



Minutes

Ordinary Meeting of Council

Wednesday, 25 September 2019, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **25 September 2019** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Jenny Archibald	East Ward
Cr Doug Thompson	North Ward (<i>entered at 6.59 pm</i>)
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward
Cr Jon Strachan	South Ward
Cr Andrew Sullivan	South Ward
Cr Dave Hume	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Mr Paul Dunlop	Acting Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Julia Kingsbury	Manager Development Approvals
Ms Melody Foster	Meeting Support Officer

There were approximately 30 members of the public and no members of the press in attendance.

2.2 Apologies

Cr Jeff McDonald	Hilton Ward
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2.3 Leave of absence

Nil

3. Applications for leave of absence

Nil

4. Disclosures of interest by members

Nil

5. Responses to previous public questions taken on notice

Nil

6. Public question time

The following members of the public spoke in relation to item PC1909-1.

Paul Carter
James Thompson
Michael McDonald
Vanessa Holt
Hamish Fleming
Chris Arrell
Brent Fleeton
Tessa Parkinson
Michelle Perche
Jill Murray

The following members of the public spoke in relation to item SPT1909-5.

Murray Casselton
Trent Woods
Phil Gnech
Peter Turner

The following members of the public spoke in relation to item PC1909-9.

Bill Ranger
Tony Miller

7. Petitions

Nil

8. Deputations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

That the minutes of the Ordinary Meeting of Council dated 28 August 2019 be confirmed as a true and accurate record.

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

10. Elected member communication

Nil

11. Reports and recommendations from committees

11.1 Planning Committee 4 September 2019

At 6:49pm Cr Doug Thompson entered the meeting.

PC1909-1 QUEEN VICTORIA STREET NO.229 (LOT 20), NORTH FREMANTLE - PARTIAL CHANGE OF USE TO SMALL BAR, ADDITIONS, ALTERATIONS AND SIGNAGE TO EXISTING BUILDING (JL DA0420/18)

Meeting Date: 4 September 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachment: 1: Amended Development Plans
2: Site Photos

SUMMARY

Approval is sought for the partial change of use from Shop to a Small Bar at No. 229 Queen Victoria Street, North Fremantle.

The application is presented to Planning Committee (PC) due to a number of submissions received against the proposal which cannot be addressed through conditions of planning approval.

The proposal has been assessed against the provisions of the Local Planning Scheme No. 4 (LPS4) and the City's Local Planning Policies (Council Policies) and seeks discretionary decisions in relation to the following:

- Land use (Small Bar)
- Car Parking

The original application was presented to the PC at its meeting held on 3 July 2019 with a recommendation for approval. PC resolved to:

- A) Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for Partial Change of Use to Small Bar at No. 229 Queen Victoria Street, Fremantle, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal to increase the provision of on-site parking at the rear of the site.*
- B) Planning Committee request Council to investigate the introduction of time restrictions in adjoining residential streets in accordance with Council Policy SG33 Residential and Multi-Purpose Parking Permits and other appropriate measures to increase parking facilities in the immediate vicinity.*

In response to the PC resolution part A, the applicant submitted amended plans on 25 July 2019 introducing two additional small car bays to the rear of site on Jewell Parade.

With regard to part B, the City undertook a survey of residents in Pearse Street, Jewell Parade, Jackson Street and Queen Victoria between Tydeman Road and Jackson Street, North Fremantle seeking comments on potential street parking time restrictions. The City received 6 submissions, with only one supporting the introduction of resident only parking restrictions on Pearse Street.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a partial change of use to 'Small Bar', and additions, alterations and signage to the existing buildings located at No.229 Queen Victoria Street, North Fremantle (Former Church). The proposed Small bar is also to provide an eatery component for breakfast, lunches and dinners. Business details provided are as follows:

Staffing levels retail and café/bar combined

- Sunday to Thursday - minimum 5-9 maximum staff
- Friday and Saturday - minimum 7-10 maximum staff

Trading hours

- Retail shop
 - Monday to Friday 9.00am-5.00pm
 - Saturday and Sunday 9.00am-4.00pm.
- Café/ Small bar
 - Sunday to Thursday 7.00am-10.00pm,
 - Friday and Saturday 7.00am-12.00am midnight

Deliveries and collections

- Bins collected 3 times per week
- Cardboard collected weekly
- Grease trap emptied monthly
- Glass collection fortnightly
- Cookers oil collection and cleaning weekly
- Food deliveries, fresh, frozen, dry goods, consumables, twice weekly
- Chemicals deliveries, monthly
- Beverages deliveries 2-3 suppliers alcoholic, weekly
- Non-alcoholic, weekly
- Retail clothing, deliveries fortnightly as required pending trade

The Small bar is proposed to be located within the former surf shop building and the retail clothing business to occupy the southern Church portion, which is approximately 130m². Other components of the overall layout are a commercial kitchen to the rear of the Church building (23m²), internal bar / internal and outdoor seating area (107m²), and amenity/ toilet. The building has pedestrian access only from Queen Victoria Street.

As part of the proposed outdoor seating area on Queen Victoria Street, the removal of the two existing car bays on the property's private forecourt accessed from Queen Victoria Street is proposed.

A 'Small Bar' license differs from Hotel and Tavern licenses by conditions imposed by the Department of Liquor Racing and Gaming to restrict its use. Restrictions include the prohibition of the sale of packaged liquor and a limitation on the number of people who may be on the premises at any one time to a maximum of 120.

On 11 April 2019 amended plans were submitted including additional details for the kitchen, the relocation of the Small bar from the Church building to the Shop (former surfboard shaping building), details of a new bar fitout and a response to the heritage impacts raised after a review of the original proposal.

On 26 July 2019 the applicant submitted amended plans indicating two new small car bays to the rear of site. A total of four on-site car parking bays are proposed.

The amended development plans are included as attachment 1.

Site/application information

Date received:	18 September 2018
Owner name:	Cobait Nominees, William Routledge and Sandra Gatti
Submitted by:	Hospitality and Food Service Consultants
Scheme:	Local Centre
Heritage listing:	Individually Listed (Level 2) and North Fremantle Heritage Area
Existing land use:	Shop
Use class:	Small bar and Shop
Use permissibility:	A and D



CONSULTATION

External referrals

Department of Planning, Lands and Heritage

The original application was referred to DPLH for comment as the site abuts an 'other regional' category road. On 23 April 2019, the City received a response from Main Roads WA (MRWA) stating that they raise no objection to the proposed development on regional transport grounds. The recently submitted amended plans were not sent to DPLH as the original advice received would not alter due to the minor car parking alterations at the rear of Jewell Parade.

Fremantle Ports (FP)

The original application was referred to Fremantle Ports for comment. On 26 October 2018, the City received a response from FP stating that the proposed development was acceptable subject to the built form requirements and conditions associated with the buffer area 1 provisions of LPP2.3. FP advised the City no additional comments were required with the amended plans as the original advice remained unchanged.

Community

The original application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), as the proposal includes a discretionary land use and car parking shortfall.

During the original community consultation period which concluded on 22 October 2018, 33 submissions were received, 31 of which raised objections to the proposal. In response to the community consultation the applicant submitted a revised proposal which was readvertised for further comment.

The second advertising period concluded on 24 May 2019, and 27 submissions were received, 22 of which objected to the proposal. See 'Attachment 3' for schedule of all submissions received for the application. The following comments were raised (summarised):

In objection

- Evening trade will be noisy and adversely impact on residents.
- There will be an impact on traffic and parking in the area.
- Major street parking problems already exist in Burns Street, Jewell Parade and Pearse Streets. This will make the problem worse.
- There are already enough entertainment establishments in the immediate vicinity and there is a lack of demand for another.
- These businesses provide insufficient parking for customers and force them to park in the adjacent streets.
- The City of Fremantle needs to fix the problems that have been created in relation to parking and traffic management in North Fremantle.
- Customers of these businesses will not park further away as the applicant has suggested they will.
- There are often vehicles parked across our residential driveways.
- There will be significant noise impacts due to live music, rubbish collection and antisocial behaviour associated with the licensed nature of business.

In support:

- The business will add a quality venue to the locality.
- The venue will attract locals and tourists.
- The venue will create employment and tourism opportunities.
- The venue will offer an alternative to the café strip.

In response to the concerns raised, the applicant submitted revised plans and a series of consultant reports detailing how potential traffic, noise, patron behaviour, and waste impacts can be managed. These reports are discussed in the Officer Comments below where applicable.

In response to the above, Officers can provide the following comments:

- All development must comply with the Environmental Protection (Noise) Regulations 1997 (as amended) and this is a matter which is subject to ongoing compliance. The applicant has submitted an Acoustic Report demonstrating that the proposal can comply with the relevant regulations as discussed further in this report.
- As discussed in the parking assessment below, traffic and parking impacts are considered to be acceptable and/or manageable to minimise the impact on the immediate locality.
- Traffic issues such as crossovers being blocked exist today and can only ever be dealt with on an ongoing basis through policing and monitoring.
- The behaviour of motorists in the area cannot be controlled through a planning application, however the impact of increased visitation to the area is considered below.
- The proposed trading hours are to be in accordance with Section 98 of the Liquor Control Act 1988.
- A management plan must be provided by the applicant as part of liquor licence application. It is considered unlikely that antisocial behaviour will impact the locality in relation to this development. Moreover, whilst public health is an important concern, the management plan indicates that alcohol provision will be appropriately managed, thereby preventing intoxication, and not posing any unreasonable public health impact.

The remaining comments are addressed in the Officer Comment section below

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 most significantly in relation to land use and car parking. The relevant assessment criteria are discussed as follows.

Background

The subject site is located on the western side of Queen Victoria Street, North Fremantle. The site has a land area of approximately 519m² and is currently improved by a former church and single storey commercial building. The site is zoned Local Centre and has a density coding of R25. The site is individually heritage listed as a management level 2 place and the property is located within the North Fremantle Heritage Area.

The church building onsite was previously occupied by an antique dealer and the northern adjoining smaller tenancy was occupied by a surf shop. A search of the property file has revealed that there is no relevant planning history for the site.

The North Fremantle Local Centre (Queen Victoria Street, between Jackson Street and Tydeman Road) is typically characterised by commercial properties being of retail, dining and/or entertainment purposes. The Local Centre has developed over the years with the addition of numerous hospitality premises similar to the proposed Small bar. Only a few premises on Queen Victoria Street have their own exclusive on-site car parking, with a number of the premises relying on the available street parking for staff and customers.

To provide some context in relation to the car parking assessment detailed in the Officer Comment below, the list below outlines the on-site car parking requirements and provision for a number of the existing hospitality premises in the immediate locality that rely on the availability of on-street public parking bays during similar hours.

- 222 Queen Victoria St (Propeller and Guildhall)
Development Approval was approved in 2011 for partial change of use to Small bar and Restaurant, additions and alterations to the existing building. There are 7 communal on-site bays and Officers have assessed there to be an on-site car parking shortfall of approximately 48 bays.
- 229A Queen Victoria St (Piggy Food Co.)
City records show that a restaurant use has existed and operated since at least 1988. Piggy Food Co is understood to have taken over the premises in approximately 2015. After retrospective approval was granted to remove the three on-site bays for an outdoor dining area, Officers have assessed there to be an on-site car parking shortfall of approximately 17 bays.
- 237 Queen Victoria Street (Mojo's)
This site has long-standing use as a Tavern. Officers have assessed there to be an on-site car parking shortfall of approximately 60 bays.
- 241 and 245 Queen Victoria St (Mrs Brown's/ Flip Side)
Development Approval was approved in 2007 for change of use to Small bar including use of 25 car parking bays on an adjoining site. On this basis the proposal was considered to comply with LPS4 parking standards.
- 1 Harvest Rd (Harvest Restaurant)
This site has long-standing use as Café/Restaurant. Records indicate that a parking arrangement was reached with an adjoining property.

The original current application was presented to the PC at its meeting held on 3 July 2019 with a recommendation for approval. PC resolved to:

- A) Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for Partial Change of Use to Small Bar at No. 229 Queen Victoria Street, Fremantle, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal to increase the provision of on-site parking at the rear of the site.*
- B) Planning Committee request Council to investigate the introduction of time restrictions in adjoining residential streets in accordance with Council Policy SG33 Residential and Multi-Purpose Parking Permits and other appropriate measures to increase parking facilities in the immediate vicinity.*

In response to the PC resolution part A, the applicant has submitted amended plans introducing two additional small car bays to the rear of site accessible via Jewell Parade.

With regards to PC's resolution part B, it was requested that the administration survey residents in Pearse Street, Jewell Parade, Jackson Street and Queen Victoria Street (between Tydeman Road and Jackson Street) in regard to their interest in imposing time restrictions on the existing car parking bays in these streets. Time restricted parking may assist in providing an equitable share of street parking for residents and visitors to the area especially during the weekend.

A survey was hand delivered to 65 residential properties in the subject streets on 18 July 2019, seeking feedback to the following:

Whether or not residents supported the following potential street parking restrictions:

- a) Friday – Sunday 9:00am - Midnight (All day 2 hour restriction) or
- b) Friday – Sunday 5:00pm - Midnight (Evening only 2 hour restriction) or
- c) Does not support 2 hour parking restrictions Friday – Sunday (all Day or evening only time restrictions)

The consultation period concluded on 9 August 2019 and the City received a total of six submissions. Five of the submissions indicated that these residents did not support 2 hour parking restrictions for the respective streets at any time. One submission indicated that they supported the introduction of all day 2 hour parking restriction between Friday 9.00am to Sunday midnight on Pearse Street.

Heritage

The subject site is included on the City of Fremantle Municipal Heritage List and on the Municipal Heritage Inventory as management category Level 2. This means that the City has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

The Former Church at 229 Queen Victoria Street is a simple stone brick and iron church building with symmetrical facade designed as a simple example of the Federation Romanesque style of architecture, dating from the turn of the twentieth century. The place has aesthetic value for its contribution to the streetscape and to the surrounding area.

It is considered that the design approach for the revised plan is in accordance with good practice. The approach has been to set the new works, such as the alterations and additions, within the areas of the building that are not original. As a result, the effect has been to minimise the impact of the new work on the heritage values of the building. In addition, the new works have been designed to touch the existing fabric lightly, or to stand apart from it, and this brings progressively greater opportunities for innovation while minimising any adverse impact on the building. As such the proposal is supported on heritage grounds.

Use

A Small bar is an 'A' use in the Local Centre 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 accordance with clause 64 of the Regulations.

It is considered that the proposed use of Small bar is consistent with the objectives of the Local Centre zone for the following reasons:

- The proposed Small bar could make a positive contribution to the local centre, complementing existing uses, adding vitality to the centre and providing an entertainment venue different from any other in the locality, accessible to the local and broader community.
- It is considered that the proposed use would not be significantly detrimental to the amenity of adjacent residential properties. The proposed Small bar will cater for a maximum of 70 seated patrons at any one time. In light of the size of the venue and the stated nature of the proposed business, the potential for significant adverse impact on the amenity of residential properties can be appropriately managed.

Furthermore in considering an 'A' use the Council will have regard to the matters to be considered in 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*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

The proposal is considered to address the above matters, for the following reasons:

- The use is considered to provide an active frontage to Queen Victoria Street and would satisfy the objective of the Local Centre zone to provide convenient uses that can serve the needs of the local community.
- A small bar and retail clothing shop use in this location would provide additional retail and hospitality variety within this area of the North Fremantle Local centre.
- It is acknowledged that the proposal may increase traffic in the locality and the demand for on-street and public parking however the increase is not considered to be significantly greater than the existing situation in North Fremantle. Traffic and parking are discussed further below.
- With regards to generally amenity, social impacts and noise matters, separate legislation must be adhered to for the development ensuring compliance and the additional information provided by the applicant demonstrates that any potential impacts can be appropriately managed.

Car Parking

Under the provisions of Table 2 – Vehicle Parking of the City's LPS4, there are no specific parking requirements for the use of a 'Small bar'. As such, Clause 4.7.1(c) of LPS4 states that "where parking provisions are not prescribed for a particular use the requirement will be determined by Council".

The parking standard used in the determination of previous applications for a 'Small bar' use is as per the requirements for the lounge/garden area of a 'Hotel/Tavern' use as prescribed by Table 2 of LPS4.

Car parking (latest revised plans)

Element	Requirement	Proposed	Extent of Variation
Small Bar	1:5 seats or 1:5m ² dining area, whichever is the greater	2 (small car bays)	17 bays
	70 seat (12 bays) or 95m ² dining area (19 bays)		
	Delivery bay – 1:service/storage area	Nil	1 Bay
	Bicycle parking - Class 1 or 2 : 1 Class 3: 2	Nil 5	1 Rack Nil
Shop	1 per 20m ² nla 112m ²	2	4 bays
	6 - required		
	Delivery bay – 1:service/storage area	Nil	-
Total		4 bays Nil 5 Class 3 rack	21 Car bays 1 Loading bay 1 Class 1 rack

Clause 4.7.3.1 – Relaxation of Car Parking Requirements Assessment, states that Council may reduce or waive the standard parking requirements specified in table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following reasons:

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

The majority of the objections received during the community consultation period raised concerns regarding the impact of parking within the nearby residential streets and the impact this will have on existing residential properties within the immediate locality.

Since the last PC meeting, City Officers have further investigated the availability of the publicly-available car parking in the immediate area and concluded that two areas previously stated as suitable locations, being the car parking south of the Swan Hotel and the North Fremantle Train Station should be removed from consideration. Since the last meeting officers have confirmed with the PTA that the car parking located to the south of the Swan Hotel has recently been leased to the Swan Hotel for their private use. Additionally, although the North Fremantle Train Station car park was considered as a possible parking area for visitors to Queen Victoria Street in the evening and on weekends, as this car park is generally only available for the use of public transport users it is not considered appropriate to include these bays in the City's assessment.

A total of 64 off-street public car parking bays are available in the North Fremantle Local Centre as detailed in the table below. A site inspection has confirmed the accuracy of these calculations. The following Officers' assessment is based on the availability of 64 public car parking bays located within 200m of the site, rather than the 208 previously reported.

Location of car parking	Distance from site	No. car bays
Corner of Tydeman Road and Queen Victoria Street	75m south	19
North Fremantle Bowling Club Car Park / Gordon Dedman Reserve	200m north east	45
		Total – 64 bays

Table 1: Table indicating the number of public car parking bays available in the North Fremantle Local Centre, including their approximate distance from the subject site.

In addition to these off street public car parking facilities, there are a total of approximately 38 on-street (kerb side) car parking bays in Queen Victoria Street (between Jackson Street and Tydeman Road) and Harvest Road available for the North Fremantle Local Centre.

Having regard for the revised assessment, it is still considered that the above public parking facilities, being within a walkable distance from the subject site, in conjunction with the available street parking will provide alternative parking locations for staff and customers of the Small bar and Shop.

As stated in the last report, a two week survey of the availability of on street car parking bays in Queen Victoria Street and the surrounding streets demonstrated that on Friday to Sunday (inclusive) the demand for on street parking bays are at their highest, with between 70 to 88% of the available bays on surrounding streets being occupied on these days (inspection times being 3.30pm and 7pm during the respective days). Outside of these last surveyed times, during the day and evening periods (Monday to Thursday) there was a lower demand for on street parking with the number of occupied bays being approximately 45% to 60%. Concern was raised that the survey was undertaken at the same time that Mojo's was closed for roof restorations and the results may not accurate. Although it was confirmed that Mojo's was open during the survey period, the City has carried out an additional survey over two weekends in August 2019. This recent survey showed similar results to the previous survey being 70 to 80% of the available bays being occupied in the evening times.

It is still considered that even at the busiest time, there is some availability of the existing on street car parking bays in the immediate locality. Although it is acknowledged that the proposed use may increase the demand on these bays during the peak periods of Friday to Sunday, it is not considered to result in a parking and traffic impact that is significantly greater than the current demand for on street parking.

In addition to the above, it is also noted that the removal of the existing crossover and onsite bays for this site in conjunction with the removal of the redundant crossover on the adjoining property (Miss Piggy's) off Queen Victoria Street, may provide the opportunity for three additional on street car parking bays to be provided. As such, a condition of approval is recommended to require the redundant crossover be removed and the verge reinstated at the applicant's expense to allow for the introduction of three additional street bays.

With reference to Clause 4.7.3 of LPS4, which allows Council to relax or waive car parking requirements, given limited patronage capacity (70 seats) of the use, that there are 64 off-street public car parking bays available within 200m of the site, approximately 38 on-street parking bays and that the site is within easy walking distance to train and bus public transport routes, the level of increase is not anticipated to be significantly detrimental to adjoining business or adjacent residential properties of this immediate area.

Others Matters

Noise Management

The applicant has submitted a Management Plan which specifies that background music will be provided within the venue by way of an in house sound system at a volume that maintains a relaxed and comfortable environment that allows patrons to converse. Essentially, noise levels are proposed to be no greater than the levels permitted in accordance with the Environmental Protection (Noise) Regulations. The Management Plan also addresses: managing noise levels, the management of entrances/exits into/out of the venue, general internal and external patron management, and a procedure to actively respond to any complaints.

The applicant has submitted an Acoustic Assessment Report, prepared by Eco Acoustics that considers the potential noise impacts from the proposed development.

The report concludes that the predicted noise levels from the external mechanical plant, background music and patrons dining inside the venue along with patrons dining in the alfresco area comply with the regulatory levels at all nearby residential premises during the worst case night-time period.

It is considered that the proposal has been appropriately designed to minimise any potential impacts and can be appropriately managed once the venue is in operation.

DBU6 – Late Night Entertainment Venues Serving Alcohol

In accordance with the general provisions of DBU6 (Late night entertainment venues serving alcohol), it is considered the local area is well serviced by public streets and is accessible to Taxis to allow for safe transport to and from the site without significantly disrupting through traffic.

The adjoining footpaths and streets are well lit to allow for adequate safety for patrons late at night. The proposed small bar is also adjacent to other Restaurants and Shop uses and is separated from residential uses to ensure limited impacts on amenity and reduced opportunity for conflict between uses.

Liquor Licensing

Should the subject application be approved, the applicant will be required to make an application to the Department of Racing, Gaming and Liquor WA for appropriate liquor licence approval. If approved, the Liquor Licence will be subject to conditions relating to the hours of operation, the maximum patron numbers, the management of patron behaviour and compliance with relevant policy requirements. The Liquor Licence is considered to be the appropriate tool to manage the operation of the venue in a way which will minimise any potential impact on the immediate locality.

CONCLUSION

The amended proposal is considered to meet the specific applicable requirements of LPS4. Potential impacts from the operation of the venue including noise, parking and patron behaviour are considered to be acceptable and can be appropriately managed on an ongoing basis. The proposal is considered to contribute to the activation of the North Fremantle Local Centre Area. As such, the application is recommended for approval, subject to the conditions included in the officer's recommendation below.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people working in North Fremantle
- Increase the number of visitors to North Fremantle

Alcohol Management (SG50)

- The immediate area includes an appropriate mix of non-residential land uses including existing Restaurants, Retail and Office tenancies
- Potential impacts of the proposed Small bar can be appropriately managed.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Dave Hume

The Planning Committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Partial change of use to Small bar, additions and alterations and signage to existing building at No. 229 (Lot 20) Queen Victoria Street, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 25 July 2019. 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. Storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, any redundant crossover and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.

4. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
5. Prior to the issue of a building permit a detailed Parking Management Plan shall be submitted to the City for approval and thereafter implemented to the satisfaction of the City of Fremantle. The Plan shall detail measures that the operator will take to inform staff and customers of available car parking and alternative transport options to the satisfaction of the City of Fremantle.
6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.
7. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
8. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and 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) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
9. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
10. The fencing indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site (No.229 Queen Victoria Street, North Fremantle)
11. Prior to the issue of a Building Permit, One, Class 1 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.

12. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- iii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.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. Design and install all mechanical service systems, including air-conditioners, motors, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). The applicant is to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers. A noise management plan for the proposed development is to be lodged with the City's Environmental Health Service.
- vi. With regards to condition No.8, it is acknowledged that due to the heritage listing of the building, strict compliance with all built form requirements for Area 2 as per LPP2.3, is difficult and these required LPP2.3 works will only relate to the new additions and alterations of the development hereby approved.

- vii. With regards to condition 11, Bicycle parking facilities are to be provided in accordance with the following standards:
- Class 1 – High security level – Fully enclosed individual locker;
- For more information refer to 'Austroads Cycling Aspects of Austroads Guides'

PROCEDURAL MOTION

At 6.50pm the following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Bryn Jones

Seconded: Cr Jeff McDonald

The item be deferred for a decision to the Ordinary Council meeting on 25 September 2019 for further consideration of car parking issues.

Carried: 5/2

For

**Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald,
Cr Ingrid Waltham, Mayor, Brad Pettitt**

Against

Cr Jon Strachan, Cr Dave Hume

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Partial change of use to Small bar, additions and alterations and signage to existing building at No. 229 (Lot 20) Queen Victoria Street, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 25 July 2019. 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. Storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, any redundant crossover and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.

4. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
5. Prior to the issue of a building permit a detailed Parking Management Plan shall be submitted to the City for approval and thereafter implemented to the satisfaction of the City of Fremantle. The Plan shall detail measures that the operator will take to inform staff and customers of available car parking and alternative transport options to the satisfaction of the City of Fremantle.
6. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.
7. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
8. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and 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) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
9. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
10. The fencing indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site (No.229 Queen Victoria Street, North Fremantle)
11. Prior to the issue of a Building Permit, One, Class 1 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.

12. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- iii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 Design, construction and fit-out of food premises. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.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. Design and install all mechanical service systems, including air-conditioners, motors, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). The applicant is to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers. A noise management plan for the proposed development is to be lodged with the City's Environmental Health Service.
- vi. With regards to condition No.8, it is acknowledged that due to the heritage listing of the building, strict compliance with all built form requirements for Area 2 as per LPP2.3, is difficult and these required LPP2.3 works will only relate to the new additions and alterations of the development hereby approved.

- vii. With regards to condition 11, Bicycle parking facilities are to be provided in accordance with the following standards:
- Class 1 – High security level – Fully enclosed individual locker;
- For more information refer to 'Austroads Cycling Aspects of Austroads Guides'

AMENDMENT 1

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Amend the Officer's Recommendation to be numbered Part A; and add an additional Part B as follows:

Part B Council consider options for a special area rate for the North Fremantle Town Centre to contribute towards the cost for additional public parking in North Fremantle as part of the 2020/21 draft budget deliberation process. If possible this special area rate should take into account existing on-site parking provided by some businesses in the North Fremantle Town Centre.

Amendment carried: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

Reason for change:

The intent of this amendment is to ensure appropriate funding is available to find a suitable solution for the parking issues in North Fremantle Town Centre.

At 7.41 pm the following procedural motion was moved:

PROCEDURAL MOTION

Moved: Cr Rachel Pemberton

Seconded: Cr Bryn Jones

The item be deferred to the next appropriate Council meeting to allow further time to assess parking options and engage with local businesses.

Lost: 4/8

For

Cr Doug Thompson, Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang

Against

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Sam Wainwright, Cr Dave Hume**

Cr Jon Strachan moved Part A) of the officer's recommendation as amended;

COUNCIL DECISION ITEM PC1909-1

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

Council:

Part A) APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Partial change of use to Small bar, additions and alterations and signage to existing building at No. 229 (Lot 20) Queen Victoria Street, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 25 July 2019. 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.**
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- 3. Prior to the occupation of the development hereby approved, any redundant crossover and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 4. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.**
- 5. Prior to the issue of a building permit a detailed Parking Management Plan shall be submitted to the City for approval and thereafter implemented to the satisfaction of the City of Fremantle. The Plan shall detail measures that the operator will take to inform staff and customers of available car parking and alternative transport options to the satisfaction of the City of Fremantle.**
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12. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
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- vi. With regards to condition No.8, it is acknowledged that due to the heritage listing of the building, strict compliance with all built form requirements for Area 2 as per LPP2.3, is difficult and these required LPP2.3 works will only relate to the new additions and alterations of the development hereby approved.
- vii. With regards to condition 11, Bicycle parking facilities are to be provided in accordance with the following standards:
 - Class 1 – High security level – Fully enclosed individual locker;
For more information refer to 'Austroads Cycling Aspects of Austroads Guides'.

Carried: 8/4

For

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Sam Wainwright, Cr Dave Hume

Against

Cr Doug Thompson, Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang

Cr Jon Strachan moved Part B) of the officer's recommendation, as amended;

COUNCIL DECISION ITEM PC1909-1

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

Part B *Council consider options for a special area rate for the North Fremantle Town Centre to contribute towards the cost for additional public parking in North Fremantle as part of the 2020/21 draft budget deliberation process. If possible this special area rate should take into account existing on-site parking provided by some businesses in the North Fremantle Town Centre.*

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

**PC1909-9 SILVER STREET, NO. 1 (LOT 2), SOUTH FREMANTLE - TWO
STOREY SINGLE HOUSE (TG DA0224/19)**

Meeting Date: 4 September 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Amended development plans
2: Site photos

SUMMARY

Approval is sought for a two storey single house at 1 Silver Street, South Fremantle.

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:

- Primary street setback
- Boundary walls (south , east and west)
- Vehicle sightlines
- Fencing height
- Driveway location
- Overshadowing

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a two storey single house to an existing vacant lot at 1 Silver Street, South Fremantle. The proposed works include:

- A two storey dwelling.
- One open car bay.
- A solid front fence.
- Two storey boundary walls to the eastern and western site boundaries.
- A single storey boundary wall element to the southern boundary.
- Decking to the front and rear alfresco areas.

The applicant submitted amended plans on 6 August 2019 including the following:

- A reduction in overall building height from 6.515m to 6.343m.
- An increase in the rear setback from 2.4m to 2.7m.
- Additional detail with regard to the shade cast by the dwelling.
- A reduction in the height and length of the two storey eastern boundary wall to 6.343m and 6.7m respectively (originally proposed as 6.5m and 6.9m respectively).
- A reduction in the height of the two storey portion of the western boundary wall to 6.093m above the adjoining ground level (originally proposed as 6.3m).

- A reduction the height of the single storey portion of the western boundary wall to 2.836m above adjoining ground level and an increase to 2.76m in length (originally proposed as 2.4m long and 3.1m high above adjoining ground level).

Development plans are included as attachment 1.

Site/application information

Date received: 21 June 2019
Owner name: R A O'Byrne
Submitted by: R O'Byrne Design
Scheme: Residential R35
Heritage listing: South Fremantle Heritage Area
Existing land use: Vacant site
Use class: Single House
Use permissibility: P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal involved discretionary assessment of various matters which had the potential to impact the amenity of surrounding landowners. The advertising period concluded on 11 July 2019, and two submissions were received. The following issues were raised (summarised):

- The building as proposed will be extremely detrimental to our comfort and quality of life.

- With no setbacks from the east, west and south boundaries the building will loom over us, blocking out light and views of the sky and trees to the north and west.
- Both the south-west and south-east corners have abutting walls with no setback and are higher than the existing boundary brick wall. The visual impact of these buildings will be detrimental to our rear courtyard outlook.
- There is no detail of the proposed rear awning as to height, depth and material.
- Concerns that the proposed building will block out winter sun from a north facing living area and may overshadow solar panels on the north facing roof.
- The development exceeds a reasonable size for the existing lot shown by the proposed boundary walls to three boundaries.
- The dwelling will have a negative impact upon the amenity of adjoining dwellings and the streetscape as the proposed design does not have regard to the heritage nature or modest size of the buildings in the vicinity.
- The dwelling will overlook into the rear yard of the property over Silver Street.
- The proposed boundary wall to the west, combined with the height of the building will impact access to natural light for the rear yard of the adjoining property in the morning in winter and summer. Light access to an adjoining kitchen windows and a vegetable garden will also be impacted.
- It was requested that the location of the powder room be reviewed to be accommodated in the main body of the dwelling to reduce the length of the proposed boundary wall. It was also requested that the proposed void be removed from consideration in order to reduce the extent of the proposed boundary wall.
- The submitted plans and survey appear to indicate that the dividing fence is out of alignment with the property boundary. It was requested that you confirm whether the proposed building will result in the removal of this dividing fence.

In response to the above, the applicant submitted revised plans to reduce the overall height of the building, reduce the extent of boundary walls and increase the setback from the rear boundary to reduce the extent of shade cast by the development. The applicant also provided the following comments (summarised):

- It appears to be common practice in South Fremantle for two storey boundary walls on one or two boundaries to be approved on narrow lots. While this lot has a normal width frontage, its depth is only 13.72m. Accordingly the two storey boundary walls are proposed to allow the development of a reasonable sized dwelling and adequate outdoor living area on the subject lot.
- The western boundary wall will not cast greater shadow than the adjoining dense vegetation of 6-8m high. Shade cast by the wall will not affect the adjoining property to the west at midwinter when shade falls directly to the south.
- The applicant provided supporting information in relation to the primary street setback (discussed in the officer's comment section below).

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

- Matters such as the existing location of a dividing fence are a civil matter to be considered between neighbours under the Dividing Fences Act. It is noted that an assessment against the proposed over height rear and side fences is discussed in the Officer comment.
- The applicant has submitted an additional overshadowing plan illustrating the shadow cast by the dwelling in mid-winter. The plan illustrates that shadow will not impact adjoining solar collectors during midday in midwinter.

- With respect overlooking into the property across Silver Street to the north, the development satisfies the relevant deemed-to-comply criteria.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

- Primary street setback
- Boundary walls (south, east and west)
- Vehicle sightlines
- Fencing height
- Driveway location
- Overshadowing

The above matters are discussed below.

Background

The subject site is located on the south side of Silver Street, west of South Terrace, in South Fremantle. The site has a land area of approximately 209m² and is currently vacant. The site is zoned Residential and has a density coding of R35. The site is not individually heritage listed and is located within the South Fremantle Heritage Area.

On 21 March 2016 the WAPC approved the subdivision of 189 South Terrace (WAPC1494-15) to create the subject site.

Primary street setback

Element	Requirement	Proposed	Extent of Variation
Ground floor:	7m	4m	3m
Upper floor:	10m	4m	6m

In accordance with LPP2.9, in this instance the prevailing streetscape consists of the dwelling on the corner of South Terrace and Silver Street, which has a secondary street setback to Silver Street of less than 1m, and the three properties to the west of the site which feature single storey dwellings fronting Louisa Street and two storey rear garages/studios with a nil setback to Silver Street.

The proposed ground and upper floor street setback is considered to address the discretionary criteria of LPP 2.9 in the following ways:

- The ground floor of the proposed dwelling is set back behind the corner lot dwelling and the other buildings in the prevailing streetscape.
- Although the corner dwelling is only single storey in height, the upper floor of the proposed dwelling is set behind the adjoining two storey habitable structures which are built up to the Silver Street boundary in the prevailing streetscape.

Boundary walls (south, east and west)

Element	Requirement	Proposed	Extent of Variation
Kitchen and bedroom (east)	1m	Nil	1m
Ground floor:	1.2m	Nil	1.2m
Upper floor:			
Study, stairs, powder room and void (west)			
Ground floor:	1m	Nil	1m
Upper Floor:	1.2m	Nil	1.2m
Powder room (south)	1m	Nil	1m

The western and eastern boundary walls are not considered to meet the Design principles of the R-Codes and Local Planning Policy 2.4 in the following ways:

- The walls are considered to impose undue building bulk onto the rear yards of the adjoining properties (10 Louisa Street and 189 South Terrace) in comparison to a development which had its upper floor set off the side boundaries.
- The eastern boundary wall element adjoins an existing outdoor living area and is considered to unduly impact the amenity of this area.
- Due to the bulk and scale of the boundary walls, it is considered that they will adversely impact the amenity of the adjoining properties.
- The height of the boundary walls is not considered consistent with the prevailing development context and streetscape.

The boundary wall to the southern property boundary could be considered in isolation to satisfy the relevant discretionary criteria of the R-Codes and Local Planning Policy 2.4 for the following reasons:

- This portion of the development makes use of otherwise constrained side setback area.
- This portion of the development is considered to be limited size and bulk and therefore to have minimal amenity impact on the adjoining property.
- This wall element does not impose any privacy impact.
- The shade cast by this portion of the development is contained in the shade cast by the overall development.
- This element of the development will not be readily visible from the street and single storey boundary wall elements are considered to be consistent with the prevailing development context.

While it is considered that some concessions with regard to building up to property boundaries may be able to be accommodated due to the restricted depth of the lot, the proposed boundary wall elements are considered to unduly impact on the amenity of the neighbouring properties and are therefore not supported.

Vehicle Sightlines

Element	Requirement	Proposed	Extent of Variation
R-Codes 5.2.5 – Sightlines	Walls to be truncated within 1.5m of a vehicle access point.	2m high gate and neighbour's 2.3m high fence pier.	Works included within truncated area.

The vehicle sightlines can be considered to meet the Design principles of the R-Codes in the following ways:

- If the development were considered for approval, it would be required that the vehicle and pedestrian gate be visually permeable to allow for appropriate reversing sightlines.
- The gate would need to be opened for access and egress, alerting pedestrians of impending vehicle movements and reducing vehicle speeds.
- The car bay is located at the property line, resulting in reduced vehicle speeds for egress.
- The pedestrian footpath is located to the northern side of Silver Street, resulting in fewer pedestrians using the roadway in front of the site.

Front fence

Element	Requirement	Proposed	Extent of Variation
Fencing to northern boundary (front)	Visually permeable: above 1m Maximum height: 1.8m	Solid fencing to 2m high	Visual permeability: 1m Overall height: 0.2m

The front fence is considered to meet the discretionary criteria of the policy in the following ways:

- Per the submitted fencing elevation, plans and streetscape photographs, the proposed fencing is consistent in height with that at adjoining properties.
- The character of this side of Silver Street is such that the solid high fencing proposed is consistent with the streetscape. The development plans demonstrate the height of fencing to adjoining properties and the site photos demonstrate the location of existing solid fences.
- If the application were considered for approval, a condition requiring that the gates be visually permeable would permit mutual surveillance of the front setback and streetscape.
- The major openings to the upper floor permit surveillance of the street.

Side fencing

Element	Requirement	Proposed	Extent of Variation
LPP 2.8 – Side and rear boundary fences	1.8m maximum height	2m	0.2m

The side fencing is not considered to meet the discretionary criteria of the policy for the following reasons ways:

- The development plans depict side and rear fencing up to 2m in height and no supporting information is provided to justify the impact of these fencing elements. If the application were to be considered for approval, a condition requiring that the fencing be reduced in height to the satisfaction of the City would be recommended.

Driveway Location

Element	Requirement	Proposed	Extent of Variation
Crossover	Driveways to be set off side boundaries by 0.5m	Driveway built up to side boundary.	0.5m

The driveway could be considered to meet the Design principles of the R-Codes in the following ways:

- A single crossover is provided for the lot.
- Pedestrian safety is considered to be appropriately addressed per the above consideration of vehicle sightlines.
- The access point location maintains the existing trees within the road reserve.

Overshadowing

Element	Requirement	Proposed	Extent of Variation
R-Codes 5.4.2 – Solar Access for adjoining sites	Maximum shade cast over 12 Louisa Street 30.87%	31.5%	0.63%

Although the proposed variation is minor, the development is not considered to meet the Design principles of the R-Codes for overshadowing for the following reasons:

- The development will cast shade over major openings into habitable rooms and rear north facing outdoor living areas.
- While the development will permit partial sun access to the windows on the adjoining site at midwinter, the minor variation can be avoided to reduce the impact on overshadowing on the adjoining property as much as possible.

CONCLUSION

As considered above, if the development were to be modified to satisfy the deemed-to-comply criteria of the R-Codes with respect to the shade cast by the development and the extent of boundary walls were to be reduced, the application may be considered worthy of support. Accordingly the application is recommended for refusal on the basis that the development, as proposed, comprises an overdevelopment of the subject site. It is considered that the objectives of LPP 2.4 and the relevant design principles of the R-Codes have not been appropriately addressed with regard to the proposed boundary walls and the shade cast by the development.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

Planning committee acting under delegation 1.1:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Two storey single house at No. 1 (Lot 2) Silver Street, South Fremantle, as detailed on plans dated 6 August 2019 for the following reasons:

1. The proposed boundary walls to the eastern and western property boundaries do not satisfy the design principles of Local Planning Policy 2.4 and State Planning Policy 7.3 (Residential Design Codes Volume 1) as these walls are considered to unduly impact on the amenity of adjoining properties by virtue of the building bulk and their impact upon access to light for adjoining outdoor living areas.
2. The shade cast by the development does not satisfy the design principles of State Planning Policy 7.3 (Residential Design Codes Volume 1) as the development will cast shade over major openings onto habitable rooms and the outdoor living area of the adjoining property to the south.
3. The proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No. 4 as per clauses 67(a) and (m) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

PROCEDURAL MOTION

At 7.30pm the following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Ingrid Waltham

Seconded: Cr Jeff McDonald

That the item be referred for a decision to the Ordinary Meeting of Council on 25 September 2019 to allow the Administration to draft an alternative recommendation for approval.

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Ingrid Waltham,
Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

ADDITIONAL OFFICER COMMENT

As requested by the Planning Committee at its meeting held on 4 September 2019, an alternative officer recommendation for approval is provided below.

COUNCIL DECISION ITEM PC1909-9 **(Alternative office's recommendation)**

Moved: Cr Jon Strachan

Seconded: Cr Ingrid Waltham

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the two storey Single house at No. 1 (Lot 2) Silver Street, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans dated 6 August 2019 It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. Prior to occupation/ use of the development hereby approved, the boundary walls located on the eastern, western, and southern boundaries shall be of a clean finish in any of the following materials:**
 - 1. coloured sand render,**
 - 2. face brick,**
 - 3. painted surface,****and be thereafter maintained to the satisfaction of the City of Fremantle.**
- 4. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site (No. 1 (Lot 2) Silver Street).**
- 5. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.**
- 6. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice note(s):

- i. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.**
- ii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**
- iii. The new crossover 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.**

A link on the City's website for crossover specifications, FAQ's, permits etc refer to <https://www.fremantle.wa.gov.au/crossovers>.

Carried: 9/3

For

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones,
Cr Jon Strachan, Cr Rachel Pemberton, Cr Adin Lang,
Cr Jenny Archibald, Cr Dave Hume**

Against

Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Andrew Sullivan

Mayor, Brad Pettitt brought forward the Strategic Planning and Transport Committee items for discussion.

11.3 Strategic Planning and Transport Committee 18 September 2019

SPT1909-5 LOT 200 (NO. 119) HOPE STREET, WHITE GUM VALLEY - LOCAL DEVELOPMENT PLAN

Meeting Date:	18 September 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	<ol style="list-style-type: none">1. Advertised Local Development Plan2. Schedule of Submissions3. Applicant's response to submissions4. Revised Local Development Plan5. Site Photos6. Front Fencing Examples

SUMMARY

The City has received an application for a local development plan (LDP) at Lot 200 (No. 119) Hope Street, White Gum Valley. This plan has been submitted in response to Amendment No. 75 to the City's Local Planning Scheme, which was gazetted on 19 July 2019. The amendment provides the ability for development of the site at a 'bonus' residential density of R60, subject to satisfying certain design criteria under Schedule 8 of the scheme, including establishment of a Local Development Plan (LDP) addressing certain design elements.

The LDP shows the subject site, located on the corner of Hope Street and Wongan Avenue, White Gum Valley, accommodating up to 28 two storey grouped and multiple dwellings. The plan includes detail regarding landscaping, building envelopes, fencing and vehicle access.

Consultation on the plan was undertaken between July and August 2019 in accordance with Local Planning Policy 1.3. A total of 30 submissions were received, mostly expressing concern with the development indicated on the plan and raising issues in respect to streetscape, traffic volumes and the overall scale of development proposed.

The LDP is recommended for approval subject to modifications in respect to fencing within the street setback area.

BACKGROUND

Amendment No. 75

An amendment to Local Planning Scheme No. 4 over the site permitting its development at a higher density (loosely informed by Freo Alternative) was gazetted on 19 July 2019, after being formally considered and endorsed by Council in December 2018 (refer Item SPT1812-16).

This amendment, formally referred to as Amendment No. 75, gives the ability for the subject site to be developed at a bonus density of R60 subject to satisfying criteria relating to housing diversity, sustainability, open space, trees and landscaping as well as built form. In addition, to achieve the bonus density, a Local Development Plan (LDP) is required to be approved over the site which addresses:

- (i) Vehicle and pedestrian access and egress.
- (ii) Building setbacks, including boundary walls and rear setbacks.
- (iii) Solar access.
- (iv) On-site car parking locations.
- (v) Visitor parking locations
- (vi) Landscaping and open space provision.
- (vii) Fencing and retaining walls.
- (viii) Private open space location and treatments.
- (ix) The interface with existing development on adjoining lots.

Local Development Plan

A local development plan was formally submitted to the City on 26 June 2019 (refer Attachment 1). The plan proposes:

- Maximum building height of 2 storeys;
- A front (northern) setback of 5 metres as measured to the Hope Street boundary, a 3 metre setback to the rear/southern boundary and lesser setbacks of varying distances to the secondary street and side boundaries;
- The ability for development of both grouped dwellings and multiple dwellings on the site;
- One-way vehicle access through the site, entering via Wongan Avenue (east) and exiting via Hope Street (north);
- On-site carport and parking locations for residents of the development;
- On-street visitor car parking via the installation of new parallel parking bays on Hope Street;
- Indicative courtyard and landscaping locations within the site;
- Front, side and rear fencing styles and locations; and
- Other development standards to be in accordance with the provisions of Scheme Amendment No. 75.

Statutory Framework

The Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') outline the statutory framework for LDPs. It specifies that they can be prepared where required by the WAPC to respond to site specific design considerations, and operate as documents of 'due regard' (i.e. without the statutory weight of the scheme).

Consultation on an LDP for a minimum period of 14 days is required under the Regulations, with the City's Local Planning Policy 1.3 (LPP1.3) providing further detail as to how the City will consult on LDPs. The Regulations require that the City consider submissions and determine LDP proposals within 60 days of the close of advertising. Approval is by the local government (not WAPC) with LDPs operational for a period of 10 years unless otherwise approved.

The WAPC provide further guidance on the format and scope in LDPs in its 'Framework for Local Development Plans'.

CONSULTATION

Consultation on the plan occurred between 17 July and 7 August 2019 in accordance with LPP 1.3. Consultation involved:

- Letters to owners and occupiers of properties within 100 metres of the subject site;
- A sign on site; and
- A community information session held on 30 July 2019 at Sullivan Hall, attended by City officers and representatives of the proponent.

At the completion of the comment period, the City had received 31 submissions (refer Attachment 2 – Schedule of Submissions), which included the following comments:

- The plan doesn't include enough open space for gardens and green space and does not propose to retain any mature trees.
- Objection to high/solid walls along Hope Street which are not in keeping with surrounding properties. Continuous fencing along Hope Street will have an impact upon the open nature of the street. Fencing should reflect those of other recent developments along Yalgoo Avenue and Stevens Street.
- There is no longer any communal open space within the site or within the verge area as proposed in previous concepts.
- The setback of buildings from Wongan Avenue will have a negative impact upon the open and green feel of the suburb. There is no interface with Wongan Avenue.
- Number of dwellings is too much for the site and they are set back too close to Hope Street compared with surrounding houses.
- Numerous concerns raised in respect to increased traffic on Hope Street and Wongan Avenue which will result from the anticipated number of dwellings on the site.
- Numerous questions regarding the vehicle access arrangements through the site with entry on Wongan and exit on Hope Street, and concerns this will have an impact upon congestion and safety for pedestrians/cyclists. Some submissions stated a preference for access to occur exclusively via Hope Street.
- Concern regarding the 51 parking spaces on the site, with all to be used as parking for the residential dwellings and no visitor parking.
- Further detail requested regarding the impact upon rear neighbours in respect to the finish/material of the 2.1m high dividing fence and the proposed building design on the southern side.

- There is no detail on the plan in relation to the nature of the building ‘articulations’ along the southern elevation and what these will look like.
- The layout of buildings and housing diversity is different to what was anticipated during the scheme amendment process.
- The plan does not show how service vehicles will access the site, in particular for waste collection.
- There is minimal landscaping along the communal access driveway and it mostly consists of car parking areas.

The applicant provided a response to the submission themes (refer Attachment 3) and made minor modifications to the plan in response to feedback.

Revised plans (at Attachment 4) submitted on 29 August 2019 made minor changes to the street fencing provisions, and also included other administrative changes to avoid duplication with the provisions of sub-area 6.3.2. Discussion on some of the key points raised in consultation and identified during assessment is provided below, with further responses provided in the Schedule of Submissions.

OFFICER COMMENT

The local development plan corresponds with the criteria outlined in Schedule 8 and provides a design response to those items specified. A discussion on the key aspects of the plan is provided as follows:

Density and Diversity

The number of dwellings is consistent with the maximum R60 zoning established by Amendment 75. Based on an average site area of 150sqm per grouped dwelling, as per Table 1 the Residential Design Codes Volume 1, a density of R60 can support up to 36 grouped dwellings. The plan submitted shows up to 28 dwellings, inclusive of multiple dwellings.

The layout and extent of housing diversity has changed from the original concept provided with the Scheme Amendment, in part due to changes in the amendment provisions which notably restricted the height of buildings to 2 storeys, reducing potential for multiple dwellings. The change in layout is also understood to have been informed by more detailed site and feasibility analysis. The requirements for a proportion of smaller (<120sqm) dwellings specified in the scheme remains applicable.

Open Space and Landscaping

The proposal is consistent with the minimum open space established by Amendment 75, being 60 percent of the total site area. The applicant provided further information during the assessment of the LDP to confirm the open space compliance and this will be further assessed and verified at development application stage.

The plan shows compliance with scheme provisions for landscaping, including the provision of a deep planting area for each grouped dwelling within the development. The plan also shows location of mature trees within the site, as well as water permeable areas as required by the scheme. The retention of existing trees on site is yet to be formally decided by the proponent however the majority appear to conflict with the layout.

The plan originally submitted to the City showed no communal open space for the development. This represented a change to the preliminary versions of the plan submitted with the Amendment, and occurred because the Minister for Planning removed any requirement for communal open space from the scheme requirements. In response to feedback from officers and comments made by submitters during consultation, the proponent has reintroduced an area of communal open space on the corner of Hope Street and Wongan Avenue on the most recent version of the plan.

Vehicle and Pedestrian Access

Pedestrian access to the development is shown via access pathways from Hope Street, as well as through the communal access driveway via the Wongan Avenue side. Whilst the 6 metre width of the access leg is not fully paved, as per the R-Codes, it is noted that soft landscaping is shown on the plan to comply with the relevant planning scheme requirements. Given the moderate scale of the development the width of the access leg based on a one-way operation is considered acceptable to support the necessary vehicle and pedestrian access arrangements.

The LDP shows vehicle access entering via Wongan Avenue and exiting onto Hope Street. The proponent has argued that this configuration serves to assist with maximising a north-facing orientation to the development as well as assist with vehicle access and safety, as opposed to having two-way vehicle access points on each street.

Some submissions raised concern regarding the location of the access points, being in close proximity to the intersection of Hope and Wongan. Comment in relation to safety and congestion were also raised. In response, the City's Infrastructure Engineering officers advise that:

There has been one non-injury crash incident in the last 5 years at this intersection, a thru-thru (right angle). There is historic evidence that drivers tend to exceed the speed limit at the eastern end of the WGV road network along the long east/west roads. These items are outside the development scope but currently are not a road safety issue, more of an anti-social Police issue.

The location has good sight lines on all approaches free of structures. It is most likely a legacy item that the 'STOP' control still exists at this location.

The intersection and roadways have capacity to absorb the additional trips. This is due to the relatively low volumes at present. The scale of the development will create noticeable peak hour movements, however it is not something to warrant turn restrictions or additional intersection controls.

The proposed vehicle access for the development shares load between Wongan Avenue and Hope Street whilst minimising hard surfaces for driveways, and as such is supported.

Parking

Some concern was raised during consultation regarding the high number of car parking bays on site and the amount of traffic that this could generate. The LDP shows a total of 51 car parking bays within the site. The R-Codes require a minimum of 1 or 2 car parking bays per dwelling, depending on the dwelling size and/or number of bedrooms.

Parking provision cannot be assessed in detail at this stage of planning because of the absence of dwelling detail (i.e. number of bedrooms), however it is noted that the provision of parking exceeds the maximum 1 bay per dwelling specified in Freo Alternative (which originally applied to this site, and applies to surrounding sites) by approximately 13 bays. The principle of providing a second bay for larger (non Freo Alternative) dwellings is supported to reduce (but not remove) the probability and scale of shortfall, noting Council's objectives, in Freo Alternative, to provide dwellings suitable for smaller households and to reduce the predominance of car-centric design. The scale of the development and the absence of front driveways (whilst positive) also reduces the capacity for visitors to be informally accommodated on site, with the availability of extra bays assisting to counter balance this. Whilst subject to more detailed assessment at DA stage, the scale and arrangement of parking illustrated in the LDP is supported.

In addition to onsite bays, the developer is proposing to install indented parallel car parking bays within the road reserve. The provision of these bays has been supported in principle by the City's Infrastructure team and will provide a further parking option for visitors to the site and general locality (in place of informal verge or street parking, which raised concern during consultation). They will not preclude visitors parking on-street elsewhere but provide some supplementary bays. The LDP shows these bays marked for the use of visitors however allocation of public bays to private use is not supported and this therefore requires amendment. Infrastructure officers have previously advised that the verge bays may be signed (with a time limit) to ensure that the bays are not used as permanent/overflow parking for residents. Design and approval of the on street bays will be subject to further engineering approvals during and subsequent to a development approval.

Traffic generation from the development will ultimately be a result of the density (already established through the rezoning) and lifestyle / transport choices of residents, with the rezoning supported in part because of the availability of other transport options reducing absolute dependence on car travel. Increasing traffic and congestion remain common and understandable themes in response to urban infill however it is only by providing infill where other transport options are available that this can feasibly be reduced in a growing city.

Building Setbacks

External side and rear boundaries are generally in accordance with the R-Codes, with minor variations proposed at 'pinch points' due to the angled south-eastern boundary line. Grouped dwelling walls, internally within the site, are shown abutting one another and as such are supportable under the R-Codes: walls are abutting other walls of a similar or greater dimension are deemed-to-comply under the R-Codes.

A variation to the City's Streetscape Policy is proposed to the street setbacks of the development. The plan shows a setback of 5 metres to the front of the development (namely balconies and verandas) whilst Local Planning Policy 2.9 stipulates a minimum setback of 7 metres for ground floors and 10 metres for upper floors. The proponent has argued that the provision of an internal access leg within the development has, in part, resulted in the front setback reduction proposed.

The internal access leg was not mandated by Council but is a logical design response to the requirement for access points to be limited. Maintenance of a consistent deep street setback is an important principle to maintain streetscape consistency however is challenged in this instance by the depths of the lot.

It is noted that the plans shows the location of balconies and verandas along the front of the building resulting in a setback of 5.0 metres. Balconies and verandas are, however, excluded from the front setback calculation under LPP 2.9, meaning the actual setback to the building façade may be greater than 7.0 metres. A deeper setback would have been desirable however the constraints on the site and the implications for the rear setback if imposed are acknowledged. As a consequence, the street setbacks shown on the LDP are supported.

Fencing

Fencing within the prevailing streetscape is typically low in height and / or open style (refer site photos in Attachment 5). The LDP proposes open-style fencing to the front but with solid dividing fences between these to maintain a degree of privacy between the outdoor living areas of front units. The proponent has argued that this is necessary to achieve an appropriate quality of development and 'liveability' with other examples cited including development within the Knutsford Street (west) development and Landcorp's WGV development.

Whilst these arguments are understood, the rezoning was supported on the basis that it represents a variation to Freo Alternative, which seeks to accommodate density which is harmonious with a suburban setting (including a general open presentation to the street). Whilst the street setbacks of the development are, in isolation, supported, the addition of solid fencing within the front setback may add an unacceptably contrasting element to the streetscape and is consequently not supported.

Modification of the LDP to specify dividing fences within the front setback as open style above 1.2m is consequently recommended, with a provision included to potentially allow small sections of higher solid wall where these are demonstrated to have negligible impact upon the streetscape. Fencing examples are provided in Attachment 6 to allow Council some visual reference as to different side fencing options and their potential impacts. None are identical to the situation but provide a point of reference.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify the process for the advertising, assessment and approval of local development plans.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM SPT1909-5 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Note the submissions received as detailed in the report relating to the local development plan considered at the meeting of the Strategic Planning and Transport Committee on 18 September 2019 and Attachment 2 to that report.
2. In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approve the local development plan submitted for Lot 200 (No. 119) Hope Street, White Gum Valley, plan dated 29 August 2019 provided below, subject to the following modifications being made:
 - a. Fencing to be amended to satisfy the deemed-to-comply criteria of the Residential Design Codes Volume 1 between the Hope Street boundary and the front wall of the building i.e. visually permeable where exceeding 1.2 metres in height, with provision for limited higher solid wall returns between lots where necessary to provide a degree of privacy to primary outdoor living spaces, and demonstrably negligible impact on the streetscape.
 - b. Visitor Parking being renamed 'Verge Parking'



Local Development Plan Provisions

Application of Local Development Plan

- The Local Development Plan (LDP) applies to Lot 200 (No. 119) Hope Street, White Gum Valley.
- The provisions of Local Planning Scheme No. 4, City of Fremantle (the City) Local Planning Policies and Design Guidelines and State Planning Policy 31 Residential Design Codes (R-Codes) apply unless varied as detailed within the LDP.
- In the event of any inconsistency with the local planning policies, design guidelines or the R-Codes, this LDP shall prevail.

Open Space and Landscaping

- Areas prescribed in the LDP as 'Waterwise' shall be developed with waterwise plantings and permeable surfaces.
- Locations indicated as deep planting zones shall have a minimum dimension of three metres and be 100% tree area. Deep planting zones shall be planted with a 400L tree species approved by the City prior to occupancy of the development.
- Outdoor living areas such as balconies and courtyards shall be located within the areas designated in the LDP.

Access and Parking

- Pedestrian access shall be provided in accordance with the LDP.
- Vehicle access and egress to the site shall be via the two designated crossover locations on the LDP and the accessway limited to the dimensions shown on the LDP.
- Carport, garage and car parking locations shall be provided in the locations designated on the LDP.
- Visitor car parking shall be designed and constructed by the future developer of the site in the Hope Street road reserve in a location and configuration of bays to be confirmed with City.

Built Form

- Buildings shall be fully constructed within the building envelope to a maximum of two storeys.
- All setbacks shown on this LDP are minimums.
- Stores may be designed and constructed within rear / side setback areas with a nil boundary setback.
- Stores abutting a boundary shall not exceed 2500mm in height.
- Building walls fronting Hope Street are to be provided with a minimum of one articulation.
- Building walls fronting properties to the south are to be provided with a minimum of two articulations.

Fencing

- Fences shall be constructed to the following parameters in the locations indicated on the LDP.

Fence Type	Provision
Type 1 - Front fence with the primary street setback area facing parallel to Hope Street	In accordance with R-Codes (visually permeable above 1000mm to a max. height of 1800mm).
Type 2 - Front fence within the primary street setback area, perpendicular to Hope Street	In accordance with R-Codes (visually permeable above 1000mm to a max. height of 1800mm) inclusive of solid sections to allow for adequate levels of visual privacy for outdoor living areas.
Type 3 - Front fence and fence outside the primary street setback area	Solid or permeable as required, height to max. 1800mm.
Type 4 - Rear fence and rear dwelling dividing fence	Solid, height to maximum 2100mm.

Approval

This Local Development Plan has been approved by the City of Fremantle under Clause 52 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 in accordance with the Council's resolution of _____.

Signature: _____ Date: _____

Local Development Plan

Lot 200 (119) Hope Street, White Gum Valley

RECEIVED
City of Fremantle
Strategic Planning
Thursday, 29 August 2019

Date: 28 Aug 2019 Scale: 1:500 @ A3 File: 17-0330P-1 A Staff: MC, J, W, C Checked: MC

element.
Land & 3D Design Services, North Western Australia
200/201 100 Queen Street, Perth Western Australia 6000
T: 08 9439 1237 E: info@element.com.au element.com.au

- In accordance with Regulation 55 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a copy of the approved local development plan on the City of Fremantle website

PROCEDURAL MOTION

The following procedural motion was moved:

Moved: Cr Ingrid Waltham

Seconded: Cr Jenny Archibald

Council defers determination of the local development plan for Lot 200 (No.119) Hope Street, White Gum Valley to the Planning Committee meeting on 2 October 2019, with delegated authority, to allow the applicant to address the following matters:

- Provide details of existing trees on the site that are potentially capable of retention under the proposed site layout (including arboriculture and civil engineering advice to retain the existing Norfolk Island Pine tree located near to the site boundary with No. 5 Wogan Avenue).
- Provide further details of landscaping of the site and abutting verge areas, including an indication of the species and size (at planting date) of proposed new trees.

- c) Give consideration to an increased setback to buildings adjoining Wongan Avenue to be comparable with proposed setbacks to Hope Street to allow the development to sit more comfortably within the existing streetscape and to provide continuity of landscaping on both street-fronts, including the retention of the public footpath through the 'communal open space'.

Mayor, Brad Pettitt used his casting vote AGAINST the recommendation resulting in it being LOST.

Lost: 6/6

For

**Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones,
Cr Adin Lang, Cr Jenny Archibald, Cr Sam Wainwright**

Against

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Hannah Fitzhardinge, Cr Dave Hume**

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Ingrid Waltham

Amend part 2 of the committee recommendation to add an additional c) and d), to read as follows:

- c. Inclusion of a requirement for submission of a landscaping plan for the site and abutting verge areas incorporating continuous footpaths, retention of the Norfolk Pine located near the boundary of No. 5 Wongan Avenue and the retention of the jacaranda or its relocation to an appropriate location on the site, and notation of these trees for retention / onsite relocation on the local development plan.***
- d. Further details on the treatment of the dwelling on the corner of Wongan Avenue and Hope Street to minimise impact on the streetscape, and provide surveillance and a suitably articulated interface with both the street and communal open space, to the satisfaction of the Chief Executive Officer.***

Amendment carried: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

Reason for change:

The intent of this amendment is to ensure a landscaping plan is prepared; including the retention of trees onsite and an appropriate corner treatment is included.

Mayor, Brad Pettitt moved the committee recommendation, as amended;

COUNCIL DECISION ITEM SPT1909-5

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Note the submissions received as detailed in the report relating to the local development plan considered at the meeting of the Strategic Planning and Transport Committee on 18 September 2019 and Attachment 2 to that report.
2. In accordance with Regulation 52 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, approve the local development plan submitted for Lot 200 (No. 119) Hope Street, White Gum Valley, plan dated 29 August 2019 provided below, subject to the following modifications being made:
 - a. Fencing to be amended to satisfy the deemed-to-comply criteria of the Residential Design Codes Volume 1 between the Hope Street boundary and the front wall of the building i.e. visually permeable where exceeding 1.2 metres in height, with provision for limited higher solid wall returns between lots where necessary to provide a degree of privacy to primary outdoor living spaces, and demonstrably negligible impact on the streetscape.
 - b. Visitor Parking being renamed 'Verge Parking'.
 - c. *Inclusion of a requirement for submission of a landscaping plan for the site and abutting verge areas incorporating continuous footpaths, retention of the Norfolk Pine located near the boundary of No. 5 Wongan Avenue and the retention of the jacaranda or its relocation to an appropriate location on the site, and notation of these trees for retention / onsite relocation on the local development plan.*
 - d. *Further details on the treatment of the dwelling on the corner of Wongan Avenue and Hope Street to minimise impact on the streetscape, and provide surveillance and a suitably articulated interface with both the street and communal open space, to the satisfaction of the Chief Executive Officer.*
3. In accordance with Regulation 55 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, publish a copy of the approved local development plan on the City of Fremantle website.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

At 8.25pm Cr Bryn Jones left the meeting and returned at 8.26pm during the following item.

At 8.26pm Cr Jenny Archibald left the meeting and returned at 8.26pm during the following item.

SPT1909-6 FISHING BOAT HARBOUR - POSITION STATEMENT

Meeting Date:	18 September 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Local Planning Policy DGF 10 – Fishing Boat Harbour 2. Alternative 3 Harbours Concept (2008)

SUMMARY

The Fremantle Fishing Boat Harbour is a significant precinct within the Fremantle city centre, and has historic, economic, social and environmental significance. Council adopted a local planning policy to guide future redevelopment in the 1990's and participated in a further (unconcluded) planning exercise coordinated by the Department of Planning in 2007-2008. The Department of Transport has indicated a desire to review the vision for the harbour and the associated policy direction guiding its future management. At the same time, the lessee of the 'Boat Lifters' site at No. 38 Mews Road has commenced a community engagement process as a preliminary stage in the preparation of redevelopment proposals for the site. This report seeks to confirm Council's current position on some key principles to guide the City's participation in these processes.

This report recommends that Council adopt a position based on a series of principles which seek to maintain the harbour as a working commercial harbour as the primary objective, but accommodate other land uses and public domain improvements where these don't undermine this objective.

BACKGROUND

The Fishing Boat Harbor has played an important role on the development of Fremantle since it was established in the early 20th century. The hosting of the America's Cup and a changing economy has seen its evolution from purely utilitarian harbour to one which incorporates tourism and entertainment functions and an increasing focus on recreational and leisure use (both maritime-related and otherwise).



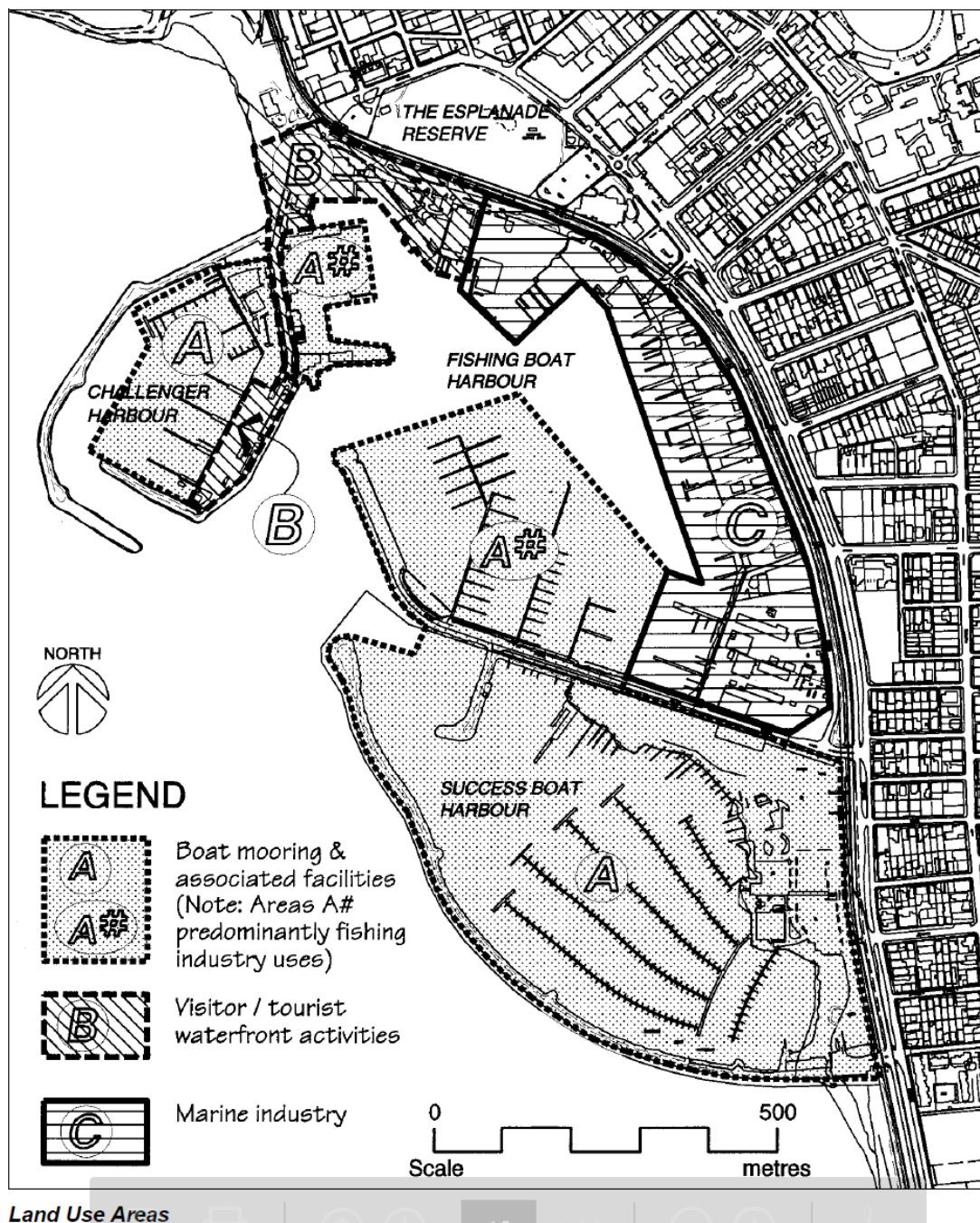
Aerial Photograph of Bathers Beach, Challenger and Fishing Boat Harbour (Source: Wikipedia.
Photograph taken by Kristian Maley, 4 June 2005)

Council adopted a policy on the harbour in November 1993 (refer attachment 1 – incorporating amendments) which seeks to:

- *“Protect and facilitate the continued and orderly development and expansion of fishing and related industries.*
- *Expand and diversify the economic base, including recreational, tourism, cultural and educational opportunities, as secondary yet related activities to the fishing industries.*
- *Improve the city to water relationship and improve access to the waterfront.*
- *Improve the waterfront pedestrian environment and enhance opportunities for the community’s appreciation of the waterfront and of maritime activities.*
- *Maintain the authenticity of the precinct through appropriate mix and vitality of uses, appropriate building scale and form and recognition of cultural heritage.*
- *Ensure that the Boat Harbours support and complement the activities of the CBD.”*

It also establishes three broad land use areas focussing around boat mooring, tourism and marine industry, and a series of planning requirements applicable to these.

Land Use Areas as located on the map.



In 2007-2008, the City participated in the preparation of a new 'Three Harbours' policy in a collaborative process coordinated by the then Department for Planning and Infrastructure. The process envisaged significant outward extension of harbour breakwaters and new development in areas of current open water. In considering the draft policy, the Council endorsed the following position:

1. That preparation of a policy to guide the future development of the harbour over the next 30 years is supported;

2. *That prior to finalisation of any policy, a comprehensive environmental and heritage assessment of the harbour should be conducted;*
3. *That subject to satisfactory resolution of environmental and heritage considerations, the policy should be based on the following three principles:*
 - a. *Provision of improved public facilities*
 - b. *Maintenance of Fishing Boat Harbour as a working harbour;*
 - c. *Improvement of connectivity and linkages with the Fremantle CBD and public access to the waterfront.....*
4. *(That, additionally):*
 - a. *The current character and outlook from Bathers Beach and Bathers Bay should be maintained, with the predominant view from the beach remaining as open water....;*
 - b. *New development could incorporate an interpretation of the Long Jetty, on an alignment which minimises visual intrusion into the outlook from Bathers Beach*
 - c. *Intensive non-marine development sites shall be concentrated in the northern area based around the existing location of Challenger Harbour and within walkable distance from and with strong linkages to the West End of Fremantle. The preferred land uses for this area are Tourism based commercial and short stay residential, at a three storey walk up scale. Permanently occupied residential use is not considered acceptable. In order to provide for strong activation of this area a Hotel development may be considered at a height of 6 to 8 storeys, subject to the design and location minimising visual introduction on the outlook from Bathers Beach;*
 - d. *No public boat launching facilities ramp should be included in the Fremantle Harbours Policy area. Any new public boat ramp for the region should be located north of the Swan River;*
 - e. *Private vehicle parking within the Harbours development should be minimised, with additional required parking strategically provided within central Fremantle based on cash in lieu arrangement;*
 - f. *Provision should be made within the plan for public moorings and berths for casual use and 'bare boat' charter facilities;*
 - g. *Marine Services and industries should be encouraged, with the current Boat Lifters site' being incorporated into the tourism area and this use being accommodated elsewhere within the harbour;*
 - h. *New boat stacking facilities may be incorporated in locations where no significant impact on views is expected;*
 - i. *A protected safe sailing space should be provided if possible (for junior sailors);*
 - j. *Integration with other strategic planning projects in the area, namely future planning for West Victoria Quay to the north and Cockburn Coast to the south. The policy should have particular regard to connectivity and public transport within the region;*
 - k. *Impacts and issues associated with construction, including transport of materials and access. Consideration should be given to rail or water based transport on construction materials.*

A community-initiated preferred (alternative) concept for the harbour was attached to the report (see attachment 2 of this item) and referenced in the full wording of Council's 2008 resolution.

Following the election of the Barnett-led State Government in 2008 the project was deferred and subsequently never finalised.

Recently, the City has been approached by the leaseholders for the Boat Lifters site at Lot 2023 (No. 38) Mews Road (AMB Capital Partners) regarding their desire to examine alternative uses for the site. Their consultants are conducting their own community engagement to ascertain public attitudes to the harbour and the site, to inform their development of concept plans for it.

The site is reserved under the Metropolitan Region Scheme for Public Purposes (Special Use). As a consequence, approval of development under the City's local planning scheme is not required. The Western Australian Planning Commission (or, most likely, a JDAP) will determine any application lodged. Applications will require the consent of the Department of Transport as the vested body for this area.

The Department of Transport has indicated that it has not taken any formal stance on the investigation other than to support the conduct of consultation. However re-examination of the vision for the harbour and establishment of development principles has been proposed by the Department given the age of current policy documents and changing imperatives.

The City's input on this has been invited. The purpose of this report is consequently to establish an up-to-date position statement to inform the City's participation in this and in any subsequent discussions. Officers consider such a position statement would also assist the City in responding to emerging proposals for the Boat Lifters site.

OFFICER COMMENT

The Fishing Boat Harbour is a vital part of the City Centre, both in terms of its function as an employment and activity centre and visitor destination, and as a component of Fremantle's historic entity and sense of place. In planning exercises, City staff have been keen to emphasise that it functions as a part of the larger whole, not as a standalone entity. Given its physical separation (by virtue of the rail line) and its separate planning control and management (by virtue of its vesting), this perhaps otherwise obvious statement requires acknowledgement. The Department of Transport has been similarly keen to recognise that the harbour forms part of the larger Fremantle port function and the wider network of maritime infrastructure and activity up and down the coast.

Many of the principles previously established remain relevant today. However given the passage of time and change in economic and political context, it is worth reviewing these and also reconsidering how they might translate physically. The following brief overview is provided as the basis for the slightly updated principles proposed to form the basis of the City's participation in the upcoming Department of Transport workshop. These focus on the Fishing Boat Harbour (as opposed to the larger three harbours area discussed above).

1. Overview

- a. Fishing and marine industries have traditionally been an important part of the Fremantle economy and social fabric. The City wishes to see this heritage acknowledged, and these economies continue as a viable and authentic function within the harbour area.
- b. Changing economics and operational needs are recognised to alter the traditional use of the harbour and have seen an increase in recreational boating and the introduction of tourism and entertainment uses initially building off the sale of seafood, and accommodation associated with sailing events. This is recognised as part of a global trend.
- c. The Council has consistently expressed a desire to support the continued operation of the harbours as a viable port incorporating fishing fleet and marine industries, whilst allowing greater diversity of land-use and development where these do not undermine the viability or authenticity of the port. This continues to represent a primary objective.

2. Land use

- a. The operational needs and future requirements of the fishing industry, marine services and other water-based uses should be established in any replanning of the harbour. This should be done in a holistic and proactive fashion.
- b. Key services (such as boat lifting and hull maintenance) should be maintained in an appropriate location within the harbour.
- c. The expansion of entertainment and tourism uses should be managed and contained to avoid conflict with traditional marine industries or their forced relocation, and to maintain the underpinning authenticity of the harbour as a working port, on which its attraction is based. Any expansion of the tourism precinct should be clearly defined.
- d. The introduction of noise sensitive land uses (including residential uses - short or long term) should only be considered where these are demonstrably consistent with the operational needs of the working port, including adequate sound proofing, notifications on title and, if necessary, modifications to the environmental health regulations relating to noise. Introduction of permanent residential accommodation should only occur within a clearly defined precinct where the above issues can be effectively managed.
- e. The introduction of office and retail uses other than uses associated with or incidental to marine industries is not supported: this function is more appropriately provided for within the core of the Fremantle city centre.

3. Built form

- a. The built form of the harbour has traditionally been industrial in nature with a horizontal coarse grain character. New development should respond to this existing context and character. Use of rigorous design review processes in the consideration of new development proposals could assist in this.
- b. Maintenance and / or introduction of glimpses of the water between buildings is desirable to maintain and preferably increase a connection between the public realm and Mews Road with the water.

4. Access and parking
 - a. Vehicular access to the Fishing Boat Harbour needs to be maintained for its industrial and marine uses. In some locations, this may require exclusion of public access.
 - b. Tourists and short stay visitors to the harbour should be encouraged to access it by foot or bicycle to reduce traffic congestion.
 - c. A consolidated parking station(s) should be provided at or near the entrance to the harbour to accommodate visitors and entertainment venue patrons.
 - d. Extension of Norfolk Street across the railway line and upgrades to the public realm should be planned for and a fully funded implementation program established in any replanning exercise of the harbour.
5. Public domain
 - a. Improved public access to the waterfront should be facilitated in any redevelopments within the tourist areas of the harbour.
 - b. The area between Norfolk Street and Bathers Beach should introduce parking reconfiguration and road treatments which increase the priority of pedestrian movement and amenity, both into and through the precinct.
 - c. Improved visual and pedestrian connections to Bathers Beach should be facilitated through replanning of the breakwater immediately south of Bathers Beach House, and redesign of the section of Mews Road adjoining this.
 - d. Whilst the Esplanade represents the primary green space servicing this area, opportunities to introduce additional small green spaces within the tourism precinct should be investigated, particularly in the event of any introduction of residential land uses.
 - e. A comprehensive landscaping and tree planting plan (involving suitability resilient species) should be established and implemented to increase the amenity and environmental quality of the precinct.
6. Environment
 - a. Any significant change to the harbour should be supported by comprehensive environmental assessment to avoid any adverse impacts.
 - b. Projected sea level rise and coastal processes need to be planned for and accommodated within any new development within the precinct.

These thoughts have been translated into the general principles outlined in the officer's recommendation. Further refinement is likely to occur through the planning process however early establishment of a clear starting position will enhance the City's ability to constructively contribute to discussions and shape the outcomes.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil

CONSULTATION

This position statement is broadly aligned with previously established positions of Council and will inform the City's input to state planning decisions. The City may decide to initiate or participate in further public consultation depending on the progress and direction taken by the current planning processes.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Moved: Cr Dave Hume

Seconded: Mayor, Brad Pettitt

Council:

1. Adopts the following as a statement of its current position in respect of the future of Fremantle Fishing Boat Harbour:
 - a. The Council recognises the Fishing Boat Harbour as a vital part of Fremantle City Centre, both in terms of its function as an employment and activity centre and visitor destination, and is supportive of investment and appropriate new development to sustain the harbour into the future. This can be most effectively achieved through the preparation of a comprehensive up-to-date plan for the whole of the Fishing Boat Harbour to guide investment, activities and development.
 - b. The harbour should be recognised as a component of the Fremantle City Centre, and as a part of the state's marine network. It should not be treated as an isolated precinct.
 - c. The harbour should continue to operate as an authentic working harbour with fishing fleet-related and other marine industries.
 - d. Landside infrastructure and services to support ongoing use of the harbour by a range of commercial and recreational vessels (including boat lifting facilities with no less lifting capacity than current facilities) should be maintained, or suitably replaced if existing facilities/services are affected by development proposals. Review and redefinition of necessary infrastructure in collaboration with the fishing fleet industry should occur.
 - e. Management of land uses within the harbour to minimise conflict and contain non-marine uses (such as entertainment and tourism uses) should continue. The harbour 'zones' defined in policy DGF10 should be used as a starting point for guiding land use locations, but with some flexibility.
 - f. Any proposal to introduce noise sensitive land uses (e.g. short or long stay accommodation) should acknowledge the primacy of the working harbour function, and demonstrate provisions to manage any potential conflict (for example built form noise mitigation measures, management arrangements, title/lease notifications).

- g. Employment-generating uses not directly related to maritime industries and/or needing a harbour location should complement, not draw away, investment in the Fremantle City Centre core. Specifically, retail and office uses should only be supported where they are directly related and/or incidental to the primary marine or tourism related use. Convenience retailing should not be supported.
 - h. Built form in any new development should respond to existing context and sense of place, and harmonise with the traditional low profile coarse grain industrial character of the area (whilst still making adequate provision for pedestrians and passive surveillance). Views to and connection with the water from the public realm should be provided. Some additional height beyond the typical height of existing harbour buildings could be entertained on a single key site if a development could demonstrably deliver significant public benefits and amenity in the vicinity.
 - i. Any substantial new development proposal (particularly anything large scale) should be subject to formal design review (potentially by the State Design Review Panel).
 - j. Coordinated improvement of the public domain to establish a more coordinated and amenable pedestrian and cycling environment is supported. Any redevelopment of the public domain should avoid a net loss of parking (incorporating nodal parking provided at the entrance).
 - k. Key connections and vistas should be retained and reinforced. Connection to the Esplanade, Bathers Beach and to the waterfront should be improved and made more legible. Extension of Norfolk Street should be pursued as the primary entrance to the harbour.
 - l. Establishment of public infrastructure necessary to facilitate improvement of the harbour and funding and contribution mechanisms to achieve these should occur as a priority to ensure a coordinated and equitable approach. This should involve contribution to Norfolk St extension/relocated railway crossing, public realm enhancements and waterfront access.
 - m. Car parking provision and management should recognise the different needs of different harbour user groups. Day tourists and visitors to the harbour should be provided with a consolidated parking venue/s at or near the entrance/s to the harbour (potentially supported by cash in lieu payments for new development) and encouraged to walk into it rather than seek parking within the precinct. Conversely the operational requirements of marine industries and maritime activities need to be accommodated within the harbour.
 - n. Any significant expansion of tourism function or introduction of residential uses should incorporate or facilitate a high quality area of open space including green elements.
2. Notes continued officer participation in the process of Fishing Boat Harbour visioning and policy review and in doing so officers will advance Council's position outlined in (1) above

AMENDMENT

Moved: Cr Dave Hume

Seconded: Mayor, Brad Pettitt

Amend point 1c of the officer's recommendation to read as follows, addition in italics:

- c. The harbour should continue to operate as an authentic working harbour with fishing fleet-related and other marine industries. *These industries are an essential component in the retention of an authentic port attraction and visitor experience for the greater Fremantle area.***

Amendment carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Jeff McDonald, Cr Dave Hume**

Reason for change:

To emphasise the importance of the presence of fishing fleet and other marine-related industry activities to the authentic 'working harbour' character of Fishing Boat Harbour.

COMMITTEE RECOMMENDATION ITEM SPT1909-6 **(Amended officer's recommendation)**

Council:

- 1. Adopts the following as a statement of its current position in respect of the future of Fremantle Fishing Boat Harbour:**
 - a. The Council recognises the Fishing Boat Harbour as a vital part of Fremantle City Centre, both in terms of its function as an employment and activity centre and visitor destination, and is supportive of investment and appropriate new development to sustain the harbour into the future. This can be most effectively achieved through the preparation of a comprehensive up-to-date plan for the whole of the Fishing Boat Harbour to guide investment, activities and development.**
 - b. The harbour should be recognised as a component of the Fremantle City Centre, and as a part of the state's marine network. It should not be treated as an isolated precinct.**
 - c. The harbour should continue to operate as an authentic working harbour with fishing fleet-related and other marine industries. *These industries are an essential component in the retention of an authentic port attraction and visitor experience for the greater Fremantle area.***
 - d. Landside infrastructure and services to support ongoing use of the harbour by a range of commercial and recreational vessels (including boat lifting facilities with no less lifting capacity than current facilities) should be maintained, or suitably replaced if existing facilities/services are affected by development proposals. Review and redefinition of necessary infrastructure in collaboration with the fishing fleet industry should occur.**

- e. Management of land uses within the harbour to minimise conflict and contain non-marine uses (such as entertainment and tourism uses) should continue. The harbour 'zones' defined in policy DGF10 should be used as a starting point for guiding land use locations, but with some flexibility.
- f. Any proposal to introduce noise sensitive land uses (e.g. short or long stay accommodation) should acknowledge the primacy of the working harbour function, and demonstrate provisions to manage any potential conflict (for example built form noise mitigation measures, management arrangements, title/lease notifications).
- g. Employment-generating uses not directly related to maritime industries and/or needing a harbour location should complement, not draw away, investment in the Fremantle City Centre core. Specifically, retail and office uses should only be supported where they are directly related and/or incidental to the primary marine or tourism related use. Convenience retailing should not be supported.
- h. Built form in any new development should respond to existing context and sense of place, and harmonise with the traditional low profile coarse grain industrial character of the area (whilst still making adequate provision for pedestrians and passive surveillance). Views to and connection with the water from the public realm should be provided. Some additional height beyond the typical height of existing harbour buildings could be entertained on a single key site if a development could demonstrably deliver significant public benefits and amenity in the vicinity.
- i. Any substantial new development proposal (particularly anything large scale) should be subject to formal design review (potentially by the State Design Review Panel).
- j. Coordinated improvement of the public domain to establish a more coordinated and amenable pedestrian and cycling environment is supported. Any redevelopment of the public domain should avoid a net loss of parking (incorporating nodal parking provided at the entrance).
- k. Key connections and vistas should be retained and reinforced. Connection to the Esplanade, Bathers Beach and to the waterfront should be improved and made more legible. Extension of Norfolk Street should be pursued as the primary entrance to the harbour.
- l. Establishment of public infrastructure necessary to facilitate improvement of the harbour and funding and contribution mechanisms to achieve these should occur as a priority to ensure a coordinated and equitable approach. This should involve contribution to Norfolk St extension/relocated railway crossing, public realm enhancements and waterfront access.
- m. Car parking provision and management should recognise the different needs of different harbour user groups. Day tourists and visitors to the harbour should be provided with a consolidated parking venue/s at or near the entrance/s to the harbour (potentially supported by cash in lieu payments for new development) and encouraged to walk into it rather than seek parking within the precinct. Conversely the operational requirements of marine industries and maritime activities need to be accommodated within the harbour.
- n. Any significant expansion of tourism function or introduction of residential uses should incorporate or facilitate a high quality area of open space including green elements.

2. Notes continued officer participation in the process of Fishing Boat Harbour visioning and policy review and in doing so officers will advance Council's position outlined in (1) above

Carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Jeff McDonald, Cr Dave Hume**

ADDITIONAL OFFICER COMMENT

In response to points of refinement and clarification raised in debate at the Strategic Planning and Transport Committee meeting held on 18 September 2019, the following amended officer's recommendation is proposed.

COUNCIL DECISION ITEM SPT1909-6 **(Amended officer's recommendation)**

Moved: Cr Dave Hume

Seconded: Cr Andrew Sullivan

Council:

1. **Adopts the following as a statement of its current position in respect of the future of Fremantle Fishing Boat Harbour:**
 - a. **The Council recognises the Fishing Boat Harbour as a vital part of Fremantle City Centre, both in terms of its function as an employment and activity centre and visitor destination, and is supportive of investment and appropriate new development to sustain the harbour into the future. This can be most effectively achieved through the preparation of a comprehensive up-to-date plan for the whole of the Fishing Boat Harbour to guide investment, activities and development.**
 - b. **The harbour should be recognised as a component of the Fremantle City Centre and, *along with Challenger and Success harbours*, as a part of the state's marine network (*including marine tourism/recreation as well as commercial operations*). It should not be treated as an isolated precinct.**
 - c. **The harbour should continue to operate as an authentic working harbour with fishing fleet-related and other marine industries *These industries are an essential component in the retention of an authentic port attraction and visitor experience for the greater Fremantle area.***

- d. Landside infrastructure and services to support ongoing use of the harbour by a range of commercial and recreational vessels (including boat lifting facilities with *the lifting capacity, accessibility and functionality of the current facilities and adequate hardstand and covered space for vessels undergoing maintenance*) should be maintained, or suitably replaced *elsewhere within the Fishing Boat Harbour* if existing facilities/services are affected by development proposals. Review and redefinition of necessary infrastructure in collaboration with the fishing *and other marine industries* should occur.
- e. Management of land uses within the harbour to minimise conflict and contain non-marine uses (such as entertainment and tourism uses) should continue. The harbour 'zones' defined in policy DGF10 should be used as a starting point for guiding land use locations, but with *some potential southwards expansion of Precinct B – Visitor/Tourist waterside activities to better align with the extension of Norfolk Street, where development to accommodate these uses is intrinsically linked to the implementation of the Norfolk Street extension through a funded and coordinated development plan or State project.*
- f. Any proposal to introduce noise sensitive land uses (e.g. short or long stay accommodation) should *be limited in scale and extent, be located within the Visitor / Tourism precinct as defined above, and should only be permitted if the primacy of the working harbour function is safeguarded by legally binding and effective provisions to manage any potential conflict (for example built form noise mitigation measures, management arrangements, title/lease notifications etc).*
- g. Employment-generating uses not directly related to maritime industries and/or needing a harbour location should complement, not draw away, investment in the Fremantle City Centre, *and especially the retail core.* Specifically, retail and office uses should only be supported where they are directly related and/or incidental to the primary marine or tourism related use. *Non-related convenience/comparison retailing and large format retailing should not be supported.*
- h. Built form in any new development should respond to existing context and sense of place, and harmonise with the traditional low profile coarse grain industrial character of the area (whilst still making adequate provision for pedestrians and passive surveillance). Views to and *physical* connection with the *waterfront* from the public realm should be provided. Some additional height beyond the typical height of existing harbour buildings could be entertained *as part of a major development provided that the overall development can demonstrably deliver significant public benefits and amenity in the vicinity.*
- i. Any substantial new development proposal (particularly anything large *in scale or proposing additional height*) should be subject to formal design review (potentially by the State Design Review Panel) *and deliver a high standard of design quality.*

- j. Coordinated improvement of the public domain to establish a *flexible and more amenable pedestrian and cycling environment which rationalises parking in key areas away from the core of the Visitor/Tourism precinct* is supported. *New development should enhance the opportunity to improve the public domain and the movement of vehicles and people. Any redevelopment of the public domain should avoid a net loss of parking serving the Fishing Boat Harbour. New developments should contribute (directly or by cash-in-lieu) to the provision of parking sufficient to accommodate the additional demand generated by the proposal and facilitate delivery of nodal parking at the entrance and/or on the periphery of the Fishing Boat Harbour at appropriate stages.*
 - k. Key connections and vistas should be retained and reinforced. Connection to the Esplanade, Bathers Beach and to the waterfront should be improved and made more legible. Extension of Norfolk Street should be pursued as a primary entrance to the harbour, *along with conversion of Wardan Lane (leading to Cliff Street/Marine Terrace) to two-way traffic flow to allow improved vehicular circulation and temporary road closures to facilitate special events.*
 - l. Establishment of public infrastructure necessary to facilitate improvement of the harbour and funding and contribution mechanisms to achieve these should occur as a priority to ensure a coordinated and equitable approach. This should involve contribution to Norfolk Street extension, *the two-way upgrade of Wardan Lane, associated relocated railway crossings and public realm enhancements and waterfront access. State and / or developer funding for new public infrastructure and agreement on delivery methods and program should coincide with any significant development.*
 - m. Car parking provision and management should recognise the different needs of each harbour user group. Day tourists and visitors to the harbour should be provided with a consolidated parking venue/s at or near the entrance/s to the harbour (potentially supported by cash in lieu payments for new development) and encouraged to *access the public domain as pedestrians rather than seeking to park within the precinct. Conversely the operational requirements of marine industries and maritime activities need to be accommodated within the harbour. In particular, improvements are needed to accommodate the transport needs of employees working within the harbour.*
 - n. Any significant expansion of tourism function or introduction of residential uses should incorporate or facilitate a high quality area of open space including *landscape elements and shade trees.*
2. Notes continued officer participation in the process of Fishing Boat Harbour visioning and policy review and *that in doing so officers will advance Council's position outlined in (1) above.*

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

**SPT1909-1 HILTON HERITAGE AREA LOCAL PLANNING POLICY (LPP 3.7) -
REVIEW OF FENCING PROVISIONS - OUTCOME OF COMMUNITY
ENGAGEMENT AND FINAL RECOMMENDATIONS**

Meeting Date: 18 September 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Community Engagement Report

SUMMARY

In March 2019, Council resolved to commence community engagement on proposed changes to the front/street fencing provisions of the Hilton Heritage Area Local Planning Policy (LPP 3.7). These changes were proposed primarily in response to recent compliance issues relating to street fencing within the Hilton Heritage Area. The advertised changes aim to provide some additional design flexibility, whilst acknowledging the heritage attributes of the suburb.

Consultation on the proposed revisions to the LPP was undertaken between 21 June and 16 July 2019. This primarily involved a 5-question survey to which a total of 104 responses were received via post and online. The survey responses showed an overall high awareness of Hilton's status as a heritage area but diverse views on appropriate fencing controls. The majority of respondents were in favour of either retaining the current policy or the introduction of the proposed amendments. Those who supported higher fences cited issues regarding traffic noise and safety, property security and privacy as some of the key reasons for requiring a taller fence. Of the three options to: (a) retain current policy provisions, (b) introduce the advertised revisions or (c) further modify the policy to allow taller fencing, responses were relatively evenly split with a small majority expressing preference for the proposed policy requirements.

A report on the outcomes of consultation was considered by the Strategic Planning and Transport Committee on 21 August 2019. The officer's recommendation was that the proposed policy revisions be adopted, subject to a minor additional change to extend the provisions for taller street fences which currently apply along South Street to properties on Carrington Street and Winterfold Road, which are district distributor roads. Further amendments to the policy as recommended by officers were resolved by the Strategic Planning Committee. When the Committee recommendation was debated at the Council meeting on 28 August, possible further modifications were also discussed but not formally moved as amendments. Council resolved to refer the item back to the next Strategic Planning and Transport Committee to allow further consideration to be given to the proposed policy content.

BACKGROUND

The 'Hilton Heritage Area', to which Hilton Heritage Area Local Planning Policy (LPP3.7) applies, was planned as a 'garden suburb' and continues to display a number of characteristics which typify those planning principles. This retained character is one of the key reasons why Hilton is recognised as a heritage area under the Local Planning Scheme.

As was discussed in the previous officer report from March 2019, the development requirements for the Hilton Heritage Area have evolved from a set of design guidelines adopted in 2005, to the current local planning policy which was introduced in 2010. These both mandated a maximum street fencing height of 1.2 metres (measured from the top of any retaining wall). The current policy permits a 300 millimetre high solid wall, with the remainder of the fencing height to be 'visually permeable'.

A review of the street fencing requirements was initiated in response to a number of recent compliance-related issues, specifically regarding constructed non-complying fences which were seeking retrospective development approval under the current policy. Two such proposals were presented to Council in December 2018, with Council choosing to defer making a decision on them pending a formal review of the fencing provisions of Local Planning Policy 3.7 (LPP 3.7). Council was also presented at that same meeting with a petition from one of the affected landowners containing 89 signatures from approximately 70 properties.

At its Ordinary meeting held on 27 March 2019, Council resolved to undertake community consultation on the following proposed changes to Local Planning Policy 3.7:

- Reducing the visual permeability requirement for 1.2 metre high fences to 30% (currently 50%);
- Providing a second fencing option allowing an increase in height to 1.5 metres provided that the fence is 50% visually permeable and has no solid wall portion;
- Additional criteria to consider fencing designs which vary the policy requirements, most notably the ability to consider the character of existing fences across the street as well as the properties either side of a site when considering whether the fence would fit into the existing streetscape.

Council also resolved that the consultation material associated with the review include clear explanations and graphic illustrations of fencing options. Further information on the circumstances of this review and background to the Hilton local planning policy can be obtained in the previous Council report on this project from March 2019 (SPT1903-1).

A report on the outcomes of consultation was considered by the Strategic Planning and Transport Committee on 21 August 2019. The officer's recommendation was that the proposed policy revisions as advertised for public consultation be adopted, subject to a minor additional change to extend the provisions for taller street fences which currently apply along South Street to properties on Carrington Street and Winterfold Road, which are district distributor roads. Further amendments to the policy - to allow a 0.3m solid component to fences at 1.5m and to allow 1.5m high fences with 50% visual permeability 'as of right' - were resolved by the Strategic Planning and Transport Committee. When the Committee recommendation was debated at the Council meeting on 28 August,

possible further modifications were also discussed but not formally moved as amendments. Council resolved to refer the item back to the next Strategic Planning and Transport Committee to allow further consideration to be given to the proposed policy content.

CONSULTATION

Consultation on the local planning policy changes was undertaken in accordance with the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's *Local Planning Policy 1.3* between 21 June to 16 July. This consultation aimed to provide information on the proposed policy changes, as well as serving to increase awareness of Hilton's heritage significance more generally. It involved the following:

- Online survey via My Say Freo seeking community views on fencing in Hilton generally, as well as the proposed changes to the fencing provisions;
- *Hilton Fencing Options Brochure* providing a visual guide to some of the front fencing designs available to landowners under the existing and proposed policy;
- Randomised letter drop, including a hard copy of the above-mentioned survey and information brochure with reply-paid envelope, to 350 property owners and occupiers within the Hilton Heritage Area. Those who received an individual letter also had the option of completing the survey online via *Survey Monkey*;
- Information Pack providing an overview of the history of Hilton as a 'Garden Suburb', including historical imagery, as well as the existing and proposed front fencing rules;
- 'Drop-In' community information session held at the Hilton PCYC on Saturday 6 July;
- Information video on the City's *You Tube* channel (embedded on the My Say Freo page) which provides further background to the Hilton Heritage Area and summarises the proposed policy changes.

At the conclusion of the consultation period, 104 survey responses were received. This consisted of both hard copy surveys as well as those completed online. The attached consultation report details the outcomes of this consultation process and specific comments, which are summarised below.

Hilton Heritage Area

- Very high level of awareness amongst respondents of Hilton's status as a Heritage Area under the Local Planning Scheme, and that planning approval by the City is required for all street fencing in the Hilton heritage area.

Fencing Height

- A slight majority of respondents answered that they either currently have or would consider a fence up to 1.2 metres in height, as per the existing policy requirements.
- Many respondents also have, or consider they need, a fence greater than 1.2 metres in height.
- Some respondents either preferred no street fencing at all, or resided on a rear/battle-axe site and therefore did not require a fence.

Policy Preference

- A slight majority stated that the proposed provisions suited their needs better than the current policy. However, a number of respondents still chose the current policy as their preferred option.
- Reasons cited for maintaining the current policy, or for preferring no fencing, related to maintaining the heritage character of the suburb and encouraging an open feel to streetscapes to encourage interaction.
- Those who had a preference for fencing higher than 1.2 metres raised matters relating to privacy, crime prevention, dealing with sloping sites and keeping dogs in as key reasons for needing a taller street fence.

Other Comments

- There is a desire to mitigate traffic noise on busy roads (e.g. Carrington Street).
- Concern regarding the removal of mature trees in the suburb was expressed.
- Council should not dictate the types of fences people can and can't build.

OFFICER COMMENT

Original Report Content (August 2019)

The consultation undertaken on the proposed changes to the fencing provisions of LPP 3.7 has shown that whilst there is little consensus on this issue, there is a high degree of awareness within the community of Hilton's significance as a Heritage Area. It has also shown that, despite recent compliance issues relating to street fences within the area, there is general support to retain low and open front fences in keeping with the 'Garden Suburb' characteristics. At the same time, there is a desire for additional flexibility in the policy to allow for alternative fencing heights and styles to be considered.

It is pertinent to note that a majority of survey respondents would be satisfied with front fences 1.5 metres in height or less, or alternatively would prefer no fence at all. As noted above, when asked to express a preference for a policy option (existing, proposed or 'other'), a slight majority also considered that the proposed policy changes better suited their needs than the current policy, although a substantial proportion still preferred the current policy or wished for other options to be investigated. Many open survey comments stated that the proposed revisions strike the right balance between providing an increased level of flexibility, whilst recognising heritage characteristics. Whilst comments were received expressing concerns in relation to security and privacy, this did not necessarily correlate to a desire for front fences exceeding the 1.5 metre maximum proposed. Given this, officers consider it appropriate for Council to adopt the proposed changes to the policy as-advertised, with a minor modification to extend greater flexibility along the busier streets of Winterfold Road and Carrington Street (as per existing South Street provisions). This is reflected in the recommendation that concludes this report.

Other Options

If Council is of the mind that further changes to the policy are warranted to address some of the fencing height, privacy and security concerns raised in survey responses, then the following additional changes could be considered:

- **Providing an additional fencing option to allow for fences up to 1.8 metres in height with a minimum visual permeability of 80% and no solid wall (other than retaining).**
 - Allowing for this option would allow for fencing to exceed 1.5 metres, with the trade-off being an increased level of visual permeability.
 - This would provide for low (1.2m), medium (1.5m) and high (1.8m) fencing options within the policy.
 - It would essentially restrict 1.8m high fences to wrought-iron, pool-style fencing or 'post and wire' styles (recognising that this option could be well or very poorly executed).
- **Maintaining the proposed fencing heights but allowing additional solid wall.**
 - A low solid wall of 300 millimetres could be introduced for the 1.5 metre fencing option.
 - Some survey responses stated a preference for a low solid wall to be allowed for 1.5 metre high fences, to allow for sloping sites and keep pets and soils in.

Previous options discussed by Council include applying default R-Code provisions (1.2m solid with open style up to 1.8m) or a variation of this (perhaps restricting the solid component to 0.75m). Extension of a variation to properties where the primary outdoor living area is located in the front garden has also been considered but would result in an inconsistent streetscape and present a somewhat arbitrary appearance.

It is noted that none of the above options are recommended from a heritage conservation perspective and as such are not included as part of the officer's recommendation. Site works and retaining walls can be considered on a case by case basis separately to front fences, in accordance with Clauses 5.3.7 and 5.3.8 of the Residential Design Codes, with fencing height measured from the top of any (approved / permissible) retaining wall.

Alternatively, given that a large number of responses indicated satisfaction with the current policy provisions, and some even preferred the appearance of no street fencing at all, Council also has the option to not introduce any changes.

A positive outcome of the engagement under any scenario is an increased awareness of the requirement for planning approval for front fencing.

Winterfold Road and Carrington Street

In addition to the above matters, it was noted in some submissions and during the community information session that greater height concessions should be provided for fences fronting major roads such as Carrington Street and Winterfold Road. This was mostly due to issues regarding traffic noise and safety. Given the variation which currently applies to South Street (allowing open style fencing to 1.8m on the basis of its status as a regional road and its physical characteristics) and that these roads are

classified as District Distributor (A) roads under the City's road hierarchy and act as the border to the Hilton Heritage Area, this could be considered. The lower order status of the roads makes the case less compelling than for South Street but, on balance, it is recommended that the same fencing standards which currently apply to South Street be extended to these roads. The relevant policy wording changes are included in the following officer recommendation.

Other Changes

A further option Council may wish to consider could include extension of planning approval exemption for compliant fences. This would reduce the level of scrutiny fences receive but would also reduce administration / 'red tape' and provide a further (slight) incentive for compliance. Should this option be supported, it could be relatively easily effected following (and assuming) gazettal of planning scheme amendment 78 (currently with the WAPC for final approval) and the transfer of application exemption provisions to policy.

Additional Officer Comment (September 2019)

As stated in the Background section above, when the Strategic Planning and Transport Committee considered this item on 21 August 2019 it resolved to amend the officer's recommendation to allow a 0.3m solid component to fences at 1.5m and to allow 1.5m high fences with 50% visual permeability 'as of right'.

This is presented as the Committee Recommendation at the end of this report.

When this Committee recommendation was debated at the Council meeting on 28 August, possible further modifications were also discussed but not formally moved as amendments. In the interests of good governance, Council resolved to refer the item back to Committee to ensure its comprehensive consideration.

These suggested further modifications to the policy provisions were:

1. To retain the visual permeability requirement for fences up to 1.2m at a minimum of 50%.
2. To increase the visual permeability requirement for fences up to 1.5m to 85% in order to maintain a better degree of surveillance and connection between dwelling, garden and street.

Debate on this policy continues to centre on balancing an appropriate degree of security and usability for garden areas with the heritage attributes of the area, and in particular what is an appropriate degree of visual permeability to maintain a sense of an open streetscape and connection between dwelling, front garden and street. The following points have been made in support of a case for requiring greater permeability than the 30% (1.2m high fences) and 50% (1.5m high fences) currently stated in the Committee recommendation:

1. 50% visual permeability provides relatively little visibility at the oblique (i.e. for people moving along the street, rather than looking at a property directly) and that 30% provides even less, reducing both visual surveillance and a sense of an open streetscape and connection between dwelling, garden and street.

2. Given that the average height of an adult male is around 1.8m with eye level at 1.6m, and that most women, children and car passengers are relatively lower, a greater degree of permeability should be provided for fencing at 1.5m in particular.

Approximate examples of the relative degrees of visual permeability are provided below:



30% Visually Permeable



50% Visually Permeable



85%+ Visually Permeable (unscreened portion)



Traditional Fencing



Contemporary Traditional Fencing



Low 30% Visually Permeable



High 30% Visually Permeable Fencing (with retaining and pillars)

The appropriate balance between considerations of heritage, streetscape, privacy, security and useability remains a relatively subjective judgement. However, if after further consideration the Committee is minded to support modifications to the policy as outlined at the 28 August Council meeting and set out above, the following amendment to the current Committee recommendation at the end of this item would be appropriate:

Amend part 2 of the recommendation to read as follows:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- **a maximum height of 1.2 metres and shall be a minimum 50% visually permeable above 300 millimetres; or**
- **a maximum of 1.5m in height and a minimum of 85% visually permeable above 300 millimetres.**

Council should note that notwithstanding the exact height and visual permeability provisions resolved for final adoption in the policy, there are still likely to be existing and future cases of fences in the Hilton Heritage Area which will not comply with the policy and will therefore require discretionary merits-based assessment where development applications are submitted (either prospectively or retrospectively in response to compliance action).

FINANCIAL IMPLICATIONS

There are no financial implications relating to this report.

LEGAL IMPLICATIONS

The procedure for making and amending local planning policies is outlined within Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The City has followed these procedures accordingly.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

COMMITTEE RECOMMENDATION

Moved: Cr Dave Hume

Seconded: Cr Jeff McDonald

Council:

1. Note the outcomes of the community consultation on the proposed changes to Local Planning Policy 3.7, as detailed in agenda Attachment 1.
2. Adopt the following amendments to clause 1.5 of Local Planning Policy 3.7: Hilton Garden Suburb Heritage Area, in accordance with Schedule 2, Clause 4 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- a maximum height of 1.2 metres and shall be a minimum 30% visually permeable above 300 millimetres; or
- a maximum of 1.5m in height and a minimum of 50% visually permeable above 300 millimetres.

1.5.2 For properties located on the following streets, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres:

- South Street, between Stock Road and Lee Avenue.
- Carrington Street, between South Street and Winterfold Road.
- Winterfold Road, between Carrington Street and Collick Street.

1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

1.5.4 Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

- a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling.

Notwithstanding this, visually impermeable fencing above 300 millimetres in height will not be supported.

1.5.5 Fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) is strongly encouraged.

3. Publish notice of the revisions to Local Planning Policy 3.7 within the local newspaper and on the City's website, in accordance with Schedule 2, Clause 4 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

AMENDMENT 1

Moved: Cr Bryn Jones

Seconded: Mayor, Brad Pettitt

Amend part 2, of 1.5, 1.5.1 dot point 1 of the recommendation to read as follows:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- a maximum height of 1.2 metres and shall be a minimum 50% visually permeable above 300 millimetres; or

Amendment lost: 1/6

For:

Cr Jon Strachan

Against:

Mayor, Brad Pettitt, , Cr Jenny Archibald,

Cr Bryn Jones, Cr Rachel Pemberton, Cr Jeff McDonald, Cr Dave Hume

AMENDMENT 2

1.5 Street Walls and Fences

Amend part 2, of 1.5, 1.5.1 dot point 2 of the recommendation to read as follows:

- **a maximum of 1.5m in height and a minimum of 85% visually permeable above 300 millimetres.**

Amendment carried: 5/2

For:

Mayor, Brad Pettitt, Cr Jon Strachan,

Cr Bryn Jones, Cr Rachel Pemberton, Cr Dave Hume

Against:

Cr Jeff McDonald, Cr Jenny Archibald

COMMITTEE RECOMMENDATION ITEM SPT1909-1
(Amended officer's recommendation)

Moved: Cr Dave Hume

Seconded: Cr Jenny Archibald

Council:

1. Note the outcomes of the community consultation on the proposed changes to Local Planning Policy 3.7, as detailed in agenda Attachment 1.
2. Adopt the following amendments to clause 1.5 of Local Planning Policy 3.7: Hilton Garden Suburb Heritage Area, in accordance with Schedule 2, Clause 4 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- a maximum height of 1.2 metres and shall be a minimum 30% visually permeable above 300 millimetres; or
- a maximum of 1.5m in height and a minimum of 85% visually permeable above 300 millimetres.

1.5.2 For properties located on the following streets, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres:

- South Street, between Stock Road and Lee Avenue.
- Carrington Street, between South Street and Winterfold Road.
- Winterfold Road, between Carrington Street and Collick Street.

1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

1.5.4 Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

- a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling.

Notwithstanding this, visually impermeable fencing above 300 millimetres in height will not be supported.

1.5.5 Fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) is strongly encouraged.

3. Publish notice of the revisions to Local Planning Policy 3.7 within the local newspaper and on the City's website, in accordance with Schedule 2, Clause 4 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Ingrid Waltham

To amend part 2 of the Committee Recommendation to include the words shown in green and remove the words in red strikethrough, as follows;

2. Adopt the following amendments to clause 1.5 of Local Planning Policy 3.7: Hilton Garden Suburb Heritage Area, in accordance with Schedule 2, Clause 4 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- a maximum height of 0.9 metres and shall be a minimum of 20% visually permeable above 300 millimetres; or
- a maximum height of 1.2 metres and shall be a minimum ~~30~~50% visually permeable above 300 millimetres; or
- a maximum height of 1.5 metres ~~in-height~~ and shall be a minimum of 85% visually permeable above 300 millimetres.

Amendment carried: 10/2

For

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Ingrid Waltham, Cr Sam Wainwright

Against

Cr Dave Hume, Cr Jenny Archibald

Reason for change:

To better reflect the heritage characteristics of the Hilton Heritage Area (reflecting post-war austerity rather than Victorian style picket fencing) whilst making some further provision for increase utility of front garden areas where a high degree of visual permeability is maintained. Also to improve the consistency of clause wording.

COUNCIL DECISION ITEM SPT1909-1

Moved: Cr Dave Hume

Seconded: Cr Jenny Archibald

Council:

- 1. Note the outcomes of the community consultation on the proposed changes to Local Planning Policy 3.7, as detailed in agenda Attachment 1.**
- 2. Adopt the following amendments to clause 1.5 of Local Planning Policy 3.7: Hilton Garden Suburb Heritage Area, in accordance with Schedule 2, Clause 4 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be:

- *a maximum height of 0.9 metres and shall be a minimum of 20% visually permeable above 300 millimetres; or*
- *a maximum height of 1.2 metres and shall be a minimum 50% visually permeable above 300 millimetres; or*
- *a maximum height of 1.5 metres and shall be a minimum of 85% visually permeable above 300 millimetres.*

1.5.2 For properties located on the following streets, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres:

- South Street, between Stock Road and Lee Avenue.
- Carrington Street, between South Street and Winterfold Road.
- Winterfold Road, between Carrington Street and Collick Street.

1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

1.5.4 Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

- a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling.**

Notwithstanding this, visually impermeable fencing above 300 millimetres in height will not be supported.

1.5.5 Fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) is strongly encouraged.

- 3. Publish notice of the revisions to Local Planning Policy 3.7 within the local newspaper and on the City's website, in accordance with Schedule 2, Clause 4 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

Carried: 10/2

For

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

Against

Cr Ingrid Waltham, Cr Andrew Sullivan

11.2 Finance, Policy, Operations and Legislation Committee 11 September 2019

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

The following items be adopted en bloc as recommended:

FPOL1909-4	Adoption of the Community Safety and Crime Prevention Plan 2019-24
FPOL1909-5	Budget Amendments - August 2019
FPOL1909-6	Notice of Motion - Cat Local Law - Cr Adin Lang

Carried: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

**FPOL1909-4 ADOPTION OF THE COMMUNITY SAFETY AND CRIME
PREVENTION PLAN 2019-24**

Meeting Date: 11 September 2019
Responsible Officer: Manager Field Services
Decision Making Authority: Council
Agenda Attachments: 1. Survey Report of Draft Feedback (August 2019)
2. Amended Community Safety and Crime Prevention Plan 2019-24

SUMMARY

The purpose of this report is for Council to consider community and stakeholder feedback received for the draft Community Safety and Crime Prevention Plan 2019-24 and final adoption.

The City is committed to creating an environment where it is easy for people to lead safe, happy and healthy lives. As part of this commitment the City has developed a new Community Safety and Crime Prevention Plan.

The development, implementation and review of the Plan will be overseen by the Community Safety Reference Group (CSRG) which includes elected members, WA Police and City of Fremantle staff. The Plan sets out actions, responsibilities and timelines and has been developed based on stakeholder and community engagement and statistics.

It proposes actions around three theme areas:

- Stakeholder partnerships and internal capacity.
- Community participation and awareness.
- Crime prevention and urban design.

Following extensive engagement on its development and advertising period, the plan is now recommended for final adoption by Council.

BACKGROUND

The Strategic Community Plan 2015-25 identifies health and happiness as a strategic focus area, and promotes Fremantle as creating an environment where it is easy for people to lead safe, happy and healthy lives and to create an environment where people feel safe.

Community safety and crime prevention are complex issues and many aspects are not under the control of local government. Therefore, successful initiatives require a collaborative effort from all tiers of government, stakeholders and the community.

The City of Fremantle operates a Community Safety team and has developed a number of initiatives in partnership with government, organisations, community and business. The City has demonstrated an advocacy role to identify and highlight areas of need and interest and work with a range of stakeholders to find solutions, for example using a free

app to improve the communication and sharing of information amongst business owners in the Fremantle city centre. The development of this Plan and associated actions is another reflection of the City's role as a leader, partner, advocate and service provider, and its capacity to continue to improve community safety and crime prevention throughout Fremantle.

In accordance with the Council decision of 24 July 2019, the City has advertised the draft Community Safety and Crime Prevention Plan 2019-24 and sought community feedback on the Plan prior to final adoption.

FINANCIAL IMPLICATIONS

Some of the actions in the plan will require funding. Funding allocation will be considered through the project planning and annual budget process with the Plan providing direction on the priority works to be scoped and considered through this process. State and Federal government grants will also be pursued.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Phase one community engagement occurred in late 2018 and early 2019, in the preparation of the draft Community Safety and Crime Prevention Plan and was presented to Council on 24 July 2019.

Phase two consultation was open from 2 August to 23 August 2019. Options included online (via My Say Freo) or hard copy with submission box at the Meeting Place South Fremantle and Wanjoo Lounge, Fremantle Library.

The consultation was advertised in the local newspaper (newsbites), via the City's e-newsletters (newsbytes & This is Business), in the noticeboard at the administration office and via a media release. A direct email was sent to 128 people who had participated in phase one of the engagement as well as precinct group convenors. An explainer video was also produced.

The My Say Freo page was visited by 218 people between 2 to 23 August 2019. In total 9 submissions were received: 7 on My Say Freo, 1 hard copy and a submission from the Fremantle Chamber of Commerce. These submissions are provided in appendix 1 of the Survey Report of Draft Feedback provided in Attachment 1.

Submissions were received in a range of formats but key findings were:

- **Built Environment and Lighting.** Support for the proposed lighting strategy but continued concern over reporting and repair of faults. This is addressed in the plan. There was also support for greater urban design emphasis including street scape and landscape plans for hot spots.

- **Geographic Focus.** Mixed responses on focus – some wanting a city centre specific focus and others reiterating there needs to be a more visible presence in the suburbs. There were also queries around resourcing.
- **Stakeholders.** Support for stakeholder partnerships including attendance at business events, with more ongoing support requested from WA Police.
- **Social and Developmental Domains.** High level of support for social and developmental activities such as strengthening neighbourhoods, community participation, education and youth programs, and some requests for even greater focus in children and youth focus.

The consultation is detailed in Attachment 1 – Survey Report of Draft Feedback (August 2019).

OFFICER COMMENT

Community safety and crime prevention has been of particular interest for some members of the community and local businesses. The Plan seeks to incorporate the needs of both the suburbs of Fremantle and the Fremantle city centre, a significant destination and service centre which brings unique challenges and opportunities. Given the key differences in these locations, engagement was also considered on a suburb-by-suburb basis.

Initial development of the draft Community Safety and Crime Prevention Plan involved extensive community engagement involving nearly 500 residents, visitors, businesses and other stakeholders.

The actions have been developed as a whole-of-organisation approach, with deliverables from several areas.

There was a small response to feedback on the draft plan although there was high awareness. There were several general positive comments as well as some queries and suggestions, as a result the following amendments were made to the plan:

Page No.	Amendment (<i>shown in italics</i>)	Reason for change
5	Replace the word 'Strategy' with 'Plan' in the heading, to read as follows – <i>Plan</i> conclusions and recommendation	To ensure the terminology is consistent
6	Add to Figure 1 heading, to read: Figure 1: Community perception of safety in their area (oval), <i>My Say Freo responses</i>	Amended to improve clarity, based on feedback from the Fremantle Chamber of Commerce
7	Add ' <i>Estimated resident population</i> ' stats at the bottom of the table, under the	Amended to provide statistics as a comparison against the total

Page No.	Amendment (<i>shown in italics</i>)	Reason for change
	'total of selected offences' and reference the Australian Bureau of Statistics.	selected offences
11	Add an additional action as follows: <i>1.2.7 Create a homelessness plan/strategy for the City of Fremantle</i> To be delivered in 2019-20.	To formalise the City's approach to addressing homelessness in the City.
12	Amend action 1.3.3 to add the words ' <i>Contribute to Fremantle Crisis Support Service brochure</i> ' to the 2019-20 financial year.	Amended to ensure the outcome is delivered in the first financial year
12	Amend action 1.3.4 to add the words - ' <i>Retail theft will be a concentrated topic, providing evidence based crime reduction strategies to increase the theft prevention abilities of businesses</i> '	Amended to specify a focus on retail theft, following feedback from WA Police
13	Amend the deliverable for action 1.4.1 for the financial years 2020/21, 2021/22, 2022/23, 2023/24, to add the words ' <i>who work across the City of Fremantle</i> '.	Amended to provide clarity
14	Amend action 2.2.1 to replace the word 'Deliver' to 'Offer at least' in each financial year to read – <i>Offer at least two visits</i>	To ensure the action is achievable within the current resources
17	Amend action 3.2.2 to include the words ' <i>and other crime prevention or community safety initiatives</i> ' Amend the financial year deliverable for 2020-2024 to read – Apply for <i>external funding as available</i> .	Both amendments are to provide clarity
17	Amend action 3.2.5 to add the full name ' <i>City of Fremantle</i> ' to the end of the action.	To provide clarity
All	Other very minor changes were made to the plan that did not change the intent.	

The above amendments have been made to the plan provided in Attachment 1 for final adoption by Council.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM FPOL1909-4

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Receive the community feedback as provided in the survey report of draft feedback in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (11 September 2019).**
- 2. Adopt the Community Safety and Crime Prevention Plan 2019-24, including the amendments outlined within this report and provided in Attachment 2 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (11 September 2019).**

Carried en bloc: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

FPOL1909-5 BUDGET AMENDMENTS - AUGUST 2019

Meeting Date: 11 September 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approve the required budget amendments to the adopted budget for 2019/20 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred;

(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and

(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

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

CEO has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there is insufficient funds allocated, where:

- a) The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount, and

- b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
2.1	Adjust budget for capital project P-11837 Install-Hilton Park Lighting to match approved expenditure of \$102,158 since the completion of the tender process for the lighting upgrade in Hilton Park. This will ensure only CIL funds required for this project are used.					
	300104.1606	P-11837 Install-Hilton Park Lighting – Cap Exp	(200,000)		97,842	(102,158)
	300104.4398	P-11837 Install-Hilton Park Lighting – Cap Income	200,000	(97,842)		102,158

3. Carried forward projects estimate budget amendments

The budget amendments below are to adjust the carried forward project estimates and to amend the carried forward budget to reflect the final position at the end of financial year.

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
3.1	Adjustment to budget to carry forward unspent municipal funds at 30 June 19 for capital project P-11421 Resurface MRRG-Marine Tce as final invoices were received in 2019-20.					
	300022.1606	P-11421 Resurface MRRG-Marine Tce – Cap Exp	-		(19,179)	(19,179)
	300022.3915	P-11421 Resurface MRRG-Marine Tce – Unspent muni	-	19,179		19,179

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL1909-5

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
2.1	Adjust budget for capital project P-11837 Install-Hilton Park Lighting to match approved expenditure of \$102,158 since the completion of the tender process for the lighting upgrade in Hilton Park. This will ensure only CIL funds required for this project are used.					
	300104.1606	P-11837 Install-Hilton Park Lighting – Cap Exp	(200,000)		97,842	(102,158)
	300104.4398	P-11837 Install-Hilton Park Lighting – Cap Income	200,000	(97,842)		102,158
3.1	Adjustment to budget to carry forward unspent municipal funds at 30 June 19 for capital project P-11421 Resurface MRRG-Marine Tce as final invoices were received in 2019-20.					
	300022.1606	P-11421 Resurface MRRG-Marine Tce – Cap Exp	-		(19,179)	(19,179)
	300022.3915	P-11421 Resurface MRRG-Marine Tce – Unspent muni	-	19,179		19,179

Carried en bloc: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

FPOL1909-6 NOTICE OF MOTION - CAT LOCAL LAW - CR ADIN LANG

Meeting date: 11 September 2019
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil

ELECTED MEMBER SUMMARY

Cats pose a huge challenge to our local native animals and biodiversity. To protect our natural environment, the issue of cats and their impact on the environment ought to be considered. Furthermore, the health of individual free-ranging cats across our city should also be considered.

In May 2019 an IEM was held to outline the City's current programs of cat control. As was presented at this meeting a;

1. revision of City of Fremantle trap leasing program.
2. revision of City of Fremantle trapping in natural bushland areas.

1. Trap Leasing: In FY2019 through the City of Fremantle trap leasing program, 119 cats were captured by residents on private property. In the past, these cats were transported by the Community Safety Team to the Cat Haven. A review of the program now sees a \$20 fee charged for the traps and the cats are now transported by the lessee. There is no involvement from the Community Safety Team.

2. Bushland Trapping: In late May a program was rolled out by an independent contractor over our natural bushland areas, capturing 6 cats over an 8 day period (20 – 24 May & 27 – 31 May). All cats were transported to the Cat Haven by the contractor with no involvement from the Community Safety Team. Domestic cats were returned to their owners with no cost recovered.

Table 4. Cat Capture Details

DATE	LOCATION	SEX	WEIGHT (kg)	COMMENTS
22/5/19	Booyeembara Park	F	-	Domestic
22/5/19	Stevens Reserve	F	-	Domestic
23/5/19	Booyeembara Park	M	3.2	Feral cat
23/5/19	Royal Fremantle Golf Club	M	2.9	Feral cat
23/5/19	Stevens Reserve	M	-	Domestic
29/5/19	Leighton Beach		-	Domestic

In June 2019 the WA State Government declared feral cats a pest in an effort to protect vulnerable native wildlife from extinction.

A cat local law would focus on creating cat prohibited areas, such as our natural bushland areas, to assist in the improvement of cat management within Fremantle with a focus on protecting our natural environment, as well as the health of individual cats.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER COMMENT

The purpose of the *Cat Act 2011* (the Act) was to introduce measures to: reduce the large number of stray cats being euthanised each year; encourage responsible cat ownership; and provide for better management of the unwanted impacts of cats on the community and environment.

The Act also provides additional provisions for Local Governments to make local laws for one or more of the following matters:

- a) the registration of cats;
- b) removing and impounding cats;
- c) keeping, transferring and disposing of cats kept at cat management facilities;
- d) the humane destruction of cats;
- e) cats creating a nuisance;
- f) specifying places where cats are prohibited absolutely;
- g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- j) the regulation of approved cat breeders, including record keeping and inspection;
- k) fees and charges payable in respect of any matter under the Act; and
- l) offences and penalties up to \$5,000; if the offence is continuing in nature, the local law can make a further penalty of \$500 per day. Local laws can also specify a minimum penalty.

The Department of Local Government, Sport and Culture Industries provide the following advice on their website, in regards to making a cat local law:

A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- *the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- *there appears a sufficient need for additional regulation in that area.*

Through the integrated planning process, the community may advise that there is a need for particular areas of cat control. It is then a matter of deciding that if you need cat control, what exactly you do need.

For some local governments the Act and Cat Regulations 2012 may provide sufficient powers for the control of cats without the need for a local law. Others may find targeted education campaigns and policies in particular areas may be all that is needed to supplement the legislation.

Feral animal control program in natural areas

In October 2018 the City's Natural Areas team commenced a feral animal control program. This program supplements other animal control measures in the City's natural areas such as designated dog control areas and feral bee trapping. The control program takes place in all natural areas and other identified potential habitat areas. The key objective is to reduce the presence of and therefore the negative impact of target animal species on the natural environment to enhance local biodiversity and meet land manager responsibilities for declared pests under the *Biosecurity and Agriculture Management Act 2007*. A remote camera trap program has been implemented concurrently to collect data to monitor the presence of animal species in natural areas.

Foxes, feral rabbits and feral cats are targeted in the natural areas feral animal control program. Any domestic cats captured through the program are handed over to the City's Community Safety team to be dealt with through animal licencing processes.

There are two times per year that is considered optimum for undertaking feral cat control works, considering the breeding cycle and food sources available of the target pest species.

The November 2018 cage trapping was conducted in Booyeembara Park over four nights and captured zero (0) cats.

The May 2019 cage trapping was conducted at the following sites determined by the November and May pre-control survey results:

- 20 – 24 May – Area 1:
 - Stevens Reserve
 - Booyeembara Park
 - Royal Fremantle Golf Course
 - Fremantle Golf Course
- 27 – 31 May – Area 2
 - Port Beach
 - Leighton Beach
 - South Fremantle Landfill Site (Hollis, Sandown)
 - South Fremantle Landfill Site (Daly)

There were 32 cage traps set over each area over each night over a total of eight (8) nights. Six (6) cats were captured in total during this period with three (3) cats (two (2) domestic, one (1) feral) being captured in two (2) of the nine (9) natural areas within the City. The percentage of traps set occupied by a cat over the eight (8) day cage trapping period was 2.3%.

Tables 1 and 2 provide the pre-control survey and cage trapping capture results.

Table 1: Pre-control survey results – presence or absence of cats only

Survey location	Natural area	Survey results November 2018	Survey results May 2019
Former South Fremantle Landfill Site: Hollis and Sandown Park Daly Street		Nil Cat	
Bathers Beach and Arthur Head	Y	Nil	Nil
Esplanade		Nil	Nil
South Beach	Y	Cat	
Port Beach	Y	Cat	Nil
Leighton Beach	Y	Nil	Cat
Clontarf Hill	Y	Nil	
Lefroy Road Landfill Site		Nil	
Stevens Reserve		Cat	
Fremantle golf course (public)		Nil	
Royal Fremantle golf course (private)		Nil	
Booyeembara Park	Y	Nil	
North Fremantle Foreshore	Y		
Prawn Bay		Nil	
The Moorings		Nil	
Point Direction		Nil	
Sorrell Park		Nil	
Cypress Hill		Nil	
Rocky Bay Reserve		Nil	
Sir Frederick Samson Reserve	Y	Nil	
Cantonment Hill	Y	Nil	

Table 2: Feral cat cage trapping results

Survey location	Natural area	Feral cat cage trapping November 2018	Feral cat cage trapping May 2019
Former South Fremantle Landfill Site: Hollis and Sandown Park Daly Street			Nil Nil
Bathers Beach and Arthur Head	Y		
Esplanade			
South Beach	Y		
Port Beach	Y		Nil
Leighton Beach	Y		1 x domestic
Clontarf Hill	Y		
Lefroy Road Landfill Site			
Stevens Reserve			2 x domestic
Fremantle golf course (public)			Nil
Royal Fremantle golf course (private)			1 x feral
Booyeembara Park	Y	Nil	1 x domestic 1 x feral
North Fremantle Foreshore	Y		
Prawn Bay			
The Moorings			
Point Direction			
Sorrell Park			
Cypress Hill			
Rocky Bay Reserve			
Sir Frederick Samson Reserve	Y		
Cantonment Hill	Y		

The pre-control survey and cage trapping results to date indicate a relatively low presence of cats (domestic and feral) within the City's natural areas. This data has been collected over a short period of time and the continuation of the program and associated collection of data over an extended time period would provide a more reliable indication of the presence of cats.

Complementary program – cat owner education

The City is participating a regional initiative coordinated through the South West Group's Natural Resource Management group *"to reduce the impact of domestic and stray cats on wildlife, reduce the cost to Councils' of managing feral and unconfined cats, and reduce the incidence of complaints received by Councils' pertaining to nuisance cats. Recent research has proven that cat owners are more likely to confine their cats if they are presented with positive messages about confinement being better for their cat's health and welfare, than if they are targeted with negative messages about the harmful impact of cats on wildlife"* (South West Reference Group Minutes of Meeting 19/03)

Murdoch University is providing the research to support this project. The project is funded by six (6) participating Councils and the State Natural Resource Management Office. It will result in a media and communications campaign to raise awareness of responsible cat ownership. The media and communications campaign is anticipated for the latter part of 2019 and into 2020.

The following actions could be considered in the event council are seeking an alternative to making a local law:

- Consider expansion of the feral animal control program and conduct additional trapping, for a minimum of six months, in order to collate more comprehensive data on the number and type of cats being captured.
- Request a report be brought back to Council within 12 months, to report the results of the trapping study.
- Consideration of a Council Policy.
- Design and deliver an education campaign to assist the Community to raise awareness of responsible cat ownership.

NOTICE OF MOTION

Moved: Cr Adin Lang

Seconded: Cr Jenny Archibald

Council support the initiation of the process of making a City of Fremantle Cat Local Law that is practical and effective and that aims to provide real improvements to environmental outcomes by creating the ability for council to declare certain natural areas from which cats are restricted.

AMENDMENT 1

Moved: Cr Doug Thompson

Seconded: Cr Adin Lang

Amend the notice of motion to include the words in green italics and remove the words in red strikethrough, to read as follows:

Council support the initiation of the process of making a City of Fremantle Cat Local Law that is practical and effective and that aims to provide real improvements to environmental outcomes *including* ~~by~~ creating the ability for council to declare certain natural areas from which cats are restricted *and any other measures that prove effective preventing predation.*

Amendment carried: 7/0

Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Adin Lang, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan

Reason for change:

The purpose of this amendment is to clarify the intent of what should be considered when making the local law.

COUNCIL DECISION ITEM FPOL1909-6

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council support the initiation of the process of making a City of Fremantle Cat Local Law that is practical and effective and that aims to provide real improvements to environmental outcomes *including* creating the ability for council to declare certain natural areas from which cats are restricted *and any other measures that prove effective preventing predation.*

Carried en bloc: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

11.4 Audit and Risk Management Committee

Nil

11.5 Library Advisory Committee

Nil

12. Reports and recommendations from officers

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

The following items be adopted en bloc as recommended:

C1909-1	Monthly Financial Report - August 2019
C1909-2	Statement of investments as at 31 August 2019
C1909-3	Schedule of Payments August 2019

Carried: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

C1909-1 MONTHLY FINANCIAL REPORT - AUGUST 2019

Meeting Date: 25 September 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Monthly Financial Report – 31 August 2019

SUMMARY

The Monthly Financial Report for the period ending 31 August 2019 has been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

This report provides an analysis of financial performance for August 2019 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.

BACKGROUND

The following table provides a high level summary of Council's year to date financial performance as at 31 August 2019.

Description	2019-20 YTD Budget	2019-20 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)–(A)	(D) =(C)/(A)	
OPERATING					
Revenue	\$52.08M	\$51.92M	(\$0.16M)	(0.32%)	●
Expenses	(\$11.29M)	(\$10.44M)	\$0.85M	(7.53%)	●
Operating Surplus/Deficit	\$40.80M	\$41.48M	\$0.68M	1.67%	●
CAPITAL					
Revenue	\$0.76M	\$0.77M	\$0.01M	1.09%	●
Expenses	(\$2.00M)	(\$2.14M)	(\$0.14M)	6.95%	●
Overall Surplus/Deficit	\$43.32M	\$45.12M	\$1.80M	4.15%	●

OFFICER COMMENT

As detailed in the Statement of Comprehensive Income by Nature and Type operating income and expenses have mainly varied to the anticipated budget in the following categories:


Income	Variance	
Operating Grants, Subsidies and Contributions	(\$60,438)	●
Fees and Charges	(\$62,850)	●


Expenses	Variance
Materials and Contracts	\$485,279
Employee Costs	\$308,230
Other Expenditure	110,126

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 2019-2020 for reporting material variances as 10% or \$100,000, whichever is greater (Item C1906-2 refers Council meeting on 26 June 2019).

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially. The following is an explanation of significant operating and capital variances as identified in the Rate Setting Statement by Nature and Type:

Category	Variance \$	Var. %	Var.	Explanation of Variance
<i>Operating Expenditure</i>				
Material and Contract	485,279	13%		<p><u>Expenditure less than anticipated due to invoices outstanding.</u></p> <ul style="list-style-type: none"> • 100375 - Collect & dispose waste – commercial (\$67k) • 100380 - Collect waste – domestic (\$50k) • 100281 - Maintain & operate public toilets (\$28k) • 100381 - Collect & dispose recycled waste – domestic (\$22k) • 100600 - Remove graffiti (\$18k) • 100687 - Participate in South West Group (\$43k) • 100735 - Maintain business systems – Assets (\$33k) • 100069 - Maintain PC's tablets printers and accessories (\$24k) • 200473 - P-11728 Program-FAC Revealed 2019 (\$20k) • 100399 - Conduct Music festival (\$19k) • 100736 - Maintain business systems – Parking (\$17k) <p><u>Expenditure less than anticipated due to work to be finalised then invoiced.</u></p> <ul style="list-style-type: none"> • 100440 - Coordinate public art installations and conservation for High Tide project (\$21k) • 100723 - MOU Notre Dame (\$19k)

				<u>Expenditure less than anticipated due to reactive maintenance.</u> <ul style="list-style-type: none"> 100357 - Maintain Irrigation - Recreation Reserves (\$19k) Budget to be utilised throughout the year as required
Other Expenditure	110,126	24%		<u>Expenditure less than anticipated due to invoices outstanding:</u> <ul style="list-style-type: none"> 100570 - Contribute to the operations of Regional Resource Recovery Centre (\$167k)

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

This report is provided to Council to assess operational issues affecting the implementation of projects and activities contained in the 2019-20 annual budget.

The overall performance for the City of Fremantle for the period ended 31 August 2019 resulted in an additional \$1,797,744 surplus being identified than anticipated, which is mainly as a result of :-

Reduction in anticipated surplus

- Decreased operating revenue (excluding general rates) of \$137,792;
- Increased of capital expenditure of \$138,707;
- Increase net transfer to/from reserve of \$531;
- Decreased general rates income of \$29,709.

Increase in anticipated surplus

- Increased carried forward surplus of \$1,242,532;
- Underspending of operating expenditure to date of \$850,018;
- Increased capital revenue of \$8,366;

It should be noted that processing of 30 June 2019 is still occurring as part of finalising end of financial year which will change the end of year surplus for 2018-19 financial year.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1909-1

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

Council receive the City of Fremantle Monthly Financial Report 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 August 2019.

Carried en bloc: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

C1909-2 STATEMENT OF INVESTMENTS AS AT 31 AUGUST 2019

Meeting Date: 25 September 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Investment Report – 31 August 2019

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 August 2019 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ending 31 August 2019.

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

- **Portfolio details as at August 19;**
- **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 will review and manage its investment portfolio to identify financial institutions which support fossil fuel companies (either directly or indirectly) and has limited these investments to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$172,073 against a year to date budget of \$208,000 which represents a marginal negative variance of \$35,927. This negative variance is due to the interest rate cuts.

Future interest earnings will be determined by the cash flows of the City's surplus cash and the movements in interest rates on term deposits. The Reserve Bank of Australia decided to leave the cash rate unchanged at a record low of 1 percent at its August meeting, following two consecutive rate cuts. Under the current conditions it is uncertain if the City will meet the interest income target for 2019-20 as the interest earnings projection was based on rates before the rate cuts. It will continue to be monitored throughout the year.

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 2.32 % (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.82% as at the end of August 2019.

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 oversight by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 August 2019 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 August 2019

At month end the City's investment portfolio totalled \$64.56m. The market value was \$64.79m; this value takes into account accrued interest.

The investment portfolio is made up:

At call account	\$19.36m
Term Deposits	\$45.20m
TOTAL	\$64.56m

Of which:

Unrestricted cash	\$34.72m
Restricted cash (Reserve Funds)	\$28.41m
Restricted cash (Trust Funds)	\$ 1.43m
TOTAL	\$64.56m

The current amount of \$34.72m held as unrestricted cash represents 45.43% of the total adopted budget for operating revenue (\$76.43m).

2. Portfolio counterparty credit framework (as at 31 August 2019)

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. The adopted counterparty credit framework is as below:

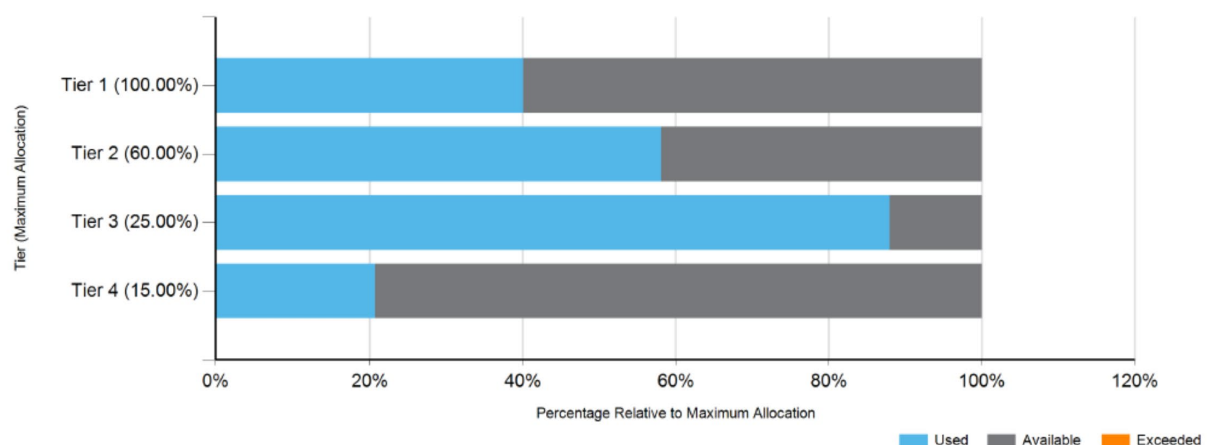
Counterparty credit framework

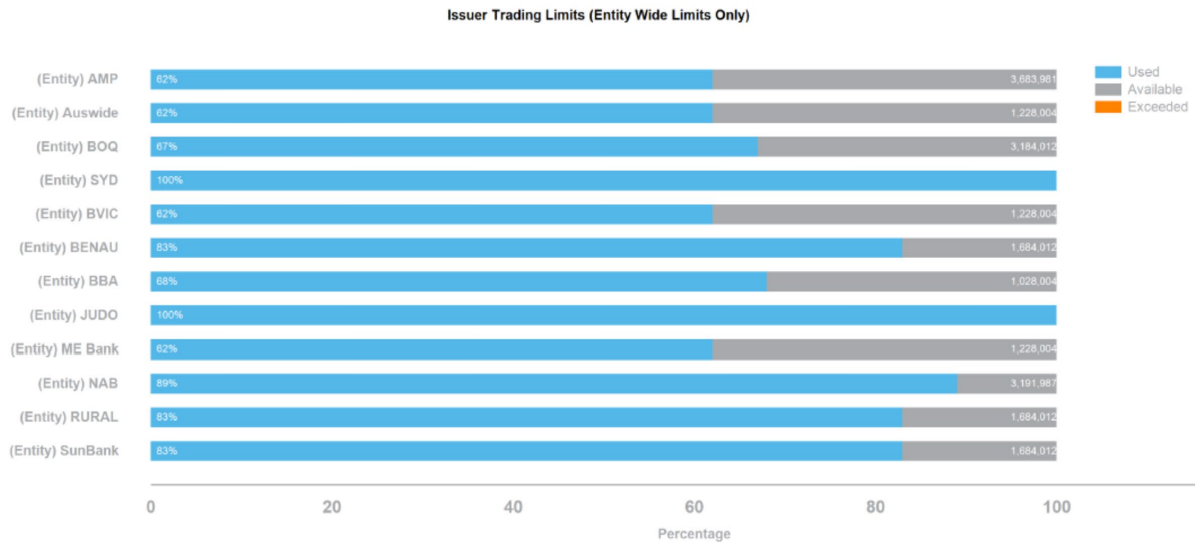
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government)	45%
Tier 2	15%
Tier 3	5%
Tier 4	(\$1m)

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

Portfolio Credit Framework Amounts Relative to Maximum Allocations





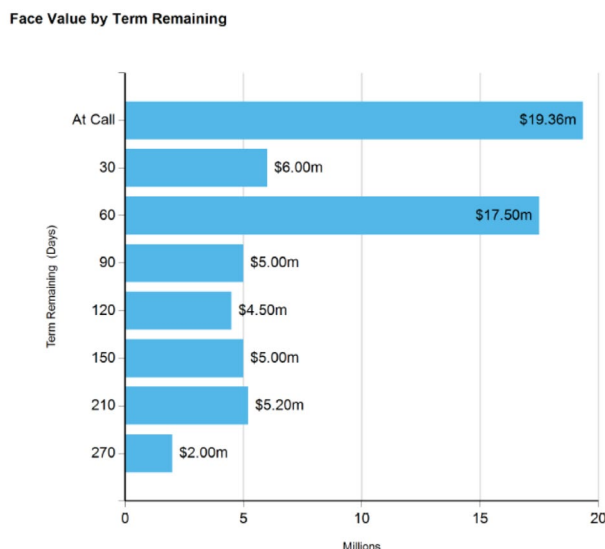
As reported in the above graph at the end of this month, all the investments in the individual banks are compliant as at 31 August 2019.

The cash balance at the end of August 2019 peaked due to the rate payments and rate first instalments. At the time of investing individual banks are compliant with the investment portfolio thresholds. However as the total amount of the investment portfolio reduces over the remainder of the financial year it may result individual banks being outside the threshold.

3. Portfolio Liquidity Indicator (as at 31 August 2019)

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.



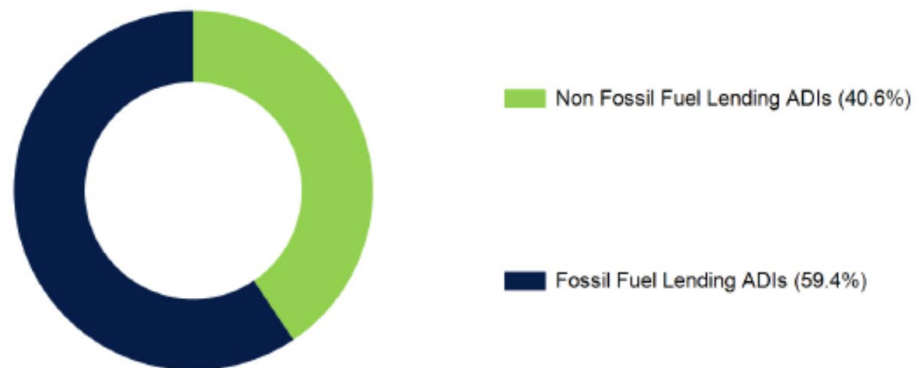
4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 31 August 2019)

At the end of this month \$26.2m (40.6%) 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).

The current conditions and the institution limits in the investment policy are affecting the City’s ability to invest in non-fossil fuel institutions. Presently a large number of banks and in particular the small non-fossil fuel lending banks are not taking new deposits. The others are at their maximum limit for investment.

City officers are undertaking a review of the Investment Policy. The review will analyse the limits placed on financial institutions and overall credit ratings with a view to increase the City’s investment in “Green Investments”, whilst taking into account risk. Once completed the outcomes and recommendations of the Investment Policy review will be presented to Council for consideration.

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



5. Interest Income for Matured Investments (For 1 August 2019 to 31 August 2019)

For this month \$257,211 in interest was earned from 5 matured term deposits.

6. Investing Activities (For 1 August 2019 to 31 August 2019)

During this month 10 term deposits were acquisitioned with a total value of \$23m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1909-2

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

Council receive the Investment Report for the month ending 31 August 2019.

Carried en bloc: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

C1909-3 SCHEDULE OF PAYMENTS AUGUST 2019

Meeting Date: 25 September 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically

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 August 2019, 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 August 2019, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$7,250,151.34 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 August 2019 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$5,393,367.49
Purchase card transactions	\$55,073.48
Salary / Wages / Superannuation	\$1,799,392.37
Other payments (as outlined in Attachment 1)	\$2,318.00
Total	\$7,250,151.34

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending August 2019.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1909-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

Council:

1. Accept the list of payments made under delegated authority, totalling \$7,250,151.34 for the month ending August 2019, as contained within Attachment 1.
2. Accept the detailed transaction listing of credit card expenditure, for the month ending August 2019, as contained within Attachment 2.

Carried en bloc: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
 Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
 Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

PROCEDURAL MOTION

At 8.56 pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Ingrid Waltham

That the meeting be moved behind closed doors to consider the confidential item on the agenda.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

At 8.56 pm members of the public were requested to vacate the meeting.

**FPOL1909-7 CONSIDERATION OF OFFER FOR 12 HOLDSWORTH STREET,
FREMANTLE**

Meeting Date: 11 September 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Offer and acceptance form

REASON FOR CONFIDENTIALITY

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

COUNCIL DECISION ITEM FPOL1909-7

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

That Council accept the offer from Post Commerce Australia Pty Ltd as trustee for the 12 Holdsworth Fremantle Australia Trust for 12 Holdsworth Street, Fremantle and authorise the Chief Executive Officer to finalise the disposal of the property in accordance with the confidential 'offer and acceptance' form attached to the Finance, Policy, Operations and Legislation meeting dated 11 August 2019.

Carried: 12/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

PROCEDURAL MOTION

At 8.57 pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt Seconded: Cr Ingrid Waltham

That the meeting come out from behind closed doors.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume

17. Closure

The Presiding Member declared the meeting closed at 8.57 pm.