	Exception Notes
Questions	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	notification missing some information that was required, past the 10-day timeframe.
Tenders for Providing Goods and Services	Question 1: Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A (1) &(3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	The City has a structured approach to the implementation and management of procurement but does accept that occasional instances do arise where expenditure goes above the thresholds or where officers were not able to attain the minimum number of quotes due to supply issues or market conditions. The City monitors procurement through monthly reports of contractor / supplier expenditure and will highlight / review these instances with the line Manager where they might arise.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2202-2 **(Committee recommendation)**

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

Council:

- 1. Adopt the 2021 Compliance Audit Return as shown in attachment 1.**
- 2. Note that the 2021 Compliance Audit Return will be submitted to the Department of Local Government, Sport and Cultural Industries following adoption.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**ARMC2202-3 REVIEW OF CERTAIN SYSTEMS AND PROCEDURES BY THE
CHIEF EXECUTIVE OFFICER REQUIRED BY REGULATION 17 –
LEGISLATIVE COMPLIANCE**

Meeting date:	16 February 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Civic Legal Systems and Procedures Review, Legislative Compliance – Final Report 2. Table of findings with officer comments
Additional information:	Nil

SUMMARY

The purpose of this report is for council to receive the report provided by Civic Legal, as shown in attachment 1, relating to the review by the Chief Executive Officer of certain systems and procedures in the area of legislative compliance, as required by Regulation 17 of the *Local Government (Audit) Regulations 1996*.

BACKGROUND

In accordance with the Local Government (Audit) Regulations 1996 – Regulation 17:

1. The Chief Executive Officer is to review, at least once every three years, the appropriateness and effectiveness of a local government's systems and procedures in relation to:
 - a) Risk management
 - b) Internal control and
 - c) Legislative compliance.

The City of Fremantle (the City) has engaged Civic Legal to undertake an extended Regulation 17 (reg 17) review of the City's systems and procedures in relation to risk management, internal control and legislative compliance. One of the three categories listed above has been reviewed each year, for the previous three years.

It was anticipated that conducting the review over an extended period of time would allow for a more in-depth review of each of these areas. A closer look at the City's systems and procedures in relation to the required categories allows a better understanding of how the City can better achieve 'best practise' principles across the organisation while also meeting the requirements of the Act.

FINANCIAL IMPLICATIONS

There are no financial implications identified because of this report.

LEGAL IMPLICATIONS

The review did not identify any breaches of legislation.

CONSULTATION

No external consultation was undertaken.

OFFICER COMMENT

The attached report reviews legislative compliance and is the third and final report to be delivered by Civic Legal over the three-year contract period.

The review of internal control was undertaken in 2019 and risk management in 2020, and progress on the suggested actions from those reviews is being reported to the Committee via the Audit Actions Register.

This review did not identify any breaches of legislation or other significant gaps in risk management practices which would require immediate action. Civic Legal have offered suggestions that the City may benefit from improvements to systems and procedures relating to risk management as identified in the “table of results” attached to this report.

Following the final report on legislative compliance being provided to the City, Managers who were consulted during the review were given the opportunity to provide comments in response to the ‘suggested actions’ outlined within the report. These comments are included in the ‘table of results’ as provided in attachment 2. Comments may include confirmation that the matter has already been addressed, agreement to undertake the recommended action, or an alternative professional recommendation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM ARMC2202-3 (Officer recommendation)

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council:

1. **Receive the final report as shown in attachment 1, relating to the review by the Chief Executive Officer of certain systems and procedures in the area of legislative compliance, as required by Regulation 17 of the *Local Government (Audit) Regulations 1996*.**
2. **Approve the City to undertake the following actions recommended in the review:**

No	System or procedure	Suggested action	Officer comment
1.	Elected member professional development	Include a review deadline in the Elected Member Professional Development Policy (September 2020). Amend the policy to highlight a	Review deadline has been included in the Elected Member Professional Development Policy. This policy will be included in a review of all elected member

No	System or procedure	Suggested action	Officer comment
		preference that elected members prioritise training in areas where they have official capacities (e.g. Audit and Risk Management Committee responsibilities).	council policies, where this amendment will be considered. Estimated completion – 28 February 2022
2.	Record Keeping Plan review	Ensure internal reminder(s) are established to trigger the next Record Keeping Plan review. This reminder(s) should not be limited to an individual officer's calendar. For example, reminders could be added to the Governance Team's Compliance Calendar.	Information Management Team Leader will liaise with Governance to include Record Keeping Plan trigger dates for review, amend and rewrite as applicable.
3.	Completing the compliance audit return (CAR)	Amend the Compliance Audit Return (CAR) Procedure (February 2021) to identify minimum sampling requirements expected of the consultant. This could be included in the initial request and/or could be a major consideration when selecting the successful applicant.	Review deadline included in the CAR Procedure – completed October 2021 This amendment will be considered during the upcoming review of the procedure. Consultants will be appointed in accordance with the purchasing policy as previously. Estimated completion – 31 January 2022
4.	Complaints management	Review the Complaint Management System Policy (February 2013) (was due to be reviewed in 2017). Develop a comprehensive internal complaints procedure that can be followed by all departments and outlines minimum requirements and/or expectations.	Governance and Customer Service teams to meet, review and agree on an internal complaints procedure.
5.	Compliance with purchasing and tendering requirements	Review the Employee Action Form to assess whether further training options (not limited to purchasing and tendering) would be beneficial. For example, we understand that governance training will be available in September 2021 and delegation training in early 2022.	Yes, we can review the form and training requirements.
6.	Corporate Business Plan (CBP) requirements	We understand from discussion with the officers that the City does not have a Workforce Plan. Although this is not required by legislation, the City may consider drafting a Workforce Plan.	The City is currently working on the development of a workforce plan. Estimated completion – 31/12/2022
7.	Strategic Community Plan (SCP) requirements	Draft and endorse a guideline document for minor and major SCP reviews. This should include identifying the City's standards for community engagement, regulatory requirements of the SCP review, key stakeholders (internal and external) and the general review process.	Council endorsed pursuit of an integrated strategic planning and reporting framework involving biennial review after each election in September 2018. More detailed procedure could be prepared, referring to the Department of Local Government's Guidelines where appropriate. Estimated completion – 30 June 2022

No	System or procedure	Suggested action	Officer comment
8.	Reporting legal considerations to council	<p>Ensure 'strategic implications' are included in all reports to council, along with 'legal implications' and 'financial implications'.</p> <p>Consider amending the policy and procedure for Writing reports for Council and Committee (2019) (and any relevant report templates) to include a risk assessment in all reports to council and committees. This may be in the form of a risk matrix. Although this is not required by legislation, it has the potential to improve the effectiveness of the City's risk management. strategies.</p>	<p>A report will be taken to ELT for consideration to include an additional heading in the report template and policy amendment.</p> <p>Estimated completion – 31 January 2022.</p>
9.	Compliance with meeting procedures	<p>Review the Elected Member Meeting Procedures Policy (August 2018) (due to be reviewed in 2020) to retain contemporary relevance.</p> <p>Review the procedure for Minute taking and packing down the North Fremantle Hall (July 2019) (was due to be reviewed in July 2021).</p> <p>Include adoption/approval/review details in the policy and procedure for Writing reports for Council and Committee (2019).</p>	<p>The Meeting Procedures Policy is currently under review.</p> <p>Procedure for Minute taking and packing down the North Fremantle Hall will be deleted as the Hall will no longer be used for meetings.</p> <p>It should be noted that new procedure documents will be created for the Chamber at the Walyalup Civic Centre.</p> <p>Adoption/approval details are included in the policy and procedure for Writing Reports for Council and Committee.</p> <p>Estimated completion – 28 February 2022</p>
10.	Parking infringement appeals	<p>Review the Parking Infringement Appeals Policy (November 2016).</p> <p>Include a review deadline in the Parking infringement appeals Policy (November 2016).</p> <p>Include in the policy or an internal procedure, the requirement for officers to declare interests in infringement matters (e.g. family members and close friends)</p> <p>Draft a procedure for writing off parking infringements (internal document) to support administrative staff handling appeals requests.</p>	<p>Procedure – Issuing a parking infringement covers issuing an infringement and writing off parking infringements.</p> <p>The Parking Infringement Appeals Policy is scheduled for review in November 2021, with a report to Council in early 2022 with recommended changes.</p> <p>Included in the policy will be a procedure, for officers to declare interests in infringement matters (e.g. family members and close friends)</p> <p>A procedure will be drafted in November 2021 for all staff involved in writing off parking infringements and to support administrative staff handling appeals requests.</p>
11.	Leisure Centre chemical management	<p>Consider implementing refresher training in relation to workplace health and safety requirements (e.g. PPE and chemical management) at the Leisure Centre.</p>	<p>A refresher training session on workplace health and safety will be included into the annual aquatic training program.</p>
12.	Responding to Public	<p>Ensure all relevant staff are aware of the Fremantle Health Team's role</p>	<p>The Environmental Health Section will, in consultation with City's</p>

No	System or procedure	Suggested action	Officer comment
	Health Emergency Directives	of providing advice/clarification (or seeking if from PHEOC).	Communications Services, and prior to 24 December 2021, release a communique to City staff, advertising the role of the Environmental Health Section in advising on/and promoting Covid-19 safety and compliance.

3. Note the City considers no further action is required for the following actions recommended in the review:

No	System or procedure	Suggested action	Officer comment
1.	Ensuring the Audit and Risk Management Committee (ARMC) members understand their role	Consider amending the Terms of Reference to include specific training requirements for ARMC members. Although such amendment is not required by legislation, it has the potential to improve the quality of input from ARMC members. For instance, an amendment could be made that requires the councillors who comprise the ARMC to undergo suitable auditing and risk management training within three months of their appointment. Ensure all members of the ARMC sign to confirm they have read and understood the ARMC Terms of Reference.	Specific training is already offered and available to any elected member who would wish to undertake it. Elected members are already mandated to undertake training under the Local Government Act and are aware of and adopt the terms of reference for the Audit and Risk Management Committee so have read and understood it. No further action considered necessary.
2.	ARMC compliance with regulation 16(d) of the Local Government (Audit) Regulations 1996 (WA)	The procedure to address actions from Audits (refer to ARMC2011-2) is currently captured in council meeting minutes (25 November 2020). If not already done so, this procedure should be captured in an internal policy/procedural document.	This process has been captured in an internal procedure document titled "Capturing actions related to issues identified in audits" –July 2020. Complete – October 2021
3.	Responding to FOI access applications	Include a date on the FOI Internal Process Flow Chart to identify when it was last reviewed/updated.	Review date added to the footer of the document, that will be updated at every review. Complete - 29/10/2021
4.	Community engagement/consultation	Include a requirement for all engagement plans to contain a 'relevant legislation' section, or something to that effect. I.e. this could be included in any relevant template, guideline document and/or the Community Engagement Policy (March 2019). 'Nil' or 'not applicable' can be written under this section for plans where there is no legislative requirement to seek community consultation.	Complete: Engagement Plan template amended to include 'Legislative Requirements' section.
5.	Monitoring legislative changes	Ensure procedures for monitoring legislative changes are addressed in the organisational induction training	Officers will continue to be advised that they are responsible for keeping up to date on the

No	System or procedure	Suggested action	Officer comment
		module.	legislation that applies to their role at the governance induction. The Governance Team will continue to monitor legislative changes through legislation.wa.gov.au and advise managers. No further action considered necessary.
6.	Monitoring legislative compliance	Ensure procedures for monitoring legislative compliance are addressed in the organisational induction training module.	Officers will continue to be advised that they are responsible for ensuring compliance with the legislation that applies to their role at the governance induction. No further action considered necessary.
7.	Providing support to officers on how to comply with relevant legislative requirements	Ensure the City has adopted, and regularly reviews, procedural documents/guidelines to support staff when completing common tasks that are regulated by legislation and/or regulations. For example, disposal of land transactions, managing rental agreements, recruitment, purchasing and legislatively mandated document reviews. Priority should be given to high risk and regular tasks. We note that the scope of this review did not allow for the multitude of those kinds of documents to be reviewed and commented upon. Ensure all employees (current and incoming) complete the governance induction training.	The City does not repeat legislative requirements by producing processes that are already included in legislation. The Governance Team are available to offer advice and support in interpreting the requirements of legislation and managers are qualified in the relevant areas of legislation specific to their role. No further action considered necessary.
8.	Dealing with elected member code of conduct breaches	Include a review deadline in the Council Code of Conduct Division 3 Complaint Handling Policy (June 2021).	Review deadline included in the Council Code of Conduct Division 3 Complaint Handline Policy. Complete – October 2021
9.	Auditing practices	Consider implementing internal processes for tests/checks for legislative compliance across the organisation. In particular, this would be to assist areas where legislative compliance might not be strongly understood and/or consequences are significant.	Given the additional expense and time constraints imposed in taking part in OAG audits, additional internal auditing was considered unnecessary as an additional burden in recent review of the City's internal review policy. No further action considered necessary.
10.	Monitoring breaches of the Code of Conduct Employees 2020	Include adoption/approval details in the Code of Conduct Employees 2020 (similarly to the City's policy template).	Sign off on Code of Conduct compliance part of every induction. Adoption/approval details included in the Code of Conduct.

No	System or procedure	Suggested action	Officer comment
11.	Monitoring breaches of the Council Members, Committee Members and Candidates Code of Conduct 2021	Include adoption/approval details in the Council Members, Committee Members and Candidates Code of Conduct 2021 (similar to the City's policy template).	Adoption/approval details included in the Council Members, Committee Members, and Candidates Code of Conduct 2021. Complete – October 2021
12.	Leisure Centre monitoring legislative compliance	Capture legislative requirements of the leisure centre in a compliance calendar. Ensure reminders are sent to multiple officers to ensure legislative compliance is met, without reliance on external bodies. Include legislative requirements for the leisure centre in induction and refresher training for relevant leisure centre employees.	The Centre has developed an annual planner to capture FLC/SRC legislative and compliance requirements.
13.	Preventing spread of infectious disease	Include a review deadline in the Infectious Disease Prevention Policy for Coronavirus (COVID-19) Virus Administration Policy (March 2020). The Infectious Disease Prevention Policy for Coronavirus (COVID-19) Virus Administration Policy was last reviewed in March 2020. If not already done, ensure this policy is being regularly reviewed (perhaps more regularly than the review deadline suggests). This is especially relevant following new information being released or a change in conditions.	Agreed. Policy reviewed January 2022 and review deadline included.
14.	Preparing COVID-19 Safety Plans	Conduct internal audits to ensure all sites are acting in accordance with their COVID-19 Safety Plan. These audits should all be conducted by the same team to ensure consistency.	All new employees at FLC/SRC are required to complete a COVID 19 infection control (hygiene) online course and have read and understood how to use PPE. Requirements outlined in the Safety Plan are continued to be actioned. FLC Manager undertakes random audits of cleaning checklists. COVID-19 safety plans in each of the City's operational sites will be audited by the Facilities Management team. Complete – October 2021

Carried: 5/0

Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

COUNCIL DECISION ITEM ARMC2202-3
(Amended officer recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

Council:

- 1. Receive the final report as shown in attachment 1, relating to the review by the Chief Executive Officer of certain systems and procedures in the area of legislative compliance, as required by Regulation 17 of the *Local Government (Audit) Regulations 1996*.**
- 2. Approve the City to undertake the following actions recommended in the review:**

No	System or procedure	Suggested action	Officer comment
1.	Elected member professional development	Include a review deadline in the <i>Elected Member Professional Development Policy</i> (September 2020). Amend the policy to highlight a preference that elected members prioritise training in areas where they have official capacities (e.g. Audit and Risk Management Committee responsibilities).	Review deadline has been included in the Elected Member Professional Development Policy. This policy will be included in a review of all elected member council policies, where this amendment will be considered. Estimated completion – 28 February 2022
2.	Record Keeping Plan review	Ensure internal reminder(s) are established to trigger the next Record Keeping Plan review. This reminder(s) should not be limited to an individual officer's calendar. For example, reminders could be added to the Governance Team's Compliance Calendar.	Information Management Team Leader will liaise with Governance to include Record Keeping Plan trigger dates for review, amend and rewrite as applicable.
3.	Complaints management	Review the <i>Complaint Management System Policy</i> (February 2013) (was due to be reviewed in 2017). Develop a comprehensive internal complaints procedure that can be followed by all departments and outlines minimum requirements and/or expectations.	Governance and Customer Service teams to meet, review and agree on an internal complaints procedure.
4.	Compliance with purchasing and tendering requirements	Review the <i>Employee Action Form</i> to assess whether further training options (not limited to purchasing and tendering) would be beneficial. For example, we understand that governance training will be available in September 2021 and delegation training in early 2022.	Yes, we can review the form and training requirements.
5.	Corporate	We understand from discussion	The City is currently working on

No	System or procedure	Suggested action	Officer comment
	Business Plan (CBP) requirements	with the officers that the City does not have a Workforce Plan. Although this is not required by legislation, the City may consider drafting a Workforce Plan.	the development of a workforce plan. Estimated completion – 31/12/2022
6.	Strategic Community Plan (SCP) requirements	Draft and endorse a guideline document for minor and major SCP reviews. This should include identifying the City's standards for community engagement, regulatory requirements of the SCP review, key stakeholders (internal and external) and the general review process.	Council endorsed pursuit of an integrated strategic planning and reporting framework involving biennial review after each election in September 2018. More detailed procedure could be prepared, referring to the Department of Local Government's Guidelines where appropriate. Estimated completion – 30 June 2022
7.	Reporting legal considerations to council	Ensure 'strategic implications' are included in all reports to council, along with 'legal implications' and 'financial implications'. Consider amending the <i>policy and procedure for Writing reports for Council and Committee</i> (2019) (and any relevant report templates) to include a risk assessment in all reports to council and committees. This may be in the form of a risk matrix. Although this is not required by legislation, it has the potential to improve the effectiveness of the City's risk management strategies.	A report will be taken to ELT for consideration to include an additional heading in the report template and policy amendment. <i>Estimated completion 31/03/2022</i>
8.	Compliance with meeting procedures	Review the <i>Elected Member Meeting Procedures Policy</i> (August 2018) (due to be reviewed in 2020) to retain contemporary relevance. Review the <i>procedure for Minute taking and packing down the North Fremantle Hall</i> (July 2019) (was due to be reviewed in July 2021). Include adoption/approval/review details in the policy and procedure for <i>Writing reports for Council and Committee</i> (2019).	The Meeting Procedures Policy is currently under review. Procedure for Minute taking and packing down the North Fremantle Hall will be deleted as the Hall will no longer be used for meetings. It should be noted that new procedure documents will be created for the Chamber at the Walyalup Civic Centre. Adoption/approval details are included in the policy and procedure for Writing Reports for Council and Committee. Estimated completion – 28 February 2022
9.	Parking infringement appeals	Review the <i>Parking Infringement Appeals Policy</i> (November 2016). Include a review deadline in the <i>Parking infringement appeals</i>	Procedure – Issuing a parking infringement covers issuing an infringement and writing off parking infringements. The Parking Infringement

No	System or procedure	Suggested action	Officer comment
		<i>Policy (November 2016).</i> Include in the policy or an internal procedure, the requirement for officers to declare interests in infringement matters (e.g. family members and close friends) Draft a procedure for writing off parking infringements (internal document) to support administrative staff handling appeals requests.	Appeals Policy is scheduled for review in November 2021, with a report to Council in early 2022 with recommended changes. Included in the policy will be a procedure, for officers to declare interests in infringement matters (e.g. family members and close friends) A procedure will be drafted in November 2021 for all staff involved in writing off parking infringements and to support administrative staff handling appeals requests. <i>The Parking Infringement Appeals Policy is being presented to Council through the organisational policy review for field services and asset management at the February round of meetings and the procedure will be developed to follow.</i>
10.	Leisure Centre chemical management	Consider implementing refresher training in relation to workplace health and safety requirements (e.g. PPE and chemical management) at the Leisure Centre.	A refresher training session on workplace health and safety will be included into the annual aquatic training program.

3. Note the City considers no further action is required for the following actions recommended in the review:

No	System or procedure	Suggested action	Officer comment
1.	Ensuring the Audit and Risk Management Committee (ARMC) members understand their role	Consider amending the <i>Terms of Reference</i> to include specific training requirements for ARMC members. Although such amendment is not required by legislation, it has the potential to improve the quality of input from ARMC members. For instance, an amendment could be made that requires the councillors who comprise the ARMC to undergo suitable auditing and risk management training within three months of their appointment. Ensure all members of the ARMC sign to confirm they have read and understood the ARMC <i>Terms of Reference</i> .	Specific training is already offered and available to any elected member who would wish to undertake it. Elected members are already mandated to undertake training under the Local Government Act and are aware of and adopt the terms of reference for the Audit and Risk Management Committee so have read and understood it. No further action considered necessary.
2.	ARMC compliance	The procedure to address	This process has been captured

No	System or procedure	Suggested action	Officer comment
	with regulation 16(d) of the <i>Local Government (Audit) Regulations 1996</i> (WA	actions from Audits (refer to ARMC2011-2) is currently captured in council meeting minutes (25 November 2020). If not already done so, this procedure should be captured in an internal policy/procedural document.	in an internal procedure document titled "Capturing actions related to issues identified in audits" –July 2020. Complete – October 2021
3.	Responding to FOI access applications	Include a date on the <i>FOI Internal Process Flow Chart</i> to identify when it was last reviewed/updated.	Review date added to the footer of the document, that will be updated at every review. Complete - 29/10/2021
4.	Community engagement/consultation	Include a requirement for all engagement plans to contain a 'relevant legislation' section, or something to that effect. I.e. this could be included in any relevant template, guideline document and/or the <i>Community Engagement Policy</i> (March 2019). 'Nil' or 'not applicable' can be written under this section for plans where there is no legislative requirement to seek community consultation.	Complete: Engagement Plan template amended to include 'Legislative Requirements' section.
5.	Monitoring legislative changes	Ensure procedures for monitoring legislative changes are addressed in the organisational induction training module.	Officers will continue to be advised that they are responsible for keeping up to date on the legislation that applies to their role at the governance induction. The Governance Team will continue to monitor legislative changes through legislation.wa.gov.au and advise managers. No further action considered necessary.
6.	Monitoring legislative compliance	Ensure procedures for monitoring legislative compliance are addressed in the organisational induction training module.	Officers will continue to be advised that they are responsible for ensuring compliance with the legislation that applies to their role at the governance induction. No further action considered necessary.
7.	Providing support to officers on how to comply with relevant legislative requirements	Ensure the City has adopted, and regularly reviews, procedural documents/guidelines to support staff when completing common tasks that are regulated by legislation and/or regulations. For example, disposal of land transactions,	The City does not repeat legislative requirements by producing processes that are already included in legislation. The Governance Team are available to offer advice and support in interpreting the requirements of legislation and managers are qualified in the

No	System or procedure	Suggested action	Officer comment
		managing rental agreements, recruitment, purchasing and legislatively mandated document reviews. Priority should be given to high risk and regular tasks. We note that the scope of this review did not allow for the multitude of those kinds of documents to be reviewed and commented upon. Ensure all employees (current and incoming) complete the governance induction training.	relevant areas of legislation specific to their role. No further action considered necessary.
8.	Dealing with elected member code of conduct breaches	Include a review deadline in the <i>Council Code of Conduct Division 3 Complaint Handling Policy</i> (June 2021).	Review deadline included in the Council Code of Conduct Division 3 Complaint Handling Policy. Complete – October 2021
9.	Auditing practices	Consider implementing internal processes for tests/checks for legislative compliance across the organisation. In particular, this would be to assist areas where legislative compliance might not be strongly understood and/or consequences are significant.	Given the additional expense and time constraints imposed in taking part in OAG audits, additional internal auditing was considered unnecessary as an additional burden in recent review of the City's internal review policy. No further action considered necessary.
10.	Monitoring breaches of the <i>Code of Conduct Employees 2020</i>	Include adoption/approval details in the <i>Code of Conduct Employees 2020</i> (similarly to the City's policy template).	Sign off on Code of Conduct compliance part of every induction. Adoption/approval details included in the Code of Conduct.
11.	Monitoring breaches of the <i>Council Members, Committee Members and Candidates Code of Conduct 2021</i>	Include adoption/approval details in the <i>Council Members, Committee Members and Candidates Code of Conduct 2021</i> (similar to the City's policy template).	Adoption/approval details included in the Council Members, Committee Members, and Candidates Code of Conduct 2021. Complete – October 2021
12.	Leisure Centre monitoring legislative compliance	Capture legislative requirements of the leisure centre in a compliance calendar. Ensure reminders are sent to multiple officers to ensure legislative compliance is met, without reliance on external bodies. Include legislative requirements for the leisure centre in induction and refresher training for relevant leisure centre employees.	The Centre has developed an annual planner to capture FLC/SRC legislative and compliance requirements.

No	System or procedure	Suggested action	Officer comment
13.	Preventing spread of infectious disease	<p>Include a review deadline in the <i>Infectious Disease Prevention Policy for Coronavirus (COVID-19) Virus Administration Policy</i> (March 2020).</p> <p>The <i>Infectious Disease Prevention Policy for Coronavirus (COVID-19) Virus Administration Policy</i> was last reviewed in March 2020. If not already done, ensure this policy is being regularly reviewed (perhaps more regularly than the review deadline suggests). This is especially relevant following new information being released or a change in conditions.</p>	Agreed. Policy reviewed January 2022 and review deadline included.
14.	Preparing COVID-19 Safety Plans	<p>Conduct internal audits to ensure all sites are acting in accordance with their <i>COVID-19 Safety Plan</i>.</p> <p>These audits should all be conducted by the same team to ensure consistency.</p>	<p>All new employees at FLC/SRC are required to complete a COVID 19 infection control (hygiene) online course and have read and understood how to use PPE. Requirements outlined in the Safety Plan are continued to be actioned. FLC Manager undertakes random audits of cleaning checklists. COVID-19 safety plans in each of the City's operational sites will be audited by the Facilities Management team.</p> <p>Complete – October 2021</p>
15.	Completing the compliance audit return (CAR)	<p><i>Amend the Compliance Audit Return (CAR) Procedure (February 2021) to identify minimum sampling requirements expected of the consultant. This could be included in the initial request and/or could be a major consideration when selecting the successful applicant.</i></p>	<p><i>Review deadline included in the CAR Procedure – completed October 2021</i></p> <p><i>This amendment will be considered during the upcoming review of the procedure.</i></p> <p><i>Consultants will be appointed in accordance with the purchasing policy as previously.</i></p> <p><i>Estimated completion – 31 January 2022</i></p> <p><i>Complete - Procedure amended 18 January 2022 to clarify how quotes are reviewed and preferred consultants are selected.</i></p>
16	Responding to Public Health Emergency Directives	<p><i>Ensure all relevant staff are aware of the Fremantle Health Team's role of providing advice/clarification (or seeking if from PHEOC).</i></p>	<p><i>The Environmental Health Section will, in consultation with City's Communications Services, and prior to 24 December 2021, release a communique to City staff,</i></p>

No	System or procedure	Suggested action	Officer comment
			<p><i>advertising the role of the Environmental Health Section in advising on/and promoting Covid-19 safety and compliance.</i></p> <p><i>The Environmental Health Team regularly provide all of staff communications to provide updates and to promote safety in relation to COVID-19 information bulletins.</i></p> <p><i>Closed</i></p>

Carried: 11/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

ARMC2202-4 WALYALUP CIVIC CENTRE – PROJECT UPDATE

Meeting date:	16 February 2022
Responsible officer:	Director Infrastructure
Decision making authority:	Council
Attachments:	1. Risk Register Summary (February) 2. Green Mark – Incident report 26 November 2021
Additional information:	Nil.

SUMMARY

This report provides a progress update for the construction of the Walyalup Civic Centre. The report also covers standing / current risks or issues and provides a summary of costs as they relate to the building construction contract, this includes costs and works associated with the Liquidation of Pindan Pty Ltd and the City's subsequent delivery model.

This report recommends that Council receive the project update and note the progress, management of current works and costs.

BACKGROUND

Following the Pindan Construction Pty Ltd liquidation event (19 May 2021) the City has managed the final stages of the construction works project; this has been facilitated through a Contractor Management arrangement with the CDI Group.

This arrangement also included the City directly employing four of the Pindan site project team. This was felt to be a critical move to ensure project continuity and preserve construction knowledge and contractor relationships.

The Building Occupancy Permit was approved 29 October 2021 and following a period of furniture fit out and service preparation the building was opened to the public and commenced service delivery on 22 November 2021.

Over the following weeks, the (phased) staff relocations progressed, and the FM team commenced the closeout of the outstanding defects list (with the CDI group and the consultants).

On Thursday 25 November a flooding incident occurred in the lower ground plant room area. The implications of this were significant and the building was subsequently closed to staff and the public until 6 December 2021.

FINANCIAL IMPLICATIONS

Works relating to the flooding event are currently being finalised and are subject to an insurance claim. The value of works and remediation is estimated at approximately \$250,000.

The City manages costs associated with the delivery of the construction works via a 'Work Breakdown Structure' (WBS), within its financial system (Technology One), this

was implemented to separate and track costs associated with original works delivery, associated works and costs and also costs resulting from the Pindan liquidation event. Officers have commenced the final account / retention release process with contractors and suppliers.

The total value of works spend is currently \$46,757,818, this is inclusive of adjustments and other additional works which are funded from separate budgets as per the breakdown below:

Available Construction Budget (Building) <i>(Financials as at 2 February 2022)</i>			Remaining	
	Budget	Actuals / Spend	Outstanding	Retentions (to be paid from PBA)
Initial Contract	\$ 41,461,128			
Contingency - 5% (\$600k Ddt'd - moved to Town Hall works)	\$ 1,500,000			
Changing Places (Grant)	\$ 150,000			
Total	\$ 43,111,128	\$43,111,140	-\$12	\$ 812,053
Liquidation / Insurance Bonds	\$3,600,000	\$3,304,789	\$295,211	
<i>Other bond (Street trees etc)</i>	<i>\$96,000</i>			
Construction Works Budget	\$ 46,807,128	\$ 46,415,928	\$391,200	
Other Costs - (delivered by Contractors)				
<i>Tenancy Fit out Works</i>	<i>\$219,194</i>	<i>\$ 263,850</i>	<i>-\$44,656</i>	
<i>Town Hall Basement waterproofing (blg maint')</i>	<i>\$47,487</i>	<i>\$ 47,487</i>	<i>\$0</i>	
<i>Kings sq paving inc William St link - (Eng Maint')</i>	<i>\$30,553</i>	<i>\$30,553</i>	<i>\$0</i>	
Overall Payments	\$ 47,104,362	\$ 46,757,818		

The City currently holds \$812,053 in the form of retentions and has \$391,200 positive balance against the building construction works.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

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

OFFICER COMMENT

The building reached practical completion in October 2021, it was subsequently occupied by staff and opened to the public on 22 November 2021.

Tenancies

Visitor Centre:

- Fit out works are complete – some furniture / minor (tenancy) works to include but the facility opened to the public at the end of January 2022.

Newman Court (x2):

- Fit out works to the walls and floors complete – Officers are liaising with prospective tenants with respect to requirements for heating and cooling.

Level 3 / other areas:

- Officers have agreed essential terms for the prospective tenants for a portion of level 3; discussions are underway with prospective tenants for the level 2 area of the triangle and opportunities are being investigated for the remaining areas.

Defects

At the point the building was declared as practically complete and handed over to the City there was an agreed list of outstanding defects; the defects (generated by the City's Architects) are all recorded from that point. Outstanding defects are relatively minor issues that do not affect building function, occupation, and use. Officers are working through these with contractors and consultants to close out defects.

The vast majority of outstanding items are mainly small, aesthetic, finishing items like painting / scratches / missing beads / cracks / chips / faulty handles etc.

The larger issues include:

- Balancing temperature control and ventilation – fine tuning the AC Units
- Louver / canopy controls, overrides and enhancements
- Lighting set points and timing – adjustments for specific uses
- Turf condition and maintenance (sloped bank)
- Roof flashing (decorative) and steelwork protective finishes not properly removed

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

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

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

The City's FM team are meeting regularly with the CDI group and the consultants to progress the closure of the outstanding defects list.

Flooding Incident

On the morning of 25 November 2021 an incident occurred where the fire tanks located in the plant room area of the rear basement overflowed.

Summary of events:

- The building management system entered alarm mode (commencing at 8:07am) from sequential leak detection units; this prompted an Officer investigative response where flooding was identified to the fire tanks / pump room. The (inward opening) fire door was closed and already holding back a large volume of water, there was a

large flow of water entering the lift sumps and filling quickly – this was also starting to seep through the secondary door (open) into the library area near the lifts.

- Officers of the Facilities response team, following emergency operation procedures, immediately shut down the mains water, isolated the area, evacuated the building, and called the Emergency Services.
- DFES and Western Power attended site and working with Officers, consultants and contractors facilitated draining the area and when cleared, accessed the fire pump room.
- The incoming water-flow had been isolated, and the pump room was empty, DFES / Western Power checked the basement areas and declared the situation as safe and subsequently left the site.
- Officers, consultants, and contractors worked as an incident response group and commenced cause investigation and cleaning and repair works.
- CoF staff and services, relocated back at the Fremantle Oval.
- The City's insurers LGIS were notified, and an independent Consultant, Green Mark Engineering, engaged to conduct an initial investigation.
 - The cause of the overflow is documented in the initial Green Mark report - see attachment 2.
- Rectification works identified and initiated immediately included:
 - Replacement of 2x Fire Pumps
 - Replacement of 5x Electrical Control Panels
 - Replacement of Lift Control boxes
 - Electrical
 - Underfloor electrical systems and floor boxes tested and dried. Comms cabling and connections need replacement.
 - Mechanical
 - Plenums/Floor require drying and precautionary anti-fungal treatment.
 - Access Floor
 - Wet Carpet tiles require replacement.
 - Access floor leg require anti-corrosion spray applied.
 - Pump room Fire Doors.
 - Fire doors to be replaced.
- Whilst the drying out and testing works were relative straight forward and completed more quickly – the pumps, control panels and lift parts were subject to longer lead times for replacement.
- Officers liaised with the consultants and contractors and developed an interim management plan – this was supplied to DFES with temporary arrangements (using temporary fire wardens and mains pressure sprinklers). Services reopened from 6 December 2021.

- The remainder of the replacement works were completed and the building reopened (back to its designed function) on 20 December 2021.

Whilst a valve failure of this nature is apparently a rare event, officers and the consultant team have reviewed the design, the BMS alarms protocol and the control escalation mechanisms – they have developed a range of additional / improved mitigation strategies in order to manage the risk of another failure and subsequent flood.

The increased mitigation measures include:

- Addition of a strainer on the mains water infill to eliminate the risk of debris reaching main inlet valve
- Tank High Level Alarm
 - Arrange for a high-level float switch to the fire tank which reports to the FIP and the BMS as a critical alarm
 - Arrange for a leak detection device on the fire pump room floor to report to the BMS as a critical alarm
 - Cameras to be included for remote visual views
- Flow control Valve
 - To reduce infill to fire tanks to a min of 31L/s but
 - To be sufficient to operate the Combined Fire Hydrant and Sprinkler System in accordance with AS2118.6 (1 hour for sprinkler and 4 hours for fire hydrants)
- Additional Hydraulic Pump within Basement level
 - Only required for unlikely tank infill failure (overflow) event
 - There are currently two pumps currently installed capable of total 26l/s
 - Secondary pump size at position of previous platform lift, overflow pipe size and pump route
- Install secondary overflow to Fire Pump room
 - Core out 150-200mm diameter overflow 300mm above FFL in pump room to allow water to flow toward library
- Provide secondary access point from Street level to Western Power assets.
- Bunds
 - Install Bund to double doors in corridor.
 - Install additional Bund around UPS.
- Management
 - Critical/Emergency Management Plan to be reviewed and further developed by the CoF FM team – addressing BoH area / door management and Pump Room / Fire Tanks alarm response escalations and priority mains isolation process.

The above improvement works are now being progressed, unfortunately as with the defect works listed above, COVID and Christmas have delayed immediate completion of some of the works.

Green Mark Engineering have reviewed and are satisfied with the proposed mitigation strategies and proposed improvements - they will return and test the function and controls upon completion and will provide a final close out report.

The City's insurers have been on site and maintained contract throughout the interim period – they are aware of the interim arrangements and the subsequent works. They have requested all relevant information in relation to the incident and the parties to assess the claim, this is being facilitated by officers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Su Groome

Seconded: Cr Fedele Camarda

Council note the current status in the report for the Walyalup Civic Centre Construction project, provided to the Audit and Risk Management Committee.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Fedele Camarda

To add a part 2 to the officer's recommendation, to read as follows.

Council:

- 1. Note the current status in the report for the Walyalup Civic Centre Construction project, provided to the Audit and Risk Management Committee.**
- 2. Note the detailed summary of events, rectification, and mitigation actions in relation to the flooding event.**

Amendment carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

COUNCIL DECISION ITEM ARMC2202-4
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

Council:

- 1. Note the current status in the report for the Walyalup Civic Centre Construction project, provided to the Audit and Risk Management Committee.**
- 2. *Note the detailed summary of events, rectification, and mitigation actions in relation to the flooding event.***

Carried: 10/1

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic

ARMC2202-6 OVERDUE DEBTORS REPORT AS AT 31 DECEMBER 2021

Meeting date:	16 February 2022
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	1. Summary of Overdue Debts above Threshold (<i>Confidential attachments under separate cover</i>)
Additional information:	Nil

SUMMARY

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

This report recommends that Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 December 2021.

BACKGROUND

The report provides details to the Audit and Risk Management Committee (ARMC) on overdue debtors. The following information is provided on a quarterly basis:

- The amount of total debt outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- The value of debt that is in excess of ninety (90) days overdue and the combined value of those debt(s) which exceed \$10,000.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the Audit and Risk Management Committee.
- A confidential report containing the individual debtor information in relation to the outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments, background, and a comparison to the previous quarters report.
- Debtor day ratio - the average number of days required for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

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

As at the year ending 30 June 2021 an amount of \$170,969 was held as an allowance for impairment of receivables. As at the 31 December 2021, the current allowance held as impairment is \$170,969 with no debts being written off in the 2021/22 financial year.

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

Total Write-offs	NIL
Total Waivers	<u>NIL</u>
	NIL

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

Summary of Sundry Debtor's Debts Written-off

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

Summary of Rates Debtors Debts Written-off

PID No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

Summary of Sundry Debtor's Debts Waived

Debtor Name	Amount Waived Excl GST	Description
TOTAL	NIL	

LEGAL IMPLICATIONS

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

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

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

account where in the opinion of the Director or Manager all other reasonable avenues of recovery have been exhausted.

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

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

CONSULTATION

Nil.

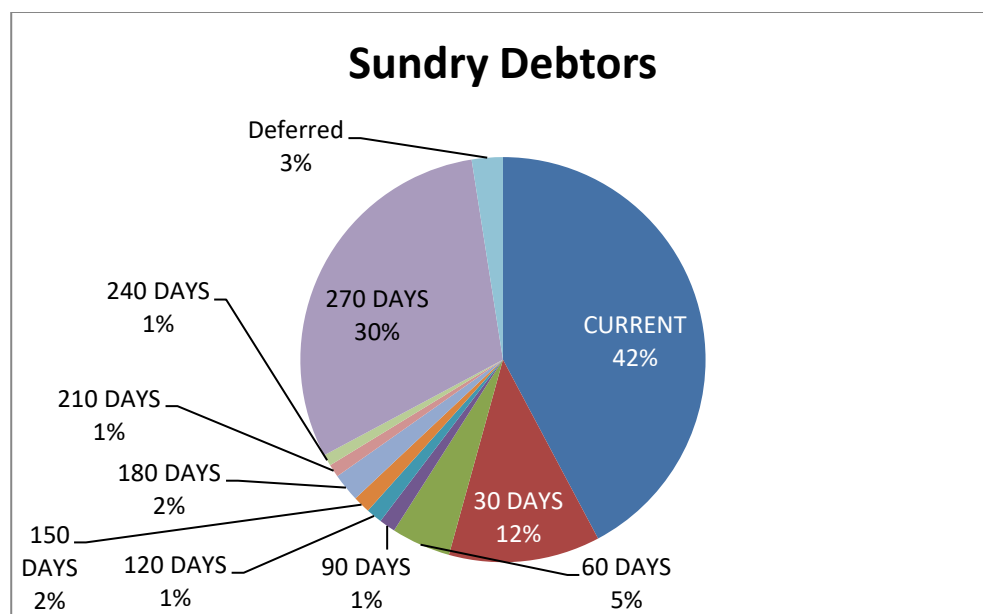
OFFICER COMMENT

The total of debtors outstanding as at 31 December 2021 is \$1,143,264. A breakdown of aged debt for the current period compared to prior year for the same period is tabled below.

Period Ending December	Current	30 Days	60 Days	90+ Days	Total
July 21 – December 21	42%	12%	5%	41%	100%
	482,729	138,071	54,138	468,326	1,143,264
July 21 – December 21 Excl. Commercial Properties	50%	13%	5%	32%	100%
	390,665	102,430	33,851	251,747	778,693
July 20 – December 20*	597,048	100,239	71,624	720,169	1,489,080

*Prior year reporting presented quarterly

Of the total debt balance, the amount outstanding for 90+ days is \$468,326 or 40.96%. Below is a graph of the aged debt balances as at 31 December 2021.



Compared to the report of overdue debtors as at 31 October 2021, presented to Audit and Risk Management Committee at the 17 November 2021 meeting, the total value of outstanding debtors has increased by \$148,000.

Outstanding debt over 90 days has decreased from 504k at the end of the previous reporting date to 468k. The number of overdue debtors above the reporting threshold of \$10,000 and 90 days remains at 9 with a total value of \$387,055 and of this, \$28,321 is deferred and subject to an agreed payment arrangement to secure payment in full by 30 June 2023.

In accordance with delegated authority, any debts over 50,000 will be submitted to Audit and Risk Management Committee for approval and all recorded use of delegated authority by Chief Executive Officer, Directors and Managers will be reported to Audit and Risk Management Committee.

The confidential attachment contains debtor information in relation to the \$387,055 of outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments and background.

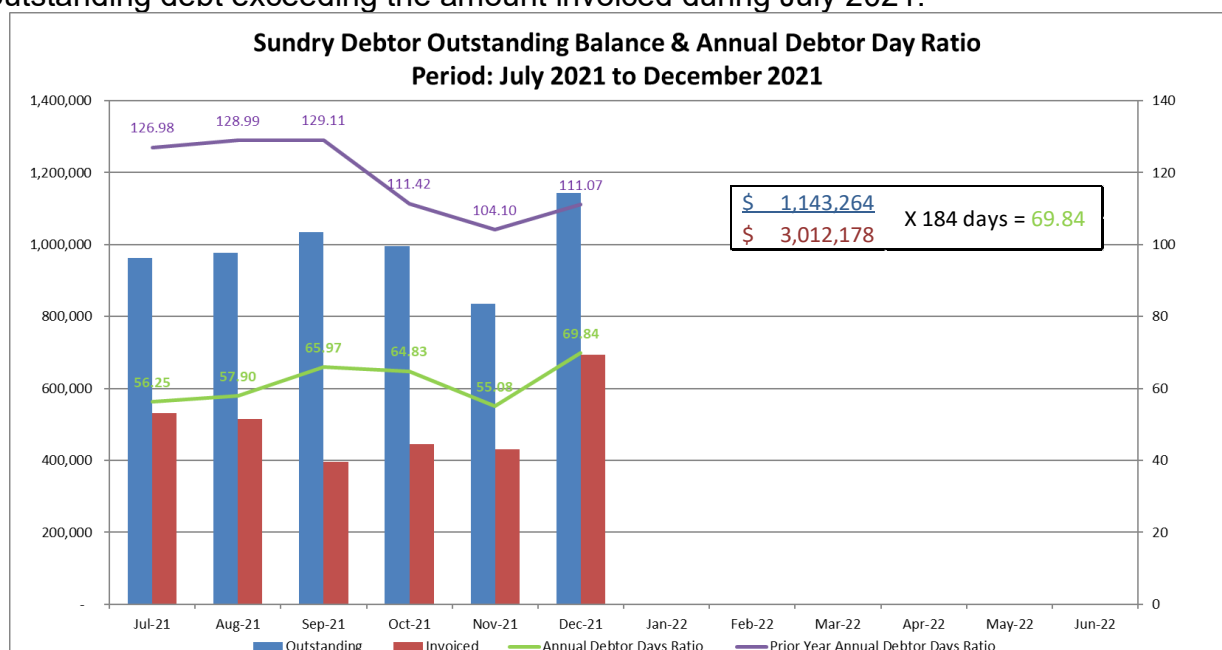
Debtors Outstanding

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

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

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

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



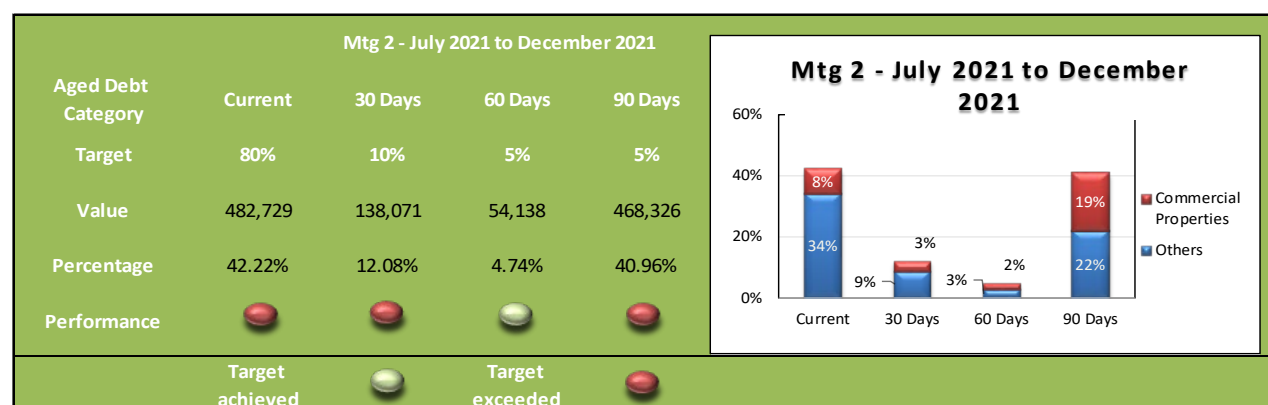
At reporting date, the debtor day ratio was 69.84 an increase from the prior reporting period. Of outstanding debt, 42% related to current invoices that were not yet due.

Key Performance Indicators

The Audit and Risk Management Committee recommended a performance measure be included to provide a reporting date 'snapshot' of performance against agreed indicators.

Internal debt management procedures have been reviewed resulting in officers engaging with debtors earlier where an amount is considered to have an increased risk of default. Upon review of debt levels over prior financial years, officers consider reasonable and recommend the following targets against which to report.

Key Performance Targets				
Current	30 Days	60 Days	90 Days	Total
80%+	<= 10%	<=5%	<=5%	100%

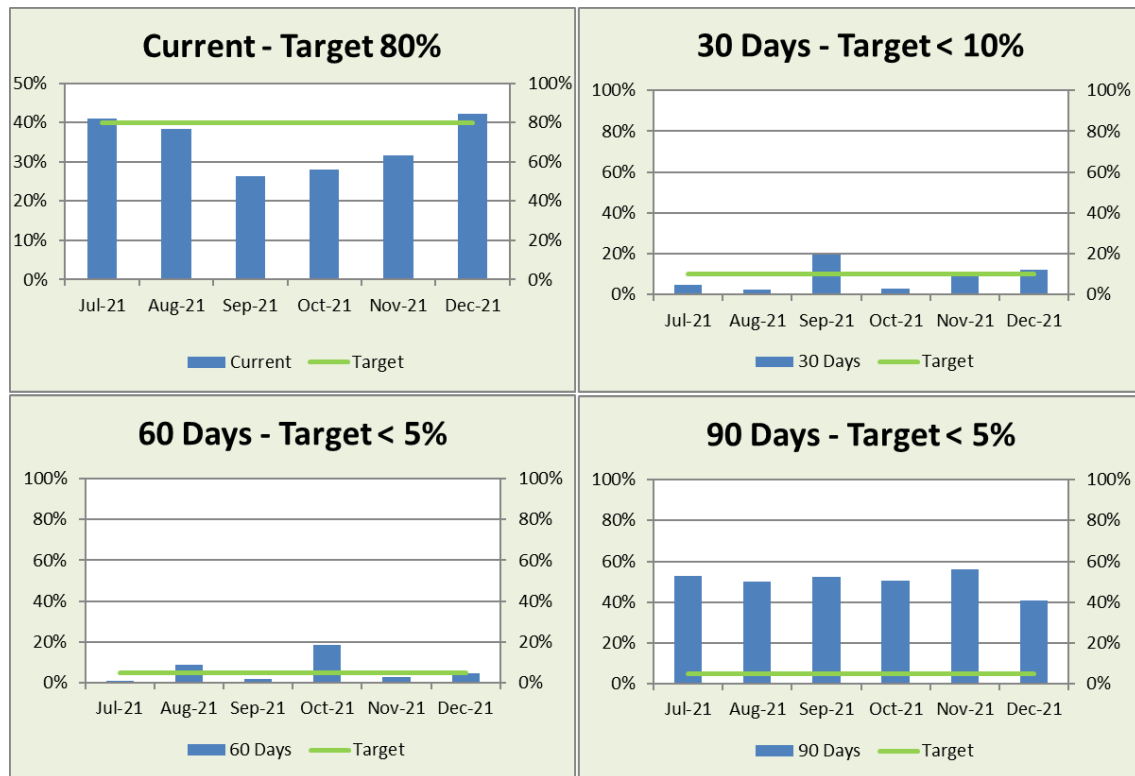


Of total overdue debt, Commercial Properties account for 41% (\$272,507) and 79% (\$216,579) of these debts extend 90 days & beyond. Deferred payment arrangements are currently in place for \$28,321 or 13% of total overdue Commercial Property debts.

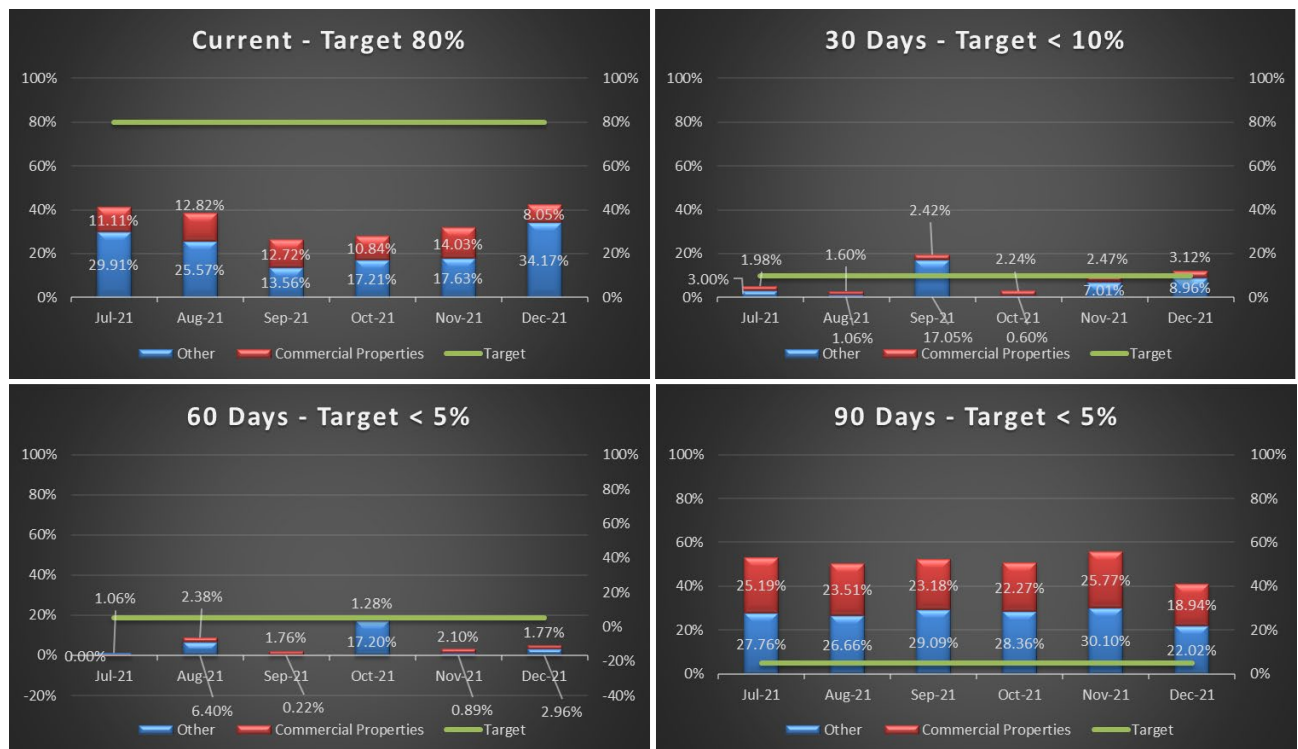
Of the non-deferred debt 90 days & beyond, 87% (\$128,935) relates to debtors included in the confidential attachment. City officers continue to liaise with all commercial tenants to provide assistance, including payment arrangements, where appropriate.

The following charts demonstrate performance against the recommended target for each aged debt category by period to reporting date for this financial year.

Summary by total debtors by days



Summary by debtor type by days



Impact of COVID on Commercial Property

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

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

During the emergency period (April 2020 – September 2021) landlords were required to provide waivers of up to 100%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.

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

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

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

To date, of the \$492,579 only **\$28,321** remains outstanding a reduction, since the prior reporting period, of \$3,810 (0.77%), with all debtors currently successfully paying this back via direct debit arrangements.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Su Groome

Seconded: Fedele Camarda

Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 December 2021.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Andrew Sullivan

To add a part 2 to the officer's recommendation, to read as follows.

Council:

- 1. Receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 December 2021.**
- 2. Request officers to prepare a report and recommendations for Council in relation to debtors with long term outstanding debt whose debt is increasing.**

Amendment carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

COUNCIL DECISION ITEM ARMC2202-6
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Su Groome

Council:

- 1. Receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 December 2021.**
- 2. Request officers to prepare a report and recommendations for Council in relation to debtors with long term outstanding debt whose debt is increasing.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

ARMC2202-8 INFORMATION REPORT – FEBRUARY 2022

STATUS REPORT OF COUNCIL MOTIONS – 1 JULY 2021 TO 30 NOVEMBER 2021

Responsible officer:	Manager Governance
Attachments:	1. Status Report of Council motions – 1 July 2021 to 30 November 2021
Additional information:	Nil

Best practice principles support the recording and reporting of actions taken on Council decisions to ensure they are implemented, and that the actions are completed in a timely manner.

Where possible, Council decisions are actioned as soon as practicable after a Council meeting; however, there are projects or circumstances that mean some decisions take longer to implement than others. The City keeps a register of all final decisions made at Council and Committee meetings.

The City's motions register does not capture ongoing progress of projects and related activities, only how the initial decision has been, or will be, actioned. For instance, the register will record the adoption of a plan and the actions needed to disseminate and publish that plan, however the register will not include how the actions included in the plan are implemented, only that the plan was adopted appropriately.

The attached register excerpt provides the status of the actions taken by responsible officers in response to all final decisions of council. It has been organised into separate parts for ease of understanding and reference, as attached:

Part 1. Motions incomplete and ongoing in reporting period

The motions included in this section are those decisions that have not yet been fully actioned. Progress comments or explanations are provided.

Part 2. Development Application motions completed in reporting period

The motions included in this section are those decisions about Development Applications (DA's) that have been completed. They have been grouped for ease of reference only.

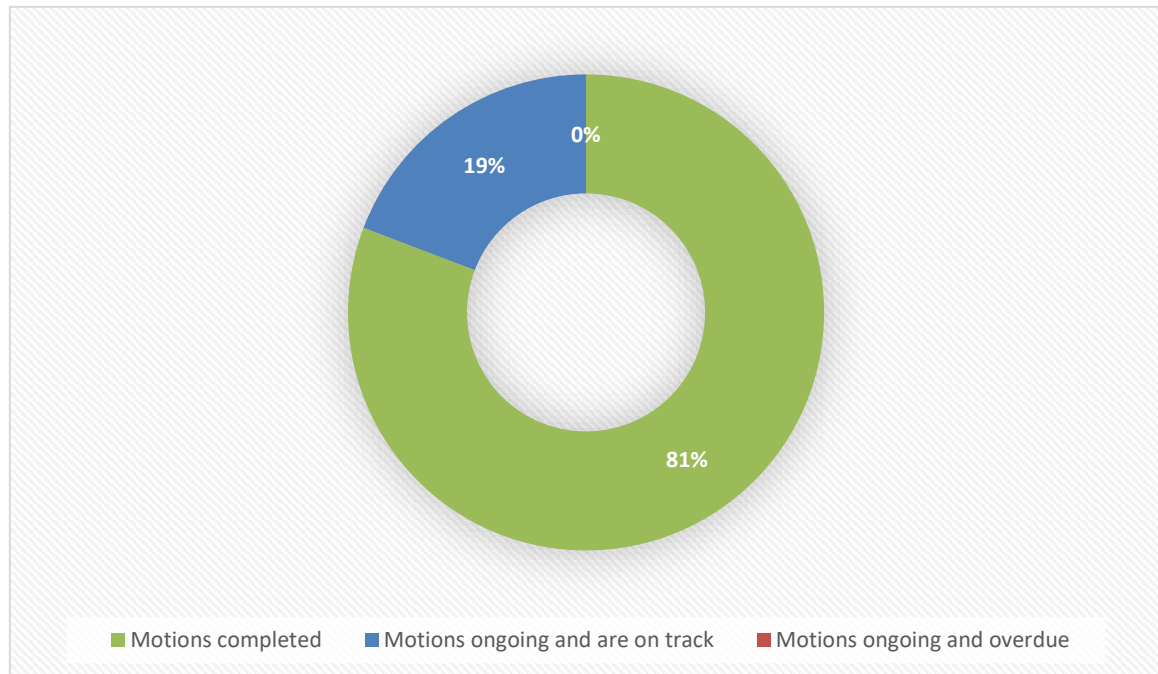
Part 3. Motions other than DA's completed in reporting period

The motions included in this section are all other decisions made by Council (except DA's that have been completed, captured above at part 2).

Part 4. Motions where no action was required in reporting period

The motions included in this section are from those reports that were provided to Council for information only.

Motion activity since last report



Reporting period from 1 July 2021 to 30 November 2021 (previous report 18 August 2021)

Motions	Number
Number of motions brought forward from previous report	31
Number of motions added to the register since the previous report	146
Motions that have been completed in this reporting period	143
Motions that are ongoing, and are on track	34
Motions that are ongoing, and have exceeded estimated completion date	0
Motions with estimated completion dates amended since last report	11
Motions where no update has been received	0
Total motions in this report	177

STATUS REPORT OF AUDIT ACTIONS TO 30 NOVEMBER 2021

Responsible officer:	Manager Governance
Attachments:	1. Audit actions progress report to 30 November 2021 2. Information systems audit actions progress report to 30 November 2021 (<i>Confidential attachment under separate cover</i>)
Additional information:	Nil

This report presents the City's central register that captures the progress of all recommended actions agreed to be undertaken by the City as suggested or recommended in an audit or review report.

Information from an audit or review report is inputted into the Audit Actions Register (the register) including recommendations/suggested actions, the responsible officer and the initial comment provided by the responsible Manager/Director to the auditor/reviewer.

When an item is given a rating (as agreed by the City) of "high" or "extreme", the item will be added to the Corporate Risk Register.

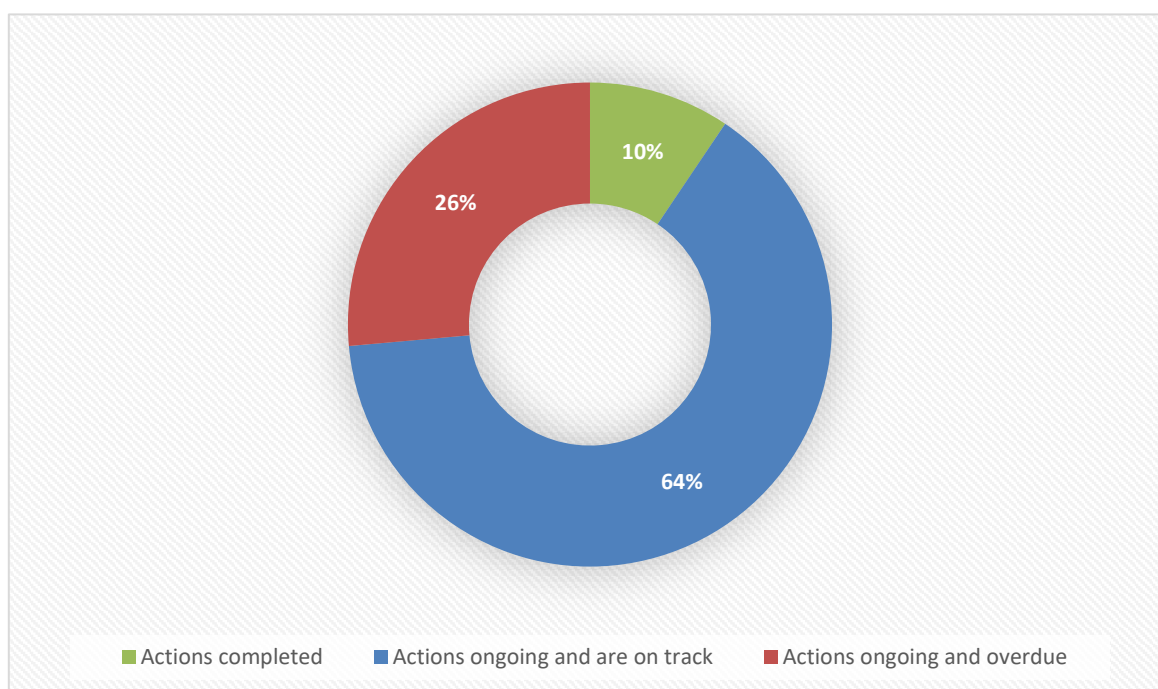
The attached report provides a summary of the progress the City has made in response to the recommendations/suggested actions in an audit or review findings report.

Information Technology Systems audit actions are presented in the confidential attachments under separate cover.

The audits or reviews in this progress report are:

- Systems and Procedures Review
 - Internal Control
 - Risk Management
- Regulation of Consumer Food Safety
- Financial Management Review
- Interim Audit – Finance
- Interim Audit – Information Systems
- Annual Financial Statements

Audit action activity since last report



Reporting period from 1 July 2021 to 30 November 2021 (previous report 18 August 2021)

Actions	Number
Number of actions brought forward from previous report	53
Number of actions added to the register since the previous report	0
Actions that have been completed in this reporting period	5
Actions that are ongoing, and are on track	34
Actions that are ongoing, and have exceeded estimated completion date	14
Actions with estimated completion dates amended since last report	31
Actions where no update has been provided	6
Total actions in this report	53

OFFICER'S RECOMMENDATION

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council receive the following information reports for February 2022:

1. Status report of Council motions – 1 July 2021 to 30 November 2021.
2. Status report of audit actions to 30 November 2021.

AMENDMENT

Moved: Cr Frank Mofflin

Seconded: Mayor Hannah Fitzhardinge

To add a part 2 to the officer's recommendation, to read as follows.

Council:

- 1. Receive the following information reports for February 2022:**
 - a. Status report of Council motions – 1 July 2021 to 30 November 2021.**
 - b. Status report of audit actions to 30 November 2021.**
- 2. Request that the status report on audit actions includes a risk ranking for all actions.**

Amendment carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

COMMITTEE RECOMMENDATION ITEM ARMC2202-8

(Amended officer recommendation)

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council:

- 1. Receive the following information reports for February 2022:**
 - a. Status report of Council motions – 1 July 2021 to 30 November 2021.**
 - b. Status report of audit actions to 30 November 2021.**
- 2. Request that the status report on audit actions includes a risk ranking for all actions.**

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Andrew Sullivan,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

AMENDMENT

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Amend part 2 as follows.

- 2. Request that the status report on audit actions includes a risk ranking rating for all actions.**

Amendment carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM ARMC2202-8
(Committee recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

Council:

- 1. Receive the following information reports for February 2022:**
 - a. Status report of Council motions – 1 July 2021 to 30 November 2021.**
 - b. Status report of audit actions to 30 November 2021.**
- 2. *Request that the status report on audit actions includes a risk rating for all actions.***

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

12. Reports and recommendations from officers

C2202-1 FREMANTLE TECHNICAL COLLEGE, NO. 11-15 (LOT 2680) GROSVENOR STREET, BEACONSFIELD - DEMOLITION OF ALL EXISTING BUILDINGS AND INCIDENTAL STRUCTURES (ED DA0549/21)

Meeting Date: 23 February 2022
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments: 1. Plans - DA0549/21 - 11-15 Grosvenor St –
Development WA
Additional information: 1. Site Photos
2. Heritage Assessment (Griffiths Architects)

SUMMARY

Approval is sought for the demolition of all existing buildings, incidental structures and hardstand at the former Fremantle Technical College (South Metropolitan Challenger TAFE), No. 11-15 Grosvenor Street, Beaconsfield.

The subject site is reserved under the Metropolitan Region Scheme (MRS) as Public Purposes Reserve and thus, the proposal is exempt from the need to obtain planning approval under the City's Local Planning Scheme but does require approval under the Metropolitan Region Scheme (MRS). This means the Western Australian Planning Commission (WAPC) is the responsible planning authority to determine the application. Notwithstanding, the City of Fremantle acts in a referral stakeholder capacity for the WAPC.

Although the WAPC will not be bound by the City's local planning framework in its assessment and determination of the application under the MRS, as part of City officers' assessment of this application the provisions of the City's Local Planning Scheme No.4 (LPS4) and relevant Local Planning Policies have been used to help guide its recommendations to the WAPC.

The proposal is referred to Council as it proposes demolition of buildings on a site that is included on the City of Fremantle's Local Heritage Survey and Scheme Heritage List as a Level 3 Place and is within the South Fremantle Heritage Area. The subject site is listed in the heritage inventory for its social value as a tertiary education place; there are no values attached to the fabric of the place.

Therefore, it is recommended the Council advise the WAPC that the application for demolition is supported subject to recommended conditions and advice notes.

It should be noted that this application is being brought before Council, instead of Planning Committee in the first instance, under exceptional circumstances due to public safety concerns around the current condition of buildings and reported fire risks and anti-social behaviour occurring at the site which justifies the need for an urgent decision.

PROPOSAL

Detail

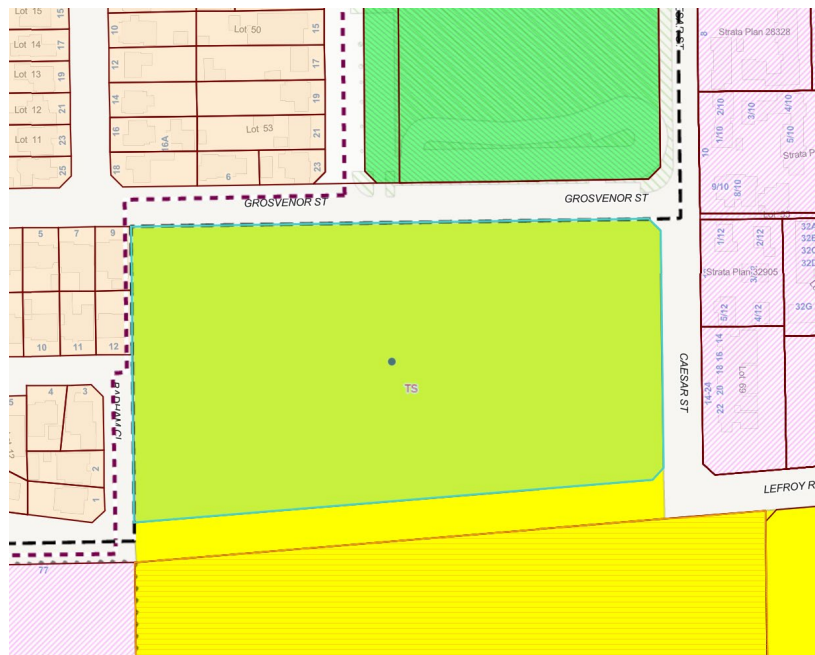
Approval is sought for the complete demolition of all existing buildings and incidental structures on site. Multiple buildings and incidental structures are proposed to be demolished over the large site. See aerial image below:



Development plans are included as attachment 1.

Site/application information

Date received:	23 December 2021
Owner name:	State of Western Australia & Housing Authority
Submitted by:	Development WA
Scheme:	MRS Reserve: Public Purposes Reserve (Technical School)
Heritage listing:	Individually Listed Category 3 and South Fremantle Heritage Area



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 involved demolition of a site on the City's heritage inventory and located within the South Fremantle Heritage Area. The advertising period concluded on 25 January 2022, and nil submissions were received over the course of the consultation period.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies.

Background

The subject site is located on the southern side of Grosvenor Street and is bound by Caesar Road to the east, Badham Close to the west and Lefroy Road to the South. The site has a land area of approximately 38,192m² and is currently not occupied, though was the former South Metropolitan Challenger TAFE which ceased operational use by TAFE WA in 2017.

The site is zoned Public Purposes Reserve (Technical School) under the MRS. The site is individually heritage listed (Level 3) and located within the South Fremantle Heritage Area.

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

- DA0163/20 – Demolition of Transportable Buildings (WAPC Approved)

It should be noted that this application is being brought before Council, instead of Planning Committee in the first instance, under exceptional circumstances due to public safety concerns around the current condition of buildings and reported fire risks and anti-social behaviour occurring at the site which justifies the need for an urgent decision.

Demolition

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

Demolition of any place of heritage value requires careful consideration because it potentially removes all its heritage significance except for intangible historical and social values that are not dependant on physical fabric. In considering these applications, in accordance with clause 4.14 of LPS4, Council must be satisfied that the building or structure:

- (a) has limited or no cultural heritage significance, and*
- (b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

Clause 4.14.2 of the LPS4 provides that in considering an application under clause 4.14.1, Council shall have regard to any heritage assessment required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application is supported by a Heritage Assessment (prepared by Griffiths Architects) that concludes the following:

From the City of Fremantle Heritage inventory, the place is described as having social significance to the local community as a tertiary educational facility.

Fremantle TAFE, a college campus comprising linear planned buildings of one, two and three storeys, constructed in concrete, concrete block, brick and steel, with aluminium windows and metal deck roofs, has cultural heritage significance for the following reasons;

- The place has a degree social value for providing as a tertiary education place for over 50 years;*
- The architecture is utilitarian drawing on design elements of the post-World War II International style and has no particular architectural merit; and*
- Ephemeral structures and demountable buildings are visually intrusive.*

It generally follows that the values are embodied in the physical fabric of a place. This assessment finds that the built environment is unexceptional and that perhaps the social value might be represented in some other way. Most buildings are specialised, represent under-utilisation of land and contaminated with extensive use of asbestos cement. In some cases, buildings are in an advanced state of decay and economic re-use would be problematic.

The City's Heritage Team have reviewed the proposal and the Applicant's Heritage Statement and agreed that the heritage significance of all buildings is largely historic and

social and not directly tied to the existing built fabric so that demolition is acceptable from a heritage perspective, subject to a condition that requires an archival record of the existing buildings be submitted to the City prior to demolition of the existing buildings.

As such, the proposed demolition is supported and it is recommended that a recommendation for approval be forwarded to the WAPC for consideration in their determination.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

Approves the City of Fremantle advising the Western Australian Planning Commission that it supports the Demolition of All Existing Buildings and Incidental Structures at Fremantle Technical College, No. 11-15 Grosvenor Street, Beaconsfield, on the basis of the submitted plans dated 23 December 2021, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 23 December 2021. 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 the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared study of the physical, documentary and other evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:**
 - a) Measured Drawings**

The measured drawings should be architectural standard, orthogonally correct and to accurate scale. Drawings are to include:

 - i. Site plan (1:500 or 1:200); and**
 - ii. Floor plan/s (1:100 or 1:50)**

All documents are to be of A4 size or folded into A4 size.
 - b) A photographic report which includes the following:**

- i. A site plan showing the position, direction and number of each photograph.
- ii. The history of the original building and subsequent stages of development.
- iii. Old photographs relating to this site and building.
- iv. Any other relevant historical information.

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of demolition.

3. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management;
 - m) Works affecting pedestrian areas; and
 - n) Rodent control measures.

Any dewatering application must include:

- Written approval from department of Water and Department of Park and Wildlife;
- Dewatering impact report ;
- Demonstrated compliance with Swan Trust Policy SRT/DE6; and
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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

Advice Notes:

- i. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Lefroy Road, Grosvenor Street and/or Caesar Road reserves. An application for obstruction permit can be found via www.fremantle.wa.gov.au.

- ii. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.

- iii. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- iv. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- v. 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.
- vi. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Frank Mofflin

Minor amendment to officer's recommendation to add an additional points o) and p) in condition no. 3, as follows.

- 3. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
- a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Gantries;**
 - e) Access to site by construction vehicles;**
 - f) Contact details;**
 - g) Site offices;**
 - h) Noise - Construction work and deliveries;**
 - i) Sand drift and dust management;**
 - j) Waste management;**
 - k) Dewatering management plan;**
 - l) Traffic management;**
 - m) Works affecting pedestrian areas; and**
 - n) Rodent control measures.**
 - o) Protection of onsite trees to be retained**
 - p) The interim retention of the carpark along the western site boundary.**

Any dewatering application must include:

- Written approval from department of Water and Department of Park and Wildlife;**
- Dewatering impact report ;**
- Demonstrated compliance with Swan Trust Policy SRT/DE6; and**
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.**

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

Amendment carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM C2202-1
(Officer recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

Approves the City of Fremantle advising the Western Australian Planning Commission that it supports the Demolition of All Existing Buildings and Incidental Structures at Fremantle Technical College, No. 11-15 Grosvenor Street, Beaconsfield, on the basis of the submitted plans dated 23 December 2021, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 23 December 2021. 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 the issue of a Demolition Permit for the development hereby approved the existing building shall be fully documented in the form of a professionally prepared study of the physical, documentary and other evidence associated with the site before any physical or material disturbance. This documentation shall consist of the following:**

a. Measured Drawings

The measured drawings should be architectural standard, orthogonally correct and to accurate scale. Drawings are to include:

- i. Site plan (1:500 or 1:200); and**
- ii. Floor plan/s (1:100 or 1:50)**

All documents are to be of A4 size or folded into A4 size.

b. A photographic report which includes the following:

- i. A site plan showing the position, direction and number of each photograph.**
- ii. The history of the original building and subsequent stages of development.**
- iii. Old photographs relating to this site and building.**
- iv. Any other relevant historical information.**

One set of such records including photographs shall be submitted to the City of Fremantle in electronic format prior to the commencement of demolition.

- 3. Prior to the issue of a Demolition Permit for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure and street trees within the road reserve;**
 - c) Security fencing around construction sites;**

- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management;
- m) Works affecting pedestrian areas; and
- n) Rodent control measures.
- o) Protection of onsite trees to be retained*
- p) The interim retention of the carpark along the western site boundary.*

Any dewatering application must include:

- Written approval from department of Water and Department of Park and Wildlife;
- Dewatering impact report ;
- Demonstrated compliance with Swan Trust Policy SRT/DE6; and
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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

Advice Notes:

- i. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Lefroy Road, Grosvenor Street and/or Caesar Road reserves. An application for obstruction permit can be found via www.fremantle.wa.gov.au.
- ii. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
- iii. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- iv. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.**
- v. 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.**
- vi. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

C2202-2 MONTHLY FINANCIAL REPORT - JANUARY 2022

Meeting date: 23 February 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 31 January 2022
Additional information: Nil

SUMMARY

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

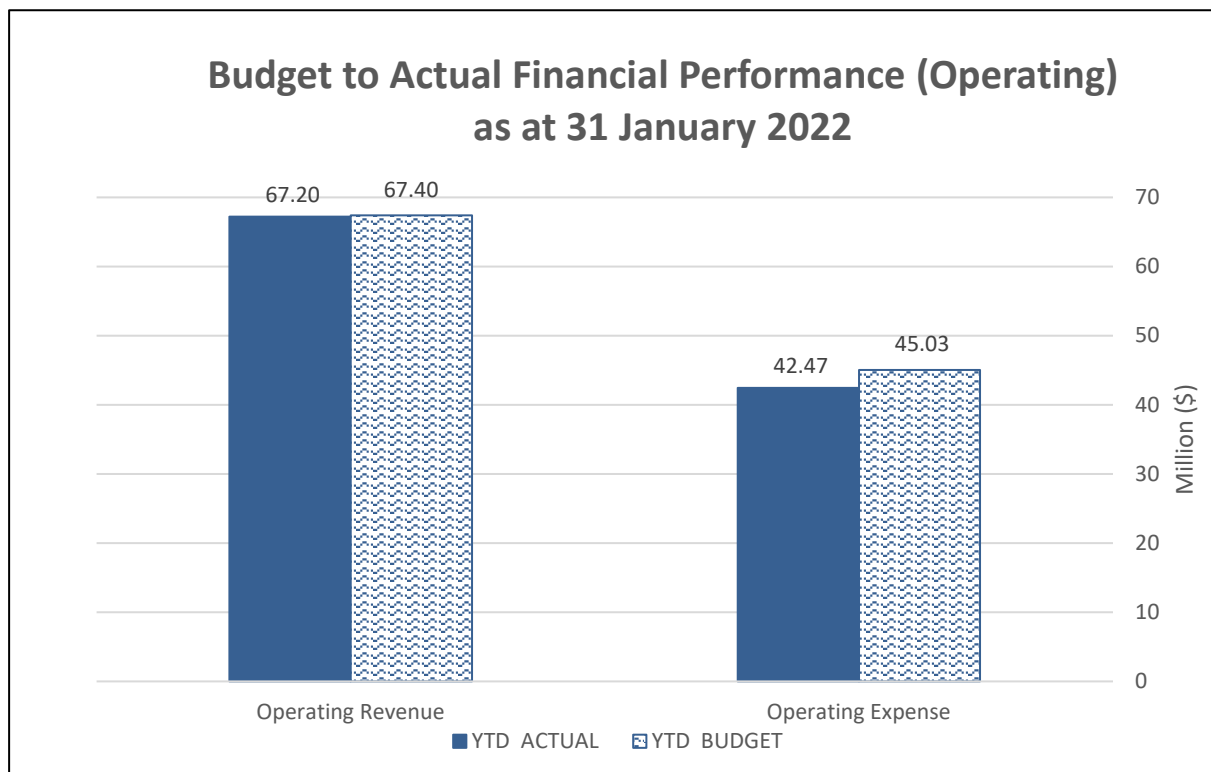
This report provides an analysis of financial performance for January 2022 based on the following statements:

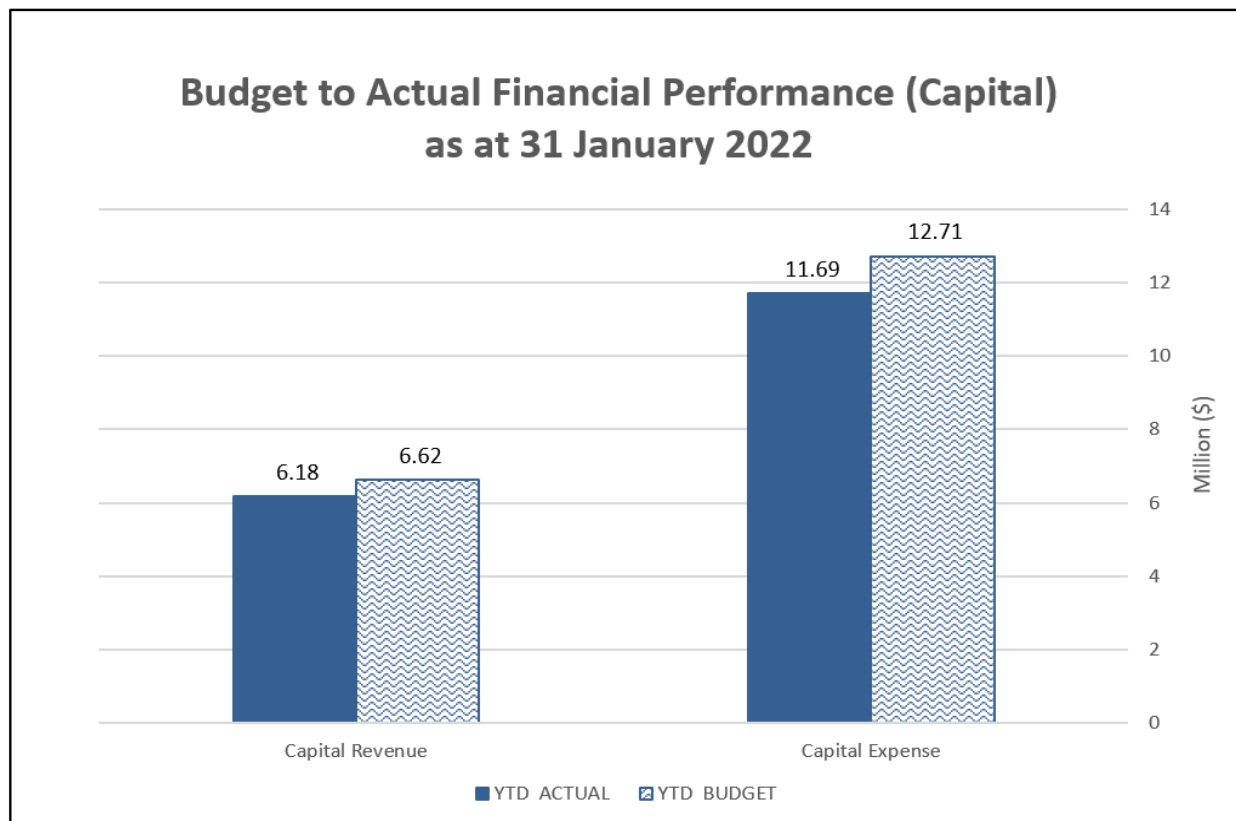
- **Statement of Comprehensive Income by Nature & Type and by Program;**
- **Rate Setting Statement by Nature & Type and by Directorate; and**
- **Statement of Financial Position with Net Current Assets.**

The budget figures in this report represent the Amended Budget. Further, this financial report for the period ending 31 January 2022 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums.

BACKGROUND

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





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

Description	Amended YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance %
Opening Surplus	3.72	15.06	11.34	304.43%
OPERATING				
Rate Revenue	50.22	49.99	(0.23)	0.47%
Revenue	17.17	17.21	0.04	0.20%
Expenses	(45.03)	(42.47)	2.56	5.70%
Non-Cash Adj.	5.72	5.74	0.02	0.35%
	28.08	30.47	2.39	8.51%
INVESTING				
Capital Revenue	6.62	6.18	(0.44)	(6.65%)
Capital Expenses	(12.71)	(11.69)	1.02	8.07%
FINANCING				
Repayment Loans & Leases	(1.74)	(1.54)	0.20	11.75%
Reserve Transfers	10.40	8.37	(2.03)	(19.54%)
Total of Investing and Financing activities	2.57	1.32	(1.25)	(48.64%)
Closing Surplus	34.37	46.85	12.48	36.29%

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

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

Income	YTD Amended Budget \$M	YTD Actual \$	Variance \$	Variance %
Revenue				
Rates (including Annual Levy)	50,401,924	50,166,772	(235,152)	(0.47%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	2,095,014	2,299,073	204,059	9.74%
Fees and Charges	13,535,639	13,340,313	(195,326)	(1.44%)
Interest Earnings	552,870	502,886	(49,984)	(9.04%)
Reimbursement Income	554,722	603,112	48,390	8.72%
Other Income	248,715	275,091	26,376	10.60%
Total Operating Income	67,396,076	67,196,051	(200,025)	(0.30%)
Expenses	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Expenses				
Employee Costs	(22,509,475)	(21,292,827)	1,216,648	5.41%
Employee costs - Agency Labour	(197,353)	(909,914)	(712,561)	(361.06%)
Materials and Contracts	(13,395,215)	(11,752,424)	1,642,791	12.26%
Depreciation on Non-Current Assets	(5,723,565)	(5,674,832)	48,733	0.85%
Interest Expenses	(291,274)	(319,748)	(28,474)	(9.78%)
Utility Charges (gas, electricity, water)	(1,033,957)	(921,199)	112,758	10.91%
Insurance Expenses	(715,725)	(525,804)	189,921	26.54%
Other Expenditure	(1,166,199)	(1,070,541)	95,658	8.20%
Total Operating Expenses	(45,032,763)	(42,467,290)	2,565,473	5.70%

Further explanation of material variances, excluding rates income and employee variances, is included under officers' comments.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 31 January 2022 resulted in an additional \$12,476,196 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

Increase in anticipated year to date position

- Increased carry forward funds from FY20/21 of \$11,337,279. This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end of year closing journals, accruals etc. A final opening position figure for FY21/22 will be determined upon completion of the City's external audit and reported in the mid-year budget review report to Council;
- Reduced operating expenditure of \$2.56m to YTD budget;
- Reduced capital expenditure of \$1m to YTD budget;

Partially offset by:

Reduction in anticipated year to date position


- Reduction in transfer from Reserves (Capital) of \$2m to YTD budget.


Explanation of Material Variances




In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in FY2021/22 for reporting material variances as 10% or \$100,000, whichever is greater (Item C2106-1 refers Council meeting on 23 June 2021).





The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year to date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Rate Setting Statement by Nature and Type.

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

Description	Variance Amount	Comment
Net current assets at the start of the financial year	11,337,279	 304.43%
Major Variances:		
Fees and Charges	2,154,662	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Art centre memberships & commissions +\$516k ▪ Car park fees +\$369k ▪ Fremantle Leisure Centre +\$600k ▪ Health licences +\$164k ▪ Property leases +\$712k ▪ Statutory planning fees +\$141k
Other Revenue	5,712,143	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Recovery of Pindan bonds +\$3.67m ▪ Share of profit from investment in an associate entity which is Southern Metropolitan Regional Council (SMRC) +\$1.64m.
Expenditure from Operating Activities	974,620	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Employee cost savings and offset by higher depreciation.
Capital Grants and Subsidies/Contributions for the development of Assets	(1,736,560)	Accounting variance - grant funds are recorded in accordance with accounting standard AASB 15 Revenue from Contracts with Customers. Under this standard, income is only recognised when contract performance obligations are fulfilled. The reduction in capital grants shown here is offset by reduced capital expenditure on grant-funded projects.
Proceeds from Disposal of Assets	(4,964,010)	Variance - due to disposal of Quarry Street not realised in FY 20/21 (\$5m). Variance to budget impacted favourably by: <ul style="list-style-type: none"> ▪ Proceeds on disposal of Road Sweeper variance to budget \$20k (\$80k budget v. \$100k actual). ▪ Proceeds on disposal of Iveco Compactor variance to budget \$4k(\$20k budget v. \$16k actual).
Capital Expenditure	5,674,236	Variance - attributed primarily to the following projects: <ul style="list-style-type: none"> ▪ Underspend on Walyalup Koort capital works due to builder liquidation & project delays (\$2.8m); ▪ Fremantle Golf Course project timing variance (\$3.8m); ▪ Port Beach Coastal Adaptation (\$2.99m);
Reserve Transfers To -	4,984,321	Variance - attributed primarily to:

Description	Variance Amount	Comment
Capital		Disposal of Quarry street was not realised in FY20/21 and therefore no transfer of funds to reserve as originally budgeted.
Reserve Transfers From - Capital	(2,902,303)	Variance - primarily attributed to an underspend on Walyalup Koort capital works in FY20/21 due to builder liquidation & project delays. Funding of the project from the Investment Reserve did not occur to the level originally budgeted.
General Rates Income	1,186,799	Favourable variance - variance related to FY20/21 Interim rate income budget \$200k v. \$1.4m actual.
Materials and Contracts	1,642,791	 12.26%
Major Variances:		
Collection & Disposal - Domestic - FOGO	195,186	Timing Variance - Delay in receipt of supplier invoices (Approx. two month delay) Permanent Variance – Reduction in the overhead charge rates charged by SMRC. Total annual budget to be reduced at mid year review.
Maintain business systems – Other	144,897	Timing variance – Outstanding invoice to be settled in the following month.
Collection & Disposal – Domestic – Residual Waste	123,484	Timing Variance - Delay in receipt of supplier invoices (Approx. two month delay) Permanent Variance – Reduction in the overhead charge rates charged by SMRC. Total annual budget to be reduced at mid year review.
P-10300 Plan-Fremantle Oval Precinct	121,088	Timing Variance - Anticipated costs associated with advocacy have been delayed. Budget to be utilised by end of financial year.
Domestic – collect & dispose of - recycled waste	105,776	Timing Variance – Delay in receipt of supplier invoices Saving - Recycling fees charged by SMRC were favourable from Sep – Nov 2021 with a reduction of \$20 per tonne.
Collect & dispose of waste – commercial	84,792	Timing variance – Delay in receipt of supplier invoices.
P-11830 Program – Biennale festival	78,182	Budget to be adjusted as the amount was budgeted under an incorrect GL code, to be corrected at mid year review.
Maintain trees - road reserves and carparks	76,352	Timing variance – delay in invoicing, Total annual budget to be reduced at mid year review.
Maintain fixed and wireless network infrastructure	72,808	Accounting variance – Required to prepare a journal to correct the lease transactions.
Maintain internet cloud and other hosted technologies	68,734	Timing variance - Outstanding invoice to be settled in the following month.
Operate car park 31 Fishing Boat Harbour Fremantle	61,096	Budgeting Variance – Actual rent payments were lower than anticipated. Budget to be adjusted ay mid year review.

Description	Variance Amount	Comment
Conduct South lawn events	59,041	Due to Covid-19 restrictions, the number of South Lawn events have been cancelled/rescheduled, budget is to be adjusted at mid year review.
Maintain Sports Grounds	54,733	Timing variance – works are scheduled for the next few months, budget to be utilised in the financial year.
Sweep suburbs and dispose of tailings	52,586	Timing variance – Delay in receipt of supplier invoices.
Maintain major plant & heavy vehicles - allocated	(52,298)	Accounting variance – required journals will be prepared to correct the Plant Overhead Allocation.
Maintain Footpaths	(67,827)	Overspent - Due to the increase in the number of priority maintenance repair works.
Interest payment Loan 307 Civic & Library Building	(68,295)	Timing variance – budget phasing to be adjusted to reflect accrual based accounting.
Refer unpaid fines to fines enforcement	(131,546)	Includes the fee charged by Fines Enforcement for the referral of unpaid infringements. This is to be offset by the additional fee charged from the customer at the time of infringement payment.
Utility Charges (gas, electricity, water)	112,758	 10.91%
Major Variances:		
Operate Fremantle leisure centre (administration)	40,303	Permanent saving – With the Leisure Centre closure, actual costs incurred were less than budgeted. Budget to be adjusted at mid year review. Otherwise overall lower electricity usage.
Maintain Civic Administration Buildings	(26,167)	Additional expenses were incurred during the period of relocation to the WCC building.
Insurance Expenses	189,921	 26.54%
Major Variances:		
Monitor city insurances (excluding workers compensation)	87,793	Variance is mainly due to insurance expense being recognised on an accrual basis whereas the budget was prepared on a cash basis.
Maintain heavy vehicles - allocated	27,313	Timing variance – Budget phasing to be adjusted.
Capital Expense Purchase – Infrastructure Roads	412,661	 42.46%
Major Variances:		
P-12006 Resurface - MRRG - South Tce 2 (NB&SB)	102,381	Timing variance – Project was delayed due to tender process, the project is expected to be commenced in March 2022.
P-12005 Resurface - MRRG - South Tce 1 (NB&SB)	78,243	Timing variance – Project was delayed due to tender process, the project is expected to be commenced in March 2022.
P-12014 Resurface - R2R - Watkins St	62,000	Timing variance – The project was delayed due to Covid-19 restrictions and resourcing issues. Currently, plans are underway to solve the resourcing issues within WA.
P-12004 Resurface - MRRG - Ord St (NB)	55,465	Timing variance – Project was delayed due tender process, the project is expected to be commenced in February 2022.

Description	Variance Amount	Comment
Capital Expense Purchase – Infrastructure Parks	317,011	 21.11%
Major Variances:		
P-12058 Design and construct - Booyeembara Park - Bike trail	110,327	Project delayed due to tender being returned (higher than the budget). It is expected to be re-tendered in the following month.
Program- Infrastructure Recovery	72,573	Budget to be reallocated to other projects through budget adjustments in the following months.
P-11904 Design and construct- Gilbert Fraser - Lighting	57,031	Project delayed due to supply issues, works to be completed in February 2022, budget to be utilised.
Capital Expense Purchase – Plant & Equipment	144,745	 31.47%
Major Variances:		
P-12045 Design and construct - Leisure Centre - Shade sail	90,171	Timing Variance - Project completed – Awaiting for invoices to be received.
Financing	205,025	 51.91%
Repayment of Operating Lease	205,025	Accounting error in the YTD budget, will be rectified in February 2022.
Reserve Transfers	(2,032,629)	 (19.54%)
Transfer from Reserve (Restricted) - Capital	(1,864,729)	Variance - primarily attributed to an underspend on capital works due to various reasons as mentioned above.
Transfer from Reserve (Restricted) - Operating	(133,010)	Variance - primarily attributed to an underspend on operating works funded by Reserves.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2202-2
(Officer recommendation)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 31 January 2022.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

That the meeting be moved behind closed doors to consider the confidential item/s on the agenda.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

There were no members of the public at the meeting at this time.

At 8.16pm Mayor Hannah Fitzhardinge adjourned the meeting for a break and reconvened at 8.23pm.

C2201-7 CODE OF CONDUCT - DIVISION 3 COMPLAINT INVESTIGATION 01-2021

Meeting date: 19 January 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Investigation Report
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

- the personal affairs of a person.

COUNCIL DECISION ITEM C2201-7
(Committee recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

1. Support the findings of the independent investigator that Cr Marija Vujcic did not breach the City's Council Member, Committee Member and Candidate Code of Conduct.
2. Dismiss the complaint
3. *Request a copy of the investigators report, minus attachments, be provided to the complainant and made publicly available on the City's Complaints Register.*
4. Determine that no further action will be taken.
5. *Review the steps taken in handling the complaint investigated and consider changes to encourage complainants to pursue mediation as the first step and give Council the opportunity to consider the outcome of such mediation.*

Carried: 11/0
 Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
 Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
 Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2201-8 CODE OF CONDUCT - DIVISION 3 COMPLAINT INVESTIGATION 02-2021

Meeting date: 19 January 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Investigators Report
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

- the personal affairs of a person.

COUNCIL DECISION ITEM C2201-8
(Committee recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge **Seconded:** Cr Jenny Archibald

Council:

1. **Accept the findings of the independent investigator, that Cr Andrew Sullivan breached section 9(c) of the Council Member, Committee Member and Candidate Code of Conduct, *in relation to one allegation out of the 19 allegations made.***

Carried: 10/1

For

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
 Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
 Cr Marija Vujcic, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Andrew Sullivan

2. **Acknowledge the public apology provided by Cr Sullivan, *in relation to this matter.***
3. **Determine that no further action will be taken.**
4. ***Review the steps taken in handling the complaint investigated and consider changes to encourage complainants to pursue mediation as the first step and give Council the opportunity to consider the outcome of such mediation.***
5. ***Request a copy of the investigators report, minus attachments, be provided to the complainant and made publicly available on the City's Complaints Register.***

Carried: 11/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
 Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
 Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

ARMC2202-9 EMERGING ISSUES REPORT - FEBRUARY 2022

Meeting date: 16 February 2022
Responsible officer: Director City Business
Decision making authority: Council
Attachments: Nil
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

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

COUNCIL DECISION ITEM ARMC2202-9 **(Committee recommendation)**

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Su Groome

Council receive the emerging issues report for February 2022.

Carried: 11/0
Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Adin Lang

That the meeting come out from behind closed doors.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

17. Closure

The Presiding Member declared the meeting closed at 8.57pm.