



Minutes

Ordinary Meeting of Council

Wednesday 28 June 2023 6pm



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1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6:04pm and welcomed members of the public to the meeting.

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

2 Attendance, apologies and leave of absence

2.1 Attendance

Ms Hannah Fitzhardinge	Mayor/Presiding Member
Cr Frank Mofflin	Hilton Ward/Deputy Mayor
Cr Ben Lawver	Hilton Ward
Cr Andrew Sullivan	South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward (<i>arrived at 6:28pm</i>)
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Su Groome	East Ward
Cr Geoff Graham	Beaconsfield Ward
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Ms Michelle Brennand	Director Community Development
Mr Russell Kingdom	Director Planning, Place and Urban Development
Mr Graham Tattersall	Director Infrastructure
Ms Melody Foster	A/Manager Governance
Ms Aimee Sabbatino	A/Manager Economic Development & Marketing
Ms Alida Ferreira	Manager Financial Services
Mr Paul Dunlop	Manager Communications and Events
Mr Vitor Martins	Manager Waste and Fleet
Ms Gabrielle Woulfe	Meeting Support Officer

There were approximately 15 members of the public and no members of the press in attendance.

2.2 Apologies

Nil



2.3 Leave of absence

Cr Fedele Camarda Beaconsfield Ward

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Bryn Jones

Cr Andrew Sullivan's request for leave of absence from 13 July 2023 until 31 July 2023 (inclusive) is approved.

Carried: 11/0

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

4. Disclosures of interest by members

Cr Frank Mofflin declared an impartiality interest in item number FPOL2306-7, as they have participated in the club over the past couple of years.

Cr Frank Mofflin stated that they were confident that they could maintain impartiality during consideration of this item and would remain in the meeting.

Cr Adin Lang declared an impartiality interest in item number FPOL2306-7, as they have participated in the club over the past couple of years.

Cr Adin Lang stated that they were confident that they could maintain impartiality during consideration of this item and would remain in the meeting.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 24 May 2023.

David Hutson spoke in relation to items not on the Agenda and asked the following questions:

Question 1

Who contacted the PTA from the Council?



Response:

Mayor Hannah Fitzhardinge advised question is rhetorical and not something the Council needs to respond to.

Question 2

What the response was and from whom? What is the time frame?

Response:

The response provided is that it is the intention to develop up some options with input from various stakeholders in the near future to put to their Minister. No definitive timeframe was given.

Question 3

What are they going to do, and are they going to provide you with the engineering testing results to determine it was unsafe? How did they determine it was unsafe?

Response:

The City accepts that it is up to PTA to manage their assets and ensure the adequacy for use.

Question 4

When there is an incident and something happens, who is at fault? Can you approach the PTA to get an answer?

Response:

This is an open question which will be taken as rhetorical.

Question 5

Why isn't the east end in Fremantle included?

Response:

This event was conducted and organised by the state government.

Question 6

Why was the City of Perth, Perth Fringe Festival organising an event in Fremantle?

Response:

The organiser of Perth Fringe Festival is an event provided by Art Rage and is a metropolitan wide event.

Question 7

Why is the footbridge to the passenger terminal closed?

Response:

The City is of the understanding that the Public Transport Authority has closed the pedestrian bridge due to structural safety concerns.



Question 8

Can Council and/or the CEO approach the PTA and see what's happening with the foot bridge?

Response:

The City has contacted the PTA to seek an update of the future of the pedestrian bridge. The response provided is that it is the intention to develop up some options with input from various stakeholders in the near future to put to their Minister.

Question 9

Why don't the festivals reach the East end of Fremantle and surrounding streets?

Response:

The Mayor Hannah Fitzhardinge noted that question 3 is considered a statement.

Ian Ker asked the following questions in relation to item number FPOL2305-7:

Question 1

What was the terms of reference for this study?

Response:

The study is a culmination of work and review of the CAT service over 3 years. Please refer to Meeting Attachment of the ordinary meeting of council 24 May 2023 for full information.

Question 2

Who did the study and why was there no community engagement?

Response:

The review was undertaken by various officers over the 3 year period, with inputs from elected members and local community precinct group meetings.

Question 3

Why does the report not include any options with continued cat service for South Fremantle?

Response:

The Council has not ruled out the continuation of the Blue CAT to serve South Fremantle – this is still an option if the PTA agree to pay for it. The council is a strong advocate for public transport, however, does not believe the current Blue CAT service is something that should be primarily funded by all ratepayers.

Question 4

Why do the maps in the report variable cut off North Fremantle?



Response:

The Council has not ruled out the continuation of the Blue CAT to serve South Fremantle – this is still an option if the PTA agree to pay for it. The council is a strong advocate for public transport, however, does not believe the current Blue CAT service is something that should be primarily funded by all ratepayers.

Jude Shapiro asked the following questions in relation to item number FPOL2305-7:

Question 1

How will the homeless be serviced by a replacement if the cat bus is cancelled?

Response:

The intention of the council resolution is to enter discussions with the PTA to ensure that appropriate levels of service are provided by the public transport authority – for all members of our community.

Joel Rawlings asked the following questions in relation to item number FPOL2305-7:

Question 1

Due to the financial constraints, how does this justify a \$330,000 rent reduction to the operators of the Fremantle Markets as proposed in the business plan?

Response:

There is no rent reduction being proposed. There is no relationship between the CAT Bus consideration and the Fremantle Markets business plan.

Sof Ali asked the following questions in relation to item number FPOL2305-7:

Question 1

Can the council approach Notre Dame and ask them for a fee towards the Cat Bus for the students that use that bus as well?

Response:

The City has previously approached Notre Dame University, as well as many other key stakeholders/destinations around the City Centre for financial contribution towards the CAT. To date, no financial partners have been secured.

Question 2

Could the council approach Mindaroo Project and ask them if they would be willing to contribute?

Response:

This is an option the City may consider in seeking donations / on-going funding partnerships from privately owned entities in the future.



Question 3

Can we approach City of Cockburn and extend beyond and take it down to North Coogee?

Response:

The City has previously approached City of Cockburn as well as Town of East Fremantle for funding partnerships for CATs. To date, no financial partners have been secured.

6. Public question time

Ian Ker asked the following questions in relation to item C2306-1:

Question 1:

Tonight's budget item states that no specific consultation has occurred on the draft budget, which it attempts to justify by saying that community consultation and engagement has previously occurred during development of the strategic community plan from which the corporate business plan was developed. Given that the very nature of the annual budget makes it high impact and city wide, why did council not engage at all four levels identified in its own community engagement policy for such issues, namely inform, consult, involve, and collaborate?

Question 2:

Elected Members have no doubt had confidential briefings, but it's difficult for an outsider to weigh through the details in the short time available. Why does the City of Fremantle not publish the agendas of council briefing meetings open to the public, and livestream and post them on YouTube as the City of Vincent does, for example?

Question 3:

Why has the 2023-2024 annual budget been buried in an unusually large agenda, instead of being discussed at a special council meeting as last year?

Question 4:

I ask for assurance that the annual budget has been adjusted to include \$84,000 for the additional three months of the CAT service, as resolved by Council at its meeting of 24th May 2023.

Question 5:

The budget includes \$2,150,000 from municipal funds for the South Beach toilets and change rooms. If this was funded by borrowings as a capital project as the Leighton Beach ones were, the rate rise would be reduced from 9% to 5.4%. Why is the City of Fremantle forcing the rate payers of today to fund the decades of benefits for residents of the future?



Paul Jones asked the following questions in relation to item C2306-1:

Question 1:

Will the council support short term solutions to the street flooding from the storm water pipe connected to the Swan River?

Question 2:

Will the council undertake long term solutions to combat rising sea levels inundating Johannah Street?

The following member of the public spoke in favour of the officer's recommendation for item P2306-1:

Philip Stejskal

Cisca Spencer asked the following question in relation to item P2306-10:

Question 1:

Can we have more information on traffic management in the McCabe Street/Stirling Highway area?

Question 2:

What powers do the City of Fremantle have to compel applicants for the development, to consider the whole area when it comes to traffic management and congestion?

The following member of the public spoke against the officer's recommendation for item FPOL2306-14:

Clayton Gunning
Roy Lewisson

7. Petitions

Cr Ben Lawver presented a petition on behalf of Tristan Bergin with 20 of signatures requesting cyclist friendly speed bumps to be installed on Howson Street, as have been installed on Grigg Place, to create a safer environment for all residents.

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil



9. Confirmation of minutes

Cr Doug Thompson entered the meeting at 6:28pm.

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Ben Lawver

Council confirm the minutes of the Ordinary Meeting of Council dated 24 May 2023.

Carried: 12/0

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

10. Elected member communication

Nil



11. Reports and recommendations from committees

11.1 Planning Committee 7 June 2023

**PC2306-1 REFERRED ITEM -SWANBOURNE STREET, 29 (LOT 5)
FREMANTLE – ALTERATIONS AND ADDITIONS (TWO
STOREY) TO EXISTING SINGLE HOUSE (JZ DA0018/23)**

Meeting Date:	7 June 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Attachments:	<ol style="list-style-type: none">1. Amended Development Plans2. Site Photos3. Previous Development Plans Dated 11 April 2023

SUMMARY

Approval is sought for two storey additions and alterations including a roof top terrace addition to an existing single house at No. 29 (Lot 5) Swanbourne Street, 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:

- Overshadowing (First and Upper floors)
- Boundary walls (South – Ground floor)
- Lot boundary setbacks (South – First floor)

The application was originally referred to the 3 May 2023 Planning Committee with a recommendation for refusal for the following reason:

The proposal is inconsistent with the design principles of the Residential Design Codes in respect to the building height, visual privacy and solar access for the adjoining property and are considered to cause an unacceptable amenity impact upon the adjoining southern property with excessive overshadowing of primary outdoor living area and habitable room openings.

At the Planning Committee held on 3 May 2023, the Council resolved as follows:



'Refer the application to the administration with the advice that the Council is not prepared to grant planning approval to the application for the additions and alterations to the existing Single house at No. 29 (Lot 5) Swanbourne Street, Fremantle based on the current submitted plans and invite the applicant, prior to the next appropriate Planning Committee meeting to consider submitting an amended proposal to reduce the impact of overshadowing on the southern neighbour's outdoor living area.'

In response, the applicant has provided amended plans (dated 15 May 2023). It is considered that the amendments address the concerns raised in the previous proposal and the reasons for deferral provided above. Therefore, the amended proposal is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for two storey additions and alterations to an existing single house at No. 29 (Lot 5) Swanbourne Street, Fremantle. The proposed works include:

- Demolition of the rear single storey modern additions of existing dwelling;
- New ground floor extension providing an additional living room and study room;
- New first floor extension providing an additional bedroom with ensuite; and
- New roof terrace addition to upper floor

The applicant submitted amended plans on 11 April 2023 including the following:

- Southern boundary wall shortened in length from 15.0m in length and 3.3m in height and lowered to a total of 12.58m in length and 3.0m in height;
- New open pergola structure addition to first floor;
- Reduced setback to the north by 15mm (from 1.8m to 1.785m) to shift the first floor more north and increase the setback to the south (from 0.9m to 1.5m), to improve solar access for the southern adjoining neighbour; and
- Roof terrace shifted North and provided with 1.6m privacy screening



The applicant submitted additional amended plans on 15 May 2023 after the May Planning Committee. The proposal was referred back to the administration for the purpose of addressing the adverse overshadowing impacts upon the southern neighbour that were considered evident by officers in the previous plans.

These plans included the following changes:

- Removal of upper floor addition (roof terrace)
- Relocation of the first floor further East and added a trellis style framed structure to the addition
- Reduction in the overall overshadowing of the neighbouring southern lot's outdoor living area from (79.5% to 69.5%), representing a 10% (6.0m²) reduction in the overshadowing of the southern lot calculated.
- Reduction in the footprint of the first floor by approx. 10m²

The details of these amendments and analysis of their net effect on the neighbouring property are discussed further in the Report.

Amended development plans are included as attachment 1.

Site/application information

Date received:	17 January 2023
Owner name:	David Hugh Jones and Mary Louise Jones
Submitted by:	Georgia Jeps
Scheme:	R25
Heritage listing:	Individually Listed Category 3
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Internal referrals

The heritage impact of the proposal is deemed acceptable as it will have limited impact on the heritage significance and values of the subject site and on the streetscape of Swanbourne Street. Refer to the Heritage Assessment section of this report for further discussion.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the application proposed variations to the R-Codes and policy provisions. The advertising period concluded on 2 March 2023, and 2 submissions were received, with one supporting the proposal. The following issues were raised (summarised):

- The ground floor additions provided with boundary walls will create a sense of confinement through added building bulk and will significantly impact on the adjoining property's ability to access adequate sunlight and ventilation and will abut the primary outdoor living area.



- The first floor and roof terrace additions with reduced lot boundary setbacks, will introduce mass building bulk and impact the amenity of southern adjoining property.
- The roof terrace addition will have a visual privacy impact, overlooking the primary outdoor living area of the southern adjoining property.
- The rear additions will have a detrimental impact on the solar access and ventilation owing to the southern adjoining property's primary outdoor living area.

An excerpt of the submission is provided as follows:

I strongly reject the development application in its current form.

The proposed development shows no consideration for the adverse impacts on my property, and so I recommend the following points for consideration:

- *The first floor's footprint should be shifted north towards the boundary of 27/27a Swanbourne Street. The reasons for this are:*
 - *The first floor could then meet the deemed to comply provisions of Table 2a of Section 5.1.3 of the R-Codes;*
 - *The first floor would abut uninhabitable areas on 27a Swanbourne Street, not leading to a scale and bulk impact, nor would it overlook 27a Swanbourne Street's primary outdoor living area;*
 - *By shifting the first floor's footprint north, this would significantly reduce the extent of overshadowing on our property, particularly as the proposed development's shadow casts directly over our property's outdoor living area.*
- *The roof terrace be completely removed from the plans. The reasons for this are:*
 - *The roof terrace overlooks our property's primary outdoor living area and a habitable ancillary studio dwelling;*
 - *The roof terrace likely also overlooks 27 Swanbourne Street's primary outdoor living area, located at the western rear of the property.*
- *If the applicant desires a roof terrace, it would need to be relocated to the front (eastern end) of the property, so as not to not overlook neighbouring properties' outdoor living areas.*

For the reasons given above, I am completely opposed to the development as outlined in the attached plans.

I will never agree to the viewing deck as shown. I want setback requirements to be observed on the southside of the building. I want the issues of view loss, visual privacy and overshadowing to be significantly addressed. I trust that Council will follow up on matters rigorously.



In response to the above, the applicant submitted revised plans on 11 April 2023, to address the concerns of visual privacy from the roof terrace and the boundary wall length, by providing written responses and further justification to the issues raised by the objection and planning assessment items (see attachments), including the following changes:

- Southern boundary wall shortened in length from 15.0m in length and 3.3m in height and lowered to a total of 12.58m in length and 3.0m in height;
- New open pergola structure addition to first floor;
- Reduced setback to the north by 150mm (from 1.8m to 1.785m) to shift the first floor more north and increase the setback to the south (from 0.9m to 1.5m), to improve solar access for the southern adjoining neighbour; and
- Terrace shifted North and provided with 1.6m privacy screening.

Following referral of the application back to the administration at the 3 May 2023 Planning Committee, further amended plans (dated 15 May 2023) were provided by the applicant to address this matter, including the following changes:

- Removal of upper floor addition (roof terrace)
- Relocation of the first floor further East and added a trellis style framed structure to the addition
- Reduction in the overall overshadowing of the neighbouring southern lot's outdoor living area from (79.5% to 69.5%), representing a 10% (6.0m²) reduction in the overshadowing of the southern lot calculated.
- Reduction in the footprint of the first floor by approx. 10m²

It is considered the amended drawings seek to address the concerns provided in the neighbour submission related to boundary walls, lot boundary setbacks overshadowing, and visual privacy with the level of discretion reduced, therefore the amended drawings were not readvertised to the adjoining neighbours.

Detailed comments on the lot boundary setbacks, overshadowing and visual privacy elements of the proposal are provided in the officer assessment section 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:



- Overshadowing (First floor)
- Boundary walls (South – Ground floor)
- Lot boundary setbacks (South – First floor)

The above matters are discussed below.

Background

The subject site is located on the western side of Swanbourne Street. The site has a land area of approximately 311m² and is currently an existing single storey single house. The subject site slopes downward from the street to the rear of the site by approximately 1-1.5m. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed.

There is no relevant planning history applicable to the subject site.

Boundary wall

Element	Requirement	Proposed	Extent of Variation
Boundary wall (south)	1.0m	Nil	1.0m

It is noted there is no change from the previous submitted development plans dated 11 April 2023.

The southern boundary wall to the ground floor is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed boundary wall enables more effective use of space on the site as it creates an enhanced private outdoor living area (OLA) for the northern area of the subject property;
- The proposed boundary wall is considered a minor departure from the deemed-to-comply requirement of LPP 2.4 Cl IV (i) as the total wall length is 12.58m (580mm above the length requirement) and the height of the wall is to a maximum of 3.0m which as a result reduces the building bulk of the development; and
- In relation to overshadowing, the southern boundary wall is considered acceptable as the extent to overshadowing is caused by the additions of floors above (first floor). See further discussion of this below.

Lot Boundary Setback

Element	Requirement	Proposed	Extent of Variation
First Floor (South)	1.5m	1.17m	-0.33m

First Floor (Southern Setback)

The southern boundary setback to the first floor is considered to meet the Design principles of the R-Codes in the following ways:

- In relation to overshadowing, the overall length of the proposed first floor addition has been reduced in length in the amended drawings, from a total of 13.0m to 10.0m – which has reduced the extent of overshadowing owing to the southern adjoining property's OLA and can therefore be supported by City Officers (see Figures 1 and 2 in comparison below).

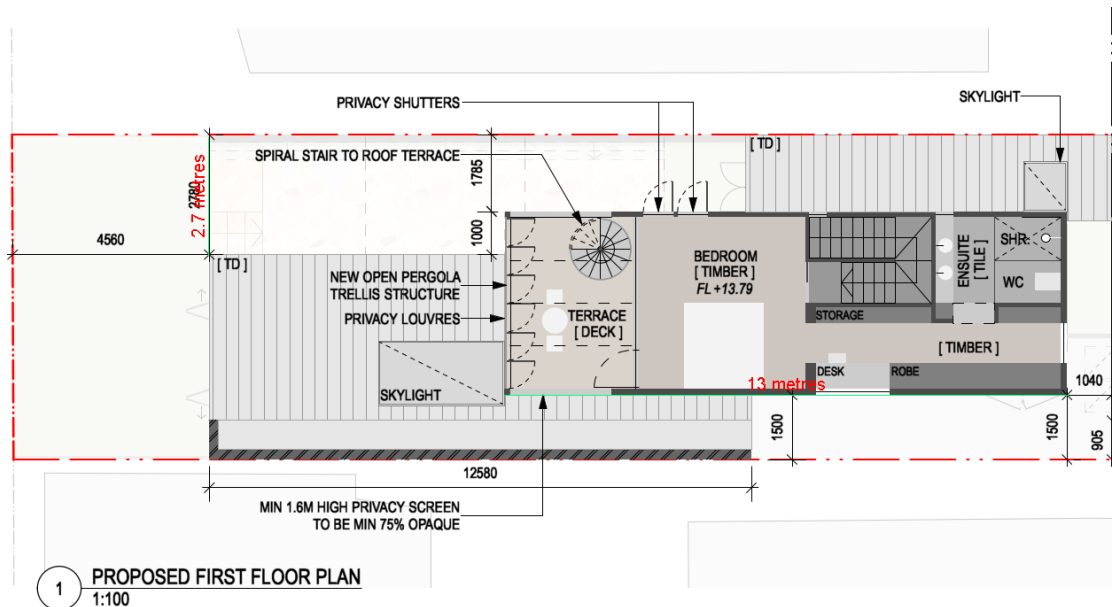


Figure 1: Previous drawing dated 11 April 2023 showing proposed First Floor Addition with a total length of 10.0m.

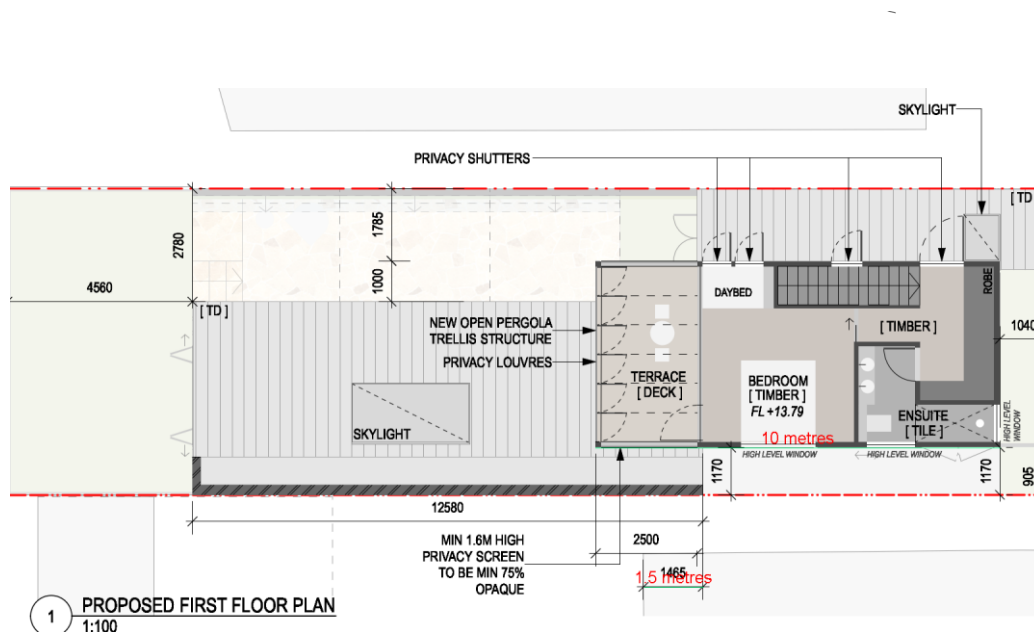


Figure 2: Amended drawing dated 15 May 2023 showing proposed First Floor Addition with a total length of 10.0m.

- The lesser setback to the southern boundary enables more effective use on site as it creates an enhanced private OLA for the subject property, whilst mitigating the extent to overshadowing to the southern adjoining property.
- The lesser setback minimises the impact of building bulk and as a result the amenity of the southern adjoining neighbour; by opening up the wall through an open pergola design (see Figure 4 below). As a result, the mass of the wall which extends for 10.0m in length and 6.4m in height to the first floor addition is reduced in size and form, which is an improvement from the previously submitted drawings dated 11 April 2023 (see Figure 3 below).

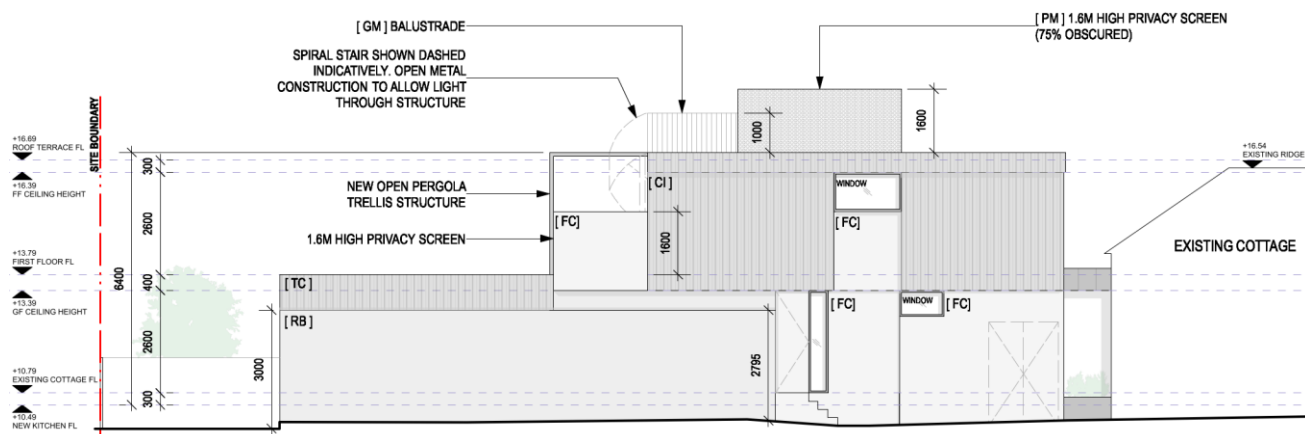


Figure 3: Previous First Floor Addition Design – Drawings dated 11 April 2023, showing extent of wall length and building bulk.

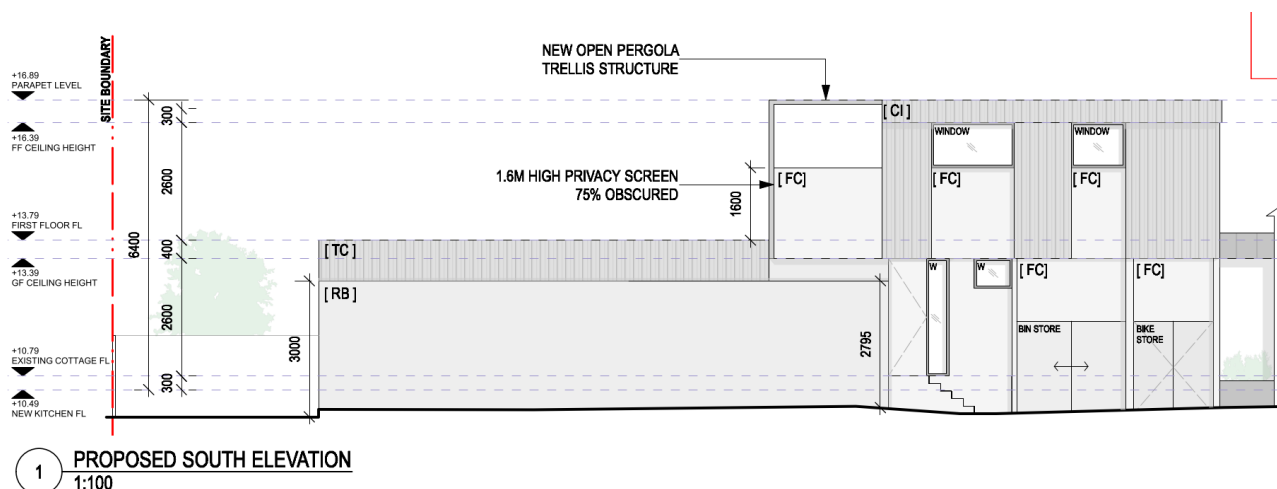


Figure 4: Amended First Floor Addition Design – Drawings dated 15 May 2023, showing reduction in wall length and removal of upper floor (roof terrace).

It should be noted that all other lot boundary setbacks either comply or exceed the deemed-to-comply requirements of the R-Codes.

Solar Access (South)

Element	Requirement	Proposed	Extent of Variation
Maximum Permissible Overshadowing of Adjoining Sites (R-Codes 5.4.2)	Max. 25% of shadow cover of adjoining site: No. 31 Swanbourne Street (Site Area: 311m ²)	54% (168m ²)	21.3% (90.19m ²)

The proposal is considered to meet the design principles of the R-Codes in the following ways:

- It is evident the applicant has taken steps to improve the overshadowing impact on the southern adjoining neighbour by the following ways;
 - Removing the roof terrace in the design to reduce overshadowing and building bulk,
 - Shifting the first-floor addition further east to cast the shadow over a portion of the built form of the southern adjoining property rather than the entire outdoor living area (OLA),
 - Reduction in the overall footprint of the first-floor addition by approx. 10m² to reduce impact of overshadowing on adjoining southern neighbour.



- The redesign of the proposed additions shift the shadow cast over the southern adjoining neighbour's site, from the majority of the OLA (a sensitive, private habitable space) to the built form and existing roof areas of the adjoining covered patio and house which are non-sensitive areas of the adjoining dwelling – see Figures 4 and 5 in comparison (below).
- It is considered that the amended design has improved the overall shadow cast over the southern adjoining neighbour's OLA by a reduction of approximately 10% from the previous submitted plans dated 11 April 2023 – (69.5% in lieu of 79.5%).
- It is also important to note that the east-west oriented lots such as those on Swanbourne Street, with lot widths of 8m or less are considered narrow lots, and some overshadowing is inevitable for development proposals above a single storey. Therefore, consideration has been given to the proposed rear alterations and additions to exceed the deemed-to-comply requirement of the R-Codes.

It is considered that the new amended plans dated 15 May 2023, seek to address the concerns related to overshadowing over the southern adjoining neighbour's property, by relocating the shadow from the adjoining neighbour's OLA to extend over the built form rather than the entire OLA, (see Figures 5 and 6 below in comparison).

The amended drawings dated 15 May 2023, are considered to meet the requirements of the design principles of the R-Codes, by shifting the overshadowing from the first floor additions away from the OLA and onto predominantly roof cover of the southern adjoining neighbour.

This has been achieved by reducing the total area of the first floor addition from 56m² in area to 46m², (see Figures 3 and 4 above in comparison).

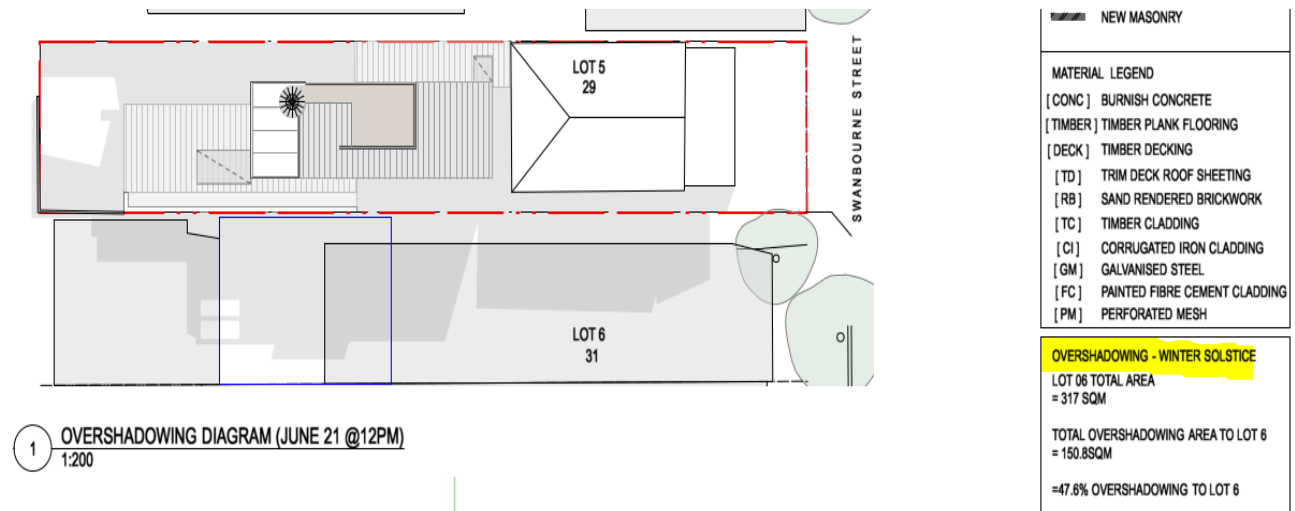


Figure 5: Amended Plans dated 11 April 2023 showing Overshadowing Assessment showing the existing OLA (shown in blue box above figure 4 of No.31 Swanbourne Street.

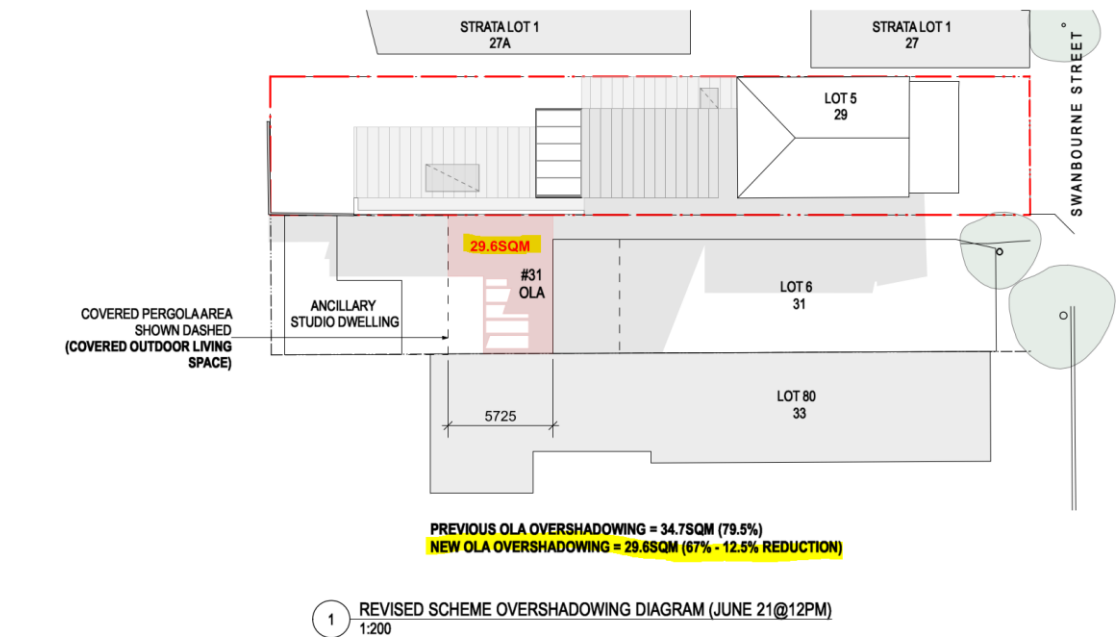


Figure 6: Amended Plans dated 15 May 2023 showing Overshadowing Assessment and the existing OLA.



The amended plans submitted dated 15 May 2023 have revised the design to meet the requirements of the design principles of the R-Codes by removing certain design elements such as the upper floor roof terrace and shifting the first floor addition further east to cast the shadow over more of the southern adjoining neighbour's built form rather than the OLA. Therefore, with these design elements being addressed, this overshadowing variation can be supported by City Officers.

Heritage Assessment

As the proposed development is Level 3 Heritage Listed. It is subject to assessment against LPP 3.6 – Heritage Areas Local Planning Policy. As outlined in LPP 3.6, the intent of additions and alterations to existing buildings is as follows:

When altering or adding to a place with heritage protection, the goal is for an outcome that does not reduce the cultural heritage significance of the place (whether this significance is individual to the site, or part of the broader significance of the area) and ideally, enhances it. This generally involves changing as little as possible but as much as necessary in order to retain the cultural heritage significance of the place and maintain its utility. Because the significance of each place and its context is different, assessment of the suitability of proposals requires that each proposal should be assessed on its own merits.

The proposal was reviewed and as noted above, the heritage impact of the proposal is deemed acceptable as it will have limited impact on the heritage significance and values of the place. City Heritage Officers provided the following comments;

We have assessed the DA for 29 Swanbourne Street – two storey addition to the rear of single storey cottage and can advise that there are no heritage issues. The new addition allows for the original cottage to remain with its roof form intact. There is a separation between the original cottage roof form and the two storey section of the addition and there will be minimal impact to the streetscape.



In accordance with LPP 3.6, new development in heritage areas needs to satisfy the following criteria (assessment against relevant criteria outlined below):

3.5 Additions and Alterations (to existing buildings)

Element	Officer comment
General	
i. Alterations and additions in heritage areas should respond sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development, with changes designed and sited in a manner that retains, conserves, respects and complements the heritage significance of the place and area.	In accordance with the heritage comments provided by City Heritage Officers, the proposed additions and alterations are considered to comprise changes to the place which are able to be supported.
ii. Alterations and additions to contributory places should seek to change as little as reasonably possible.	The proposed rear additions and alterations will retain the existing Heritage listed single house and comprise changes to the place which are able to be supported.
Siting and scale	
v. Double storey additions to a contributory building may be considered where: <ul style="list-style-type: none"> • they are located to the rear of the original building; • they do not alter the original building roof line; • they are constructed so that the roof of the new addition is independent from the original building's roof form; • the roof form of the addition is not visible from the street (a minor variation to this may be permitted based on a proposal's impact on the streetscape); AND 	<p>The proposed additions and alterations are located to the rear of the original heritage listed building;</p> <p>The rear additions does not alter the original building's roof form.</p> <p>The rear additions will provide separation between the original cottage roof form and the two storey section of the addition and therefore, there will be minimal impact on the original building's roof form</p> <p>The rear additions will not detract from the existing streetscape and therefore there will be minimal impact caused by the additions.</p>



<ul style="list-style-type: none"> • if the addition is attached to the original building, in order to allow the original building to retain its original form, then this is to: <ul style="list-style-type: none"> o Be via a linked pavilion, or o Have side external walls of the extension set in from the side walls of the original building, or o Be supported by a material change at the junction of the old and new 	<p>The rear additions provide a separation wall between the original building and the new rear additions and will not detract from the original built form the cottage on the subject site.</p>
Form	
<p>i.Additions to places within a heritage area must respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape and existing building, without falsely mimicking heritage detailing.</p>	<p>The additions contribute to the streetscape in a positive manner, through a contemporary, sympathetic design.</p>
<p>ii.Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p>	<p>The two-storey addition will sit behind the roof line of the existing dwelling and is largely concealed from the existing streetscape due to the sloping of the site from the from the street to the rear.</p> <p>The addition responds to and interprets the scale, form and articulation of existing and nearby buildings.</p>
<p>iii.The treatment of additions in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. of an addition should relate to the existing contributory building and to its neighbours.</p>	<p>In accordance with the attached heritage comments, the proposed additions are subservient to the main house in form and are deemed as acceptable.</p>



<p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p>	<p>The façade of the main dwelling will be maintained and extended as existing.</p>
<p>v. Contemporary addition designs should respond to, and interpret, the scale, articulation and detail of the existing and nearby buildings in a modern, innovative and sympathetic way.</p>	<p>In accordance with heritage comments provided by City Heritage Officers, the proposed additions are considered acceptable.</p>
<p>Roofs</p>	
<p>i. Traditionally roof lines are a predominant element of the streetscape. Additions should respond to and reinforce the existing characteristics of a streetscape or neighbourhood with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.</p>	<p>The rear additions will retain the original roof form and reinforce the existing streetscape.</p>
<p>Materials, Colours and Detailing</p>	
<p>i. Significant original or early materials and detailing to contributory places should be retained and conserved. Where it can be demonstrated that original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street front facades to their original form and detailing is strongly encouraged. This should be based on documentary and/or physical evidence such as remaining traces of earlier fabric and old plans and photographs</p>	<p>The proposed rear additions and alterations will retain the existing Heritage listed single house and comprise changes to the place which are able to be supported.</p> <p>No changes to the original built form of the existing dwelling as a part of the additions and alterations.</p>
<p>ii. Intrusive finishes to heritage buildings should be removed.</p>	<p>As above.</p>



<p>Intrusive finishes could be aesthetically intrusive or physically intrusive such as cement render or acrylic paints.</p> <p>iii. It is recommended that paint finishes or rendered finishes to previously unpainted or un-rendered surfaces on heritage buildings be avoided. Further, glossy materials or finishes on heritage buildings should be avoided unless there is a historical precedent for their use.</p> <p>iv. Use of original colours (based on physical inspection or paint scrapes) or traditional colours is encouraged. Where a contemporary paint colour scheme is being considered 16/66 for a contributory building in a heritage area, consideration should be given to the traditional tonal contrasts and façade detailing. Monochromatic schemes are not appropriate on heritage buildings and should be avoided.</p>	<p>As above.</p> <p>The colour scheme is considered acceptable from a heritage perspective.</p>
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Demolition of Buildings and Structures

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

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

The City's Heritage Officers have confirmed that the two storey rear additions and alterations to the existing Level 3 Heritage Listed Single house at 29 Swanbourne Street, will have no discernible impact on the original cottage or built form as there is a separation between the original cottage roof form and the new rear two storey extension. Furthermore, the additions and alterations will have minimal impact on the streetscape of Swanbourne Street.



On the basis of the above, the demolition of the existing buildings on the subject site is supported pursuant to clause 4.14 of the City's LPS4.

Front Gate Addition

It is noted the proposal includes modifications to an existing primary street fence to allow a new single onsite car parking bay. These modifications will include the addition of a front pedestrian gate to be made visually permeable and two solid piers to a height of 1.9m.

A condition requiring the pedestrian gate as indicated on the approved plans to swing into the subject site only when opened and not impede on the adjoining road reservation, if the application was being supported then an appropriate condition could be imposed to ensure the above would be met.

CONCLUSION

In accordance with the above assessment, as amended is considered to appropriately address the relevant statutory planning requirements of the LPS4, the R-Codes and relevant Council local planning policies and is therefore recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Additions and Alterations Addition to existing Single house at No. 29 (Lot 5) Swanbourne Street, Fremantle, as detailed on plans dated 15 May 2023, for the following reasons:

1. This approval relates only to the development as indicated on the approved plans, dated 15 May 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.



2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.
5. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
6. Prior to occupation/use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,

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

ADVICE NOTES:

- 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. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.



PROCEDURAL MOTION

At 6.35 the following procedural motion was moved:

COMMITTEE DECISION PC2306-1

Moved: Cr Jenny Archibald

Seconded: Cr Ben Lawver

The item be referred to the Ordinary Council Meeting on 28 June 2023 to allow for consideration of revised and existing plans.

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Jenny Archibald, Cr Adin Lang, Cr Ben Lawver**

ADDITIONAL OFFICER COMMENT

The proposal is referred to the Ordinary Council Meeting due to amended plans being submitted by the applicant after the publication of the agenda for Planning Committee.

The revised plans (dated 13 June 2023), have changed by increasing the southern setback to the upper floor addition from 1.17m to 1.5m and reducing the amount of overshadowed outdoor living space of the southern adjoining neighbour by 1.1sqm from 29.6sqm to 28.5sqm.

The southern lot boundary setback to the upper floor is now deemed to comply as per the R-Codes. However, the lesser setback to the north does not create an unreasonable impact of building bulk to the adjoining northern property.

It is considered the amendments further reduce the impact on the amenity of the southern adjoining property and the proposal remains supported by officers. A recommendation with the updated plan reference date is included below.



COUNCIL DECISION ITEM PC2306-1
(Amended officer's recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Su Groome

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Two Storey Additions and Alterations Addition to existing Single house at No. 29 (Lot 5) Swanbourne Street, Fremantle, as detailed on plans dated 15 May 2023, for the following reasons:

- 1. This approval relates only to the development as indicated on the approved plans, dated 13 June 2023. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.***
- 2. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.***
- 3. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.***
- 4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.***
- 5. The applicant is advised that this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.***
- 6. Prior to occupation/use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:***
 - coloured sand render,***
 - face brick,***
 - painted surface,******and be thereafter maintained to the satisfaction of the City of Fremantle.***

Carried: 12/0

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



**PC2306-10 PRECINCT STRUCTURE PLAN – 140 STIRLING HIGHWAY,
NORTH FREMANTLE**

Meeting date:	7 June 2023
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Schedule of Submissions2. Draft Precinct Structure Plan report3. State and Local Planning Context Review4. Main Roads WA Land Requirement Plan 1.7143-15. Main Roads WA Carriageway Plan 1.72226. Applicant's response to enquiries

SUMMARY

The purpose of this report is to present for Council's consideration the proposed Precinct Structure Plan (PSP) for 140 Stirling Highway, North Fremantle including submissions received during the community engagement process.

The proposed PSP was advertised from 16 January 2023 to 1 March 2023 (44 days) for public comment. The public consultation period included a community information session held at the North Fremantle Community Hall.

At the close of the community engagement period, the City had received 191 submissions on the proposed PSP. A further five late submissions were received, including a submission from Main Roads WA. The majority of the submissions highlighted concerns around building height, traffic, vehicle parking, access to public transport, public open space and the proposed density of development.

It is recommended the proposed PSP be forwarded to the Western Australian Planning Commission (WAPC), with the recommendation that it not be approved, due to:

- The proposal's excessive building heights which are inconsistent with the City's planning provisions for the site and community expectation.**
- The lack of strategic planning basis for the scale of the proposal with regard to State Planning Policy 4.2.**
- The poor contextual response of the proposal's built form and open spaces which are inconsistent with the character of North Fremantle and Fremantle more broadly.**



- **The lack of consideration of the site’s heritage values and fabric.**
- **The potential adverse impacts of the proposal upon the surrounding community and road network, and**
- **The wider negative implications of the proposal on the nature of coastal development in the Perth metropolitan region.**

BACKGROUND

Site description

One hundred and forty Stirling Highway (the Site), North Fremantle is a flat, 3.1 hectare site, occupied by a 1950s office building, a large corrugated steel and asbestos shed with an attached office annexe, and paved and gravel-surfaced parking and yard areas. It is often referred to as the 'OneSteel site', in recognition of its last major tenant. At present, the office building is vacant, while the shed and yard are used for limited light industrial and storage purposes. The Site is elevated above Stirling Highway, with a retaining wall along the western and part of the southern boundaries. As McCabe Street rises to the east, a steep, vegetated bank forms along the southern edge of the site, wrapping around the western and northern edges, resulting in a level difference of approximately seven metres between the site and the adjacent lot to the east.

The Site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and is zoned 'Development' (Development Area 18) under the City's Local Planning Scheme No.4 (LPS4). Under LPS4 and, since 2015, through the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), a structure plan is required prior to comprehensive redevelopment of the Site.

Local context

To the north of the Site lies Buckland Hill Estate, in the Town of Mosman Park. Buckland Hill Estate is zoned 'Residential', with a density code of R12.5, and is occupied by mostly two-storey single houses on lots of approximately 870 square metres or larger.

To the east of the subject site, at 11 McCabe Street, there are four apartment buildings ranging from five to seven storeys, with a maximum building height of 24.75 metres, known as the Taskers Living and Siskas developments. Further to the east, at 15 and 19-21 McCabe Street, there are a collection of single and two-storey commercial and light industrial units. Joint Development Assessment Panel (JDAP) approvals are in place for two eight-storey mixed use developments, with the tallest reaching a maximum building height of 29.4 metres. Eleven, 15 and 19-21 McCabe Street are also zoned 'Development' and form part of Development Area 18 under LPS4.



To the south, on the opposite side of McCabe Street lies a former industrial site (130 Stirling Highway) comprising the former Ford Assembly Plant / Matilda Bay Brewery buildings which consist of three main parts: the Administration Wing (facing Stirling Highway), the Workshop Wing (behind Administration) and the Factory Wing (corner of Stirling Highway and Coventry Parade). These three building elements combine to create a significant complex, which demonstrate the history of the site's use from the initial construction of the Ford Assembly Plant in 1929 to its later occupation by the Matilda Bay Brewing Company from 1988-2007. Consequently, it is included on the City of Fremantle Heritage List with a management category of 1B ('Exceptional Significance'). The site, as it currently stands, contains a number of existing additions and alterations to the original buildings to accommodate and expand the historic uses as well as three detached ancillary warehouses towards the rear (eastern end) of the site and large areas of hardstand. The JDAP recently refused an application for comprehensive redevelopment of the western half of the site to deliver a mixed-use development comprising additions, alterations and restoration of the former Matilda Bay Brewery buildings and the addition of three residential towers of six, 15 and 23 storeys in height.

To the north of the Ford Assembly Plant / Matilda Bay Brewery buildings, lies 2 McCabe Place, which is currently vacant though eleven two and three-storey townhouses (the Cornerstone development) are in the early stages of construction on the site, while 136 Stirling Highway is occupied by a two-storey commercial building. At this stage there are no applications for the redevelopment of 136 Stirling Highway. Two McCabe Place and 130 and 136 Stirling Highway are zoned 'Development' and comprise the remainder of Development Area 18. These sites are subject to a separate structure plan.

On the western side of Stirling Highway, between the road and rail reserve further to the west, the land is reserved under the MRS for 'Primary Regional Road' (to facilitate widening of Stirling Highway) and 'Parks and Recreation'. One hundred and thirty-five Stirling Highway is occupied by a house with an attached shop, though the shop is disused, while 137 and 139 Stirling Highway are respectively occupied by a single house and two grouped dwellings. One hundred and thirty-five and 139 Stirling Highway are included on the City of Fremantle Heritage List, both with a management category of 3 ('Some Significance'). One hundred and thirty-nine Stirling Highway occupies most of the land opposite the Site and is developed with a single storey building and associated yard space occupied by a landscape supplies company.

Planning history

In February 2008 a structure plan was submitted on behalf of the landowners at the time, proposing redevelopment of the site for predominantly residential purposes in the form of two large free-standing apartment buildings with associated private communal open space and car parking. The indicative height of



one building was 3-4 storeys above a basement car park, and the second building stepped up to a maximum height of 12 storeys above a basement car park.

In August 2008 the owners made an application to the State Administrative Tribunal for review of a deemed refusal of the structure plan by virtue of the City's non-determination of the plan, under the provisions of clause 6.2.15.6 of Local Planning Scheme No. 4. Following a hearing held in December 2008, the Tribunal delivered the following decision on 3 March 2009:

- 1. The application for review is dismissed.*
- 2. The deemed refusal by the respondent to adopt a structure plan for Lot 2 Stirling Highway, North Fremantle is set aside and a decision is substituted that the structure plan is not adopted under cl. 6.2.9.1 of the City of Fremantle Local Planning Scheme No. 4.*

The primary reason for the Tribunal's decision was that the development proposed in the structure plan was considered to have a significant and detrimental visual impact when viewed from important public viewing positions and from private properties to the east and north-east.

In July 2009, the City received a new proposal for a structure plan at No. 140 (Lot 2) Stirling Highway, North Fremantle. The plan proposed a series of buildings generally ranging from single storey up to five storeys in height, with a single eight storey building at the corner of Stirling Highway and McCabe Street. The use of the buildings would have been predominantly residential apartments, with some ground floor commercial uses in the building at the corner of Stirling Highway and McCabe Street. An indicative yield of 233 dwelling units at a density of approximately R80 is stated in the plan. In December 2009, the City adopted the plan, which has remained in place since that date (Figure 1 below).

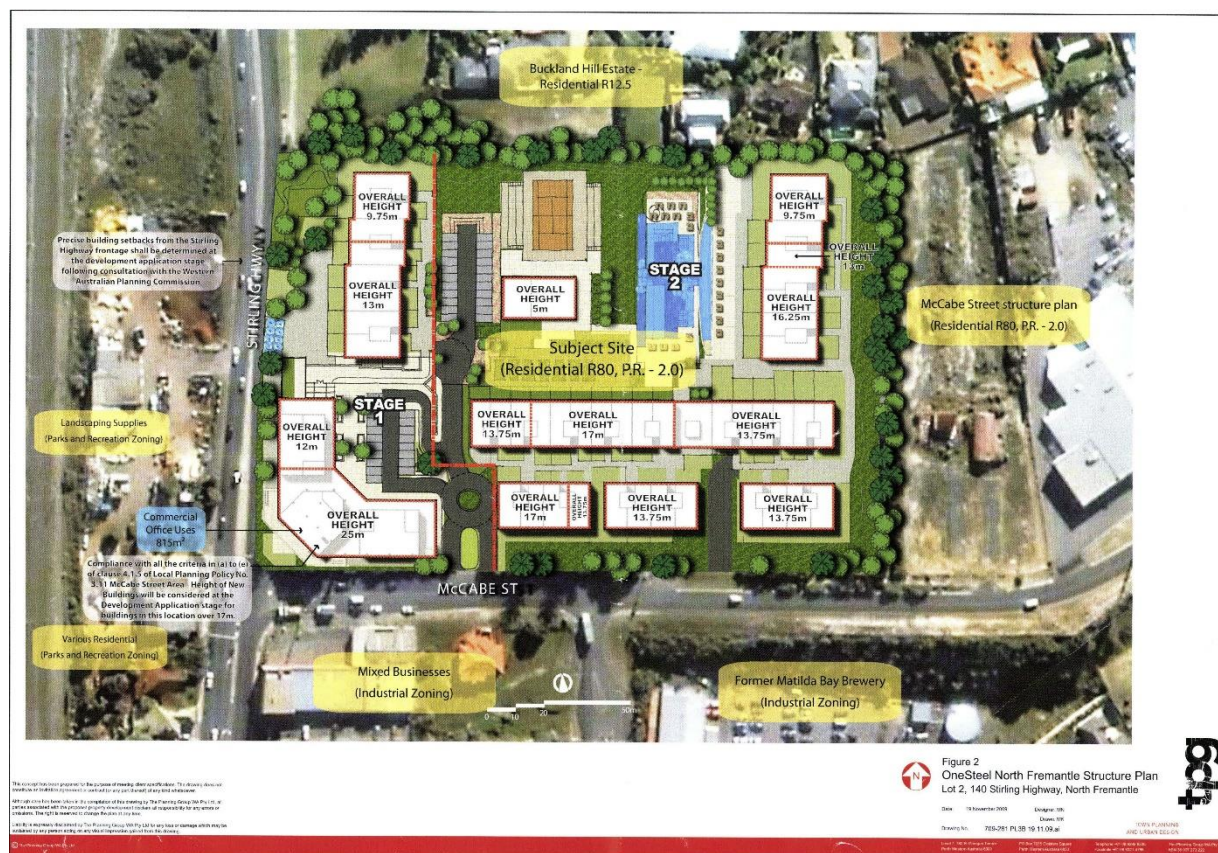


Figure 1: Adopted DA18 140 Stirling Highway Structure Plan (2009)

In addition, a development application to demolish the buildings on the Site was approved by the City of Fremantle Planning Committee on 2 September 2022, subject to conditions, including the following:

Notwithstanding condition 1 above, the office building on the corner of Stirling Highway and McCabe Street does not form part of this demolition approval and is to be retained to the satisfaction of the City of Fremantle.

The current applicant has subsequently lodged a demolition licence application for the demolition of *all* buildings on the site, which was rejected by the City in view of the above. This matter is discussed in more detail in the Heritage section of the Officer Comment below.

Draft Precinct Structure Plan proposal

The new draft PSP (Figure 2 below) proposes a range of buildings, from three-storey townhouses in the north-eastern quarter of the lot to two 23-storey towers at the western extent, with six, seven and 13-storey buildings across the remainder. The taller buildings would utilise four-storey ‘podiums’ to disguise their bulk when viewed from street level and would be arranged around a 2,490 square metre public open space. A further 630 square metres of public open space would be provided between the townhouses in the north-eastern quarter of the site. Land use would be predominately residential, with an indicative yield of 350 units stated in the plan. There is also potential for 12,962 square metres of commercial space in the podium levels of the taller buildings, with active frontages required at ground level, including retail and food and beverage outlets. It is proposed that the public open space and all access roads on-site would be ceded to the City.

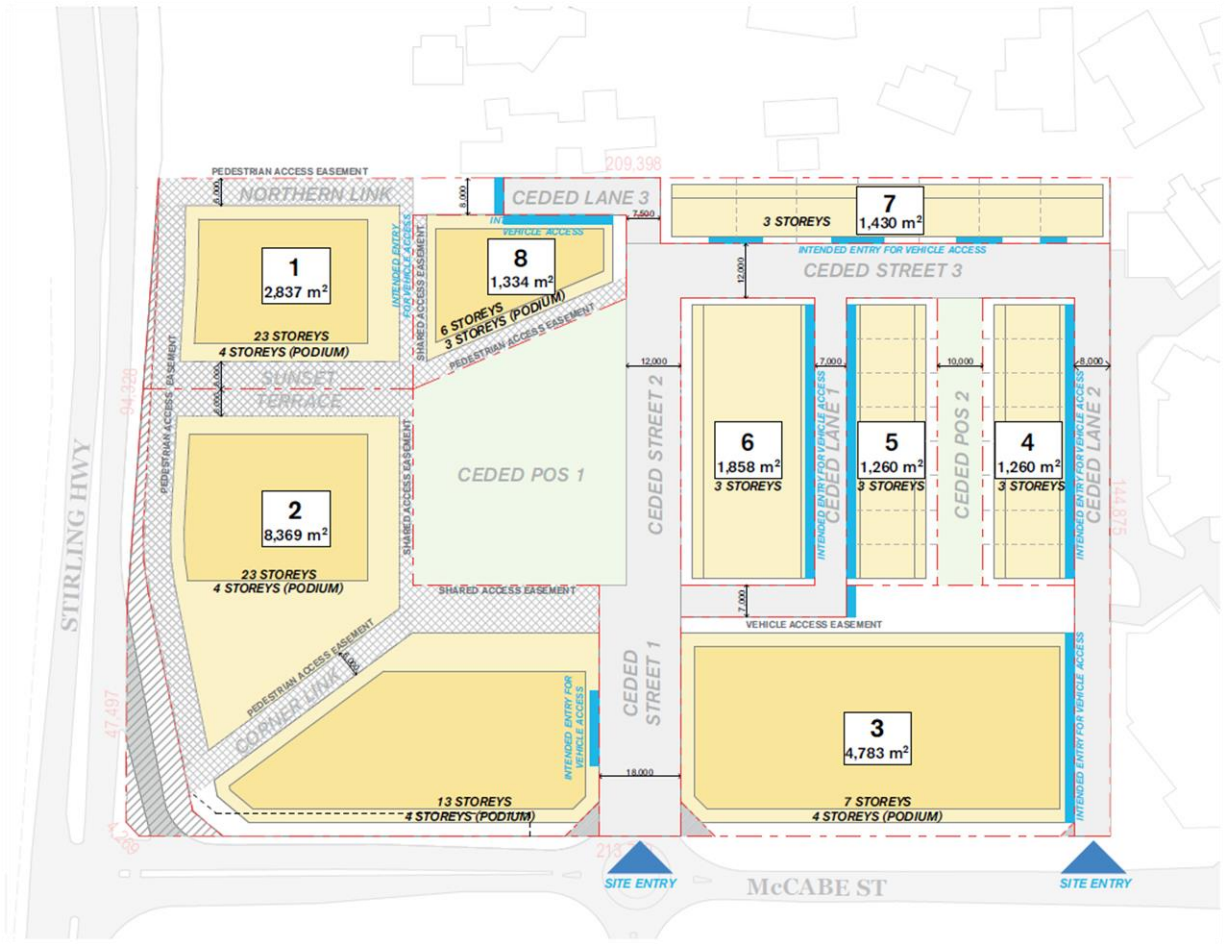


Figure 2: Proposed Precinct Structure Plan



State and Local Planning context

A review of the state and local planning context has been provided in the attachments, which covers:

- Perth and Peel@3.5million
- State Planning Policy 2.6 – Coastal Planning Policy
- State Planning Policy 3.5 – Historic Heritage Conservation
- State Planning Policy 3.6 – Infrastructure Contributions
- State Planning Policy 4.2 – Activity Centres for Perth and Peel
- State Planning Policy 5.4 – Road and Rail Noise
- State Planning Policy 7.0 – Design of the Built Environment
- State Planning Policy 7.2 – Precinct Design
- State Planning Policy 7.2 – Precinct Design Guidelines
- State Planning Policy 7.3 – Residential Design Codes of Western Australia – Volume 1, Part C – Medium Density and Volume 2 – Apartments
- Draft State Planning Policy 4.2 – Activity Centres (2020)
- Visual Landscape Planning in Western Australia
- Fremantle Planning Strategy (2001)
- Draft Fremantle Local Planning Strategy (2022)
- City of Fremantle Local Planning Scheme No. 4
- Local Planning Policy 3.6 – Heritage Areas
- Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings
- DA18 140 Stirling Highway Structure Plan (2009)

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for preparing, assessing and determining a structure plan is provided for under Schedule 2, Part 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 4, cl. 20 states that:

- (1) The local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of –*



- (a) the last day of the period for making submissions on the proposed structure plan that applies under clause 18(3A); or*
 - (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or*
 - (c) a day agreed by the Commission.*
- (2) The report on the proposed structure plan must include the following –*
- (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);*
 - (b) any comments by the local government in respect of those submissions;*
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;*
 - (d) the local government's assessment of the proposal based on appropriate planning principles;*
 - (e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.*

City officers requested the WAPC's permission to extend the statutory period within which the local government must prepare a report and recommendation to the WAPC on the proposed PSP. This was necessary to:

- Request additional information from the applicant, including information regarding the heights proposed, details of the proposed zoning and land uses, missing appendices from the Landscape Architectural Report, and a waste management strategy.
- Provide the applicant with the opportunity to respond to comments from the City's Infrastructure Engineering directorate.
- Discuss further with Main Road WA measures to address traffic-related issues raised by the development proposed in the PSP.

The WAPC granted approval to extend the period for provision of the City's recommendation until 29 June 2023.

CONSULTATION

Engagement on the proposed PSP was undertaken in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 4, cl. 18(2) and Council's Local Planning Policy 1.3 – Community Consultation on Planning Proposals, for a period of 44 days from 16 January 2023 to 1 March 2023.



Engagement included public notification by means of:

- Letters to the owners and occupiers of properties within 200m of the site and those in the Buckland Hill and Rocky Bay Estates
- Signs placed on the Site facing Stirling Highway and McCabe Street
- Publication of a notice and information on the City's MySay Freo website
- Publication of a notice in the Fremantle Herald.

Letters were sent to various utility and government agencies, seeking their comment, and a 'Talk to a Planner' drop-in information session was also held at North Fremantle Community Hall on 31 January 2023. It is estimated to have been attended by 70-80 people.

At the close of the engagement period, 191 submissions had been received. A further five submissions were received following the close of the engagement period, including one from Main Roads WA and four from members of the public. As these submissions were received prior to the end of the statutory reporting period, they have been included in the attached schedule of submissions and have been considered in the assessment of the proposal. Of the submissions, 29 were in support of the proposal and 159 raised objection or concern, while a further eight responses offered comment without clearly taking a position.

The submissions received in support of the proposed PSP highlighted its inclusion of commercial offerings, the potential to remove what many see as a blight on the area, and the claimed 'green' credentials of the development. However, as noted, the majority of submissions objected to one or more aspects of the proposal or raised significant concerns. These objections and concerns can be summarised as follows:

Key element	Selection of comments (summarised)
Strategic context	<ul style="list-style-type: none">• The proposal would result in the creation of a new activity centre outside the established state and local strategic planning frameworks.
Land use	<ul style="list-style-type: none">• The provision of commercial tenancies would likely result in vacant units.• The commercial offerings promised may not be delivered.
Plot ratio / density	<ul style="list-style-type: none">• The proposed R160 density is too high.• R80 (per the existing structure plan) would be more in keeping with other high-density development in the area.
Built form	<ul style="list-style-type: none">• The proposed buildings would be too bulky, blocking outlooks and causing overshadowing.



Key element	Selection of comments (summarised)
Building height	<ul style="list-style-type: none"> • Unclear whether building heights being measured from the existing site level. • Tall buildings would have a significant, negative impact on the character and visual amenity of the area. • Tall buildings would block outlooks to the Ocean. • Height limits ranging from three to 15 storeys are suggested, indicating that the height limits set in Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings are already considered by some to be too high for the site. • Buildings would overshadow adjoining properties. • Buildings would overlook adjoining properties.
Roads and traffic	<ul style="list-style-type: none"> • The Traffic Impact Assessment is flawed, as it does not consider a 'no development' scenario for 2025 and 2035. • The development would lead to a significant increase in traffic, causing congestion and leading to longer wait times at the Stirling Highway / McCabe Street intersection. • Traffic from the Stirling Highway / McCabe Street intersection would bank up into the roundabout at McCabe Place. • The connection with McCabe Place could create a 'rat run' north to south. • The proposed slip road at the Stirling Highway / McCabe Street intersection would be insufficient to alleviate traffic congestion. • The second access point to the development is close to the bend in McCabe Street and would present a safety hazard.
Parking	<ul style="list-style-type: none"> • There may be insufficient on-site parking to serve the development, particularly with commercial premises included. • On-street parking is also insufficient.
Public open space / green corridor and landscaping	<ul style="list-style-type: none"> • The public open space is internalised to the development and would not be easily accessible to or provide benefit to the wider community. • The public open space would be overshadowed by buildings for much of the day. • The public open space would be affected by the buildings channelling wind.



Key element	Selection of comments (summarised)
Heritage	<ul style="list-style-type: none"> The office building at the corner of Stirling Highway and McCabe Street should be conserved due to its heritage value as an example of a modernist commercial building.
Public transport	<ul style="list-style-type: none"> The development is not easily walkable to a train station. Access to buses is poor due to the pedestrian environment and lack of safe crossing points on Stirling Highway.
Active transport	<ul style="list-style-type: none"> The pedestrian environment around the development is poor, particularly on Stirling Highway, which discourages walking. There are few amenities nearby to encourage walking. There is no provision for a safe cycling environment immediately around the site. Access to the Perth-Fremantle Primary Shared Path is poor due to lack of safe crossing points on Stirling Highway.
Beach access / pedestrian crossing	<ul style="list-style-type: none"> There is poor access to the beach and crossing Stirling Highway is difficult. A new or additional pedestrian bridge or underpass should be installed.
Noise / disturbance	<ul style="list-style-type: none"> A detailed noise assessment should accompany any future development applications and measures would need to be implemented to manage road and rail noise. The development would result in additional noise and disturbance in the area from construction, then from additional population and commercial vehicles making deliveries.
Dwelling diversity / affordable housing	<ul style="list-style-type: none"> Will the development incorporate affordable housing?
Property value	<ul style="list-style-type: none"> The development would negatively impact upon the value of adjacent properties.
Liveability	<ul style="list-style-type: none"> Apartments, particularly high-rise apartments, are not as 'liveable' as other types of dwellings, leading to social issues and harming general wellbeing.
Schools	<ul style="list-style-type: none"> Local schools would not be able to cope with the additional population that would result from the development.
Waste	<ul style="list-style-type: none"> Unclear how waste would be stored and removed from the development.



Key element	Selection of comments (summarised)
Emissions and carbon footprint	<ul style="list-style-type: none"> High-rise buildings use almost twice as much energy per square metre as mid-rise structures.
Fire and evacuation	<ul style="list-style-type: none"> The water pressure in the area is insufficient, and local fire crews may not be equipped to combat fire in tall buildings like those proposed. How would people be evacuated in an emergency
Environment / wildlife	<ul style="list-style-type: none"> Development of the site would result in the loss of native vegetation and wildlife habitat.
Water quality	<ul style="list-style-type: none"> The development would negatively impact upon local water quality.
Air quality	<ul style="list-style-type: none"> The additional traffic would negatively impact upon local air quality.
Sustainability / e-charging infrastructure	<ul style="list-style-type: none"> Unclear what sustainability measures would be incorporated into the development including whether e-charging infrastructure would be provided.
Wind	<ul style="list-style-type: none"> The tall buildings would create wind tunnels.
Light pollution	<ul style="list-style-type: none"> The development appears to employ large expanses of glass resulting in sunlight being reflected, while light could spill beyond boundaries during hours of darkness.

Each matter raised in the submissions is examined below, in the context of the state and local planning framework.

OFFICER COMMENT

In assessing the PSP the City must consider the feedback received during the statutory community engagement period, including advice from state government agencies and City officers, along with the state and local planning context, which includes Perth and Peel@3.5million, applicable State Planning Policies, Fremantle Planning Strategy (2001), draft Fremantle Local Planning Strategy (2022), objectives of the City's Local Planning Scheme No. 4, and the provisions of various Local Planning Policies.

In summary, the proposed PSP:

- Would effectively create a new local centre for the purposes of assessment under State Planning Policy 4.2 – Activity Centres for Perth and Peel / draft State Planning Policy 4.2 – Activity Centres (2020) and State Planning Policy 7.2 – Precinct Design



- As a local centre, is not provided for in Perth and Peel@3.5million, the Fremantle Planning Strategy (2001) and the draft Fremantle Local Planning Strategy (2022)
- Is inconsistent with the principles for development within a Heritage Area, as set out in State Planning Policy 3.5 – Historic Heritage Conservation
- Acknowledges the requirements of State Planning Policy 3.6 – Infrastructure Contributions that would apply at the time of subdivision and / or development
- Acknowledges the requirements of State Planning Policy 5.4 – Road and Rail Noise that would apply at the time of subdivision and / or development
- Is generally inconsistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment
- Is inconsistent with a number of the objectives of State Planning Policy 7.2 – Precinct Design, specifically:
 - Response to and enhancement of the distinctive characteristics of the local area
 - Integration of landscape design that enhances sustainability outcomes.
 - Built form height and massing that is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area
 - Delivery of a sustainable built environment through passive environmental design measures, adaptive reuse of existing structures and promotion of active and public transport modes.
 - Provision of comfortable public spaces that encourage physical activity and enable a range of uses
 - Provision of a place that is easy to navigate with clear connections and good lines of sight.
- Seeks variations to State Planning Policy 7.3 – Residential Design Codes of Western Australia – Volume 1, Part C – Medium Density and Volume 2 – Apartments without sufficient justification
- Is inconsistent with the principles set out in the Visual Landscape Planning in Western Australia manual
- Does not nominate a zoning, nor is the proposed land use table consistent with Local Planning Scheme No. 4
- Does not meet the broad objectives of Local Planning Policy 3.6 – Heritage Areas
- Does not meet the requirements of Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings



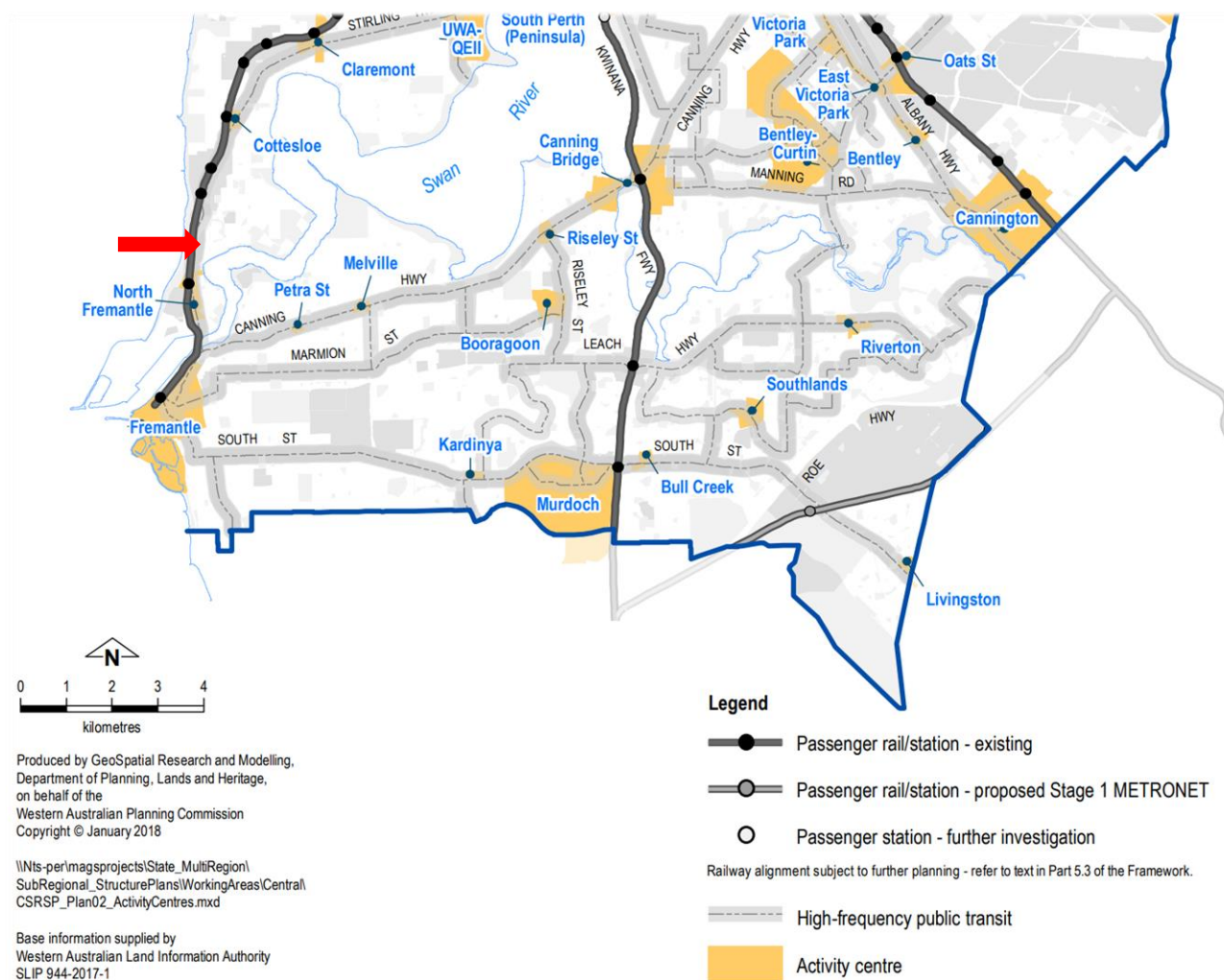
- Represents a significant variation to the previously approved DA18 140 Stirling Highway Structure Plan (2009) over the Site
- Would place significant pressure on the local road network, resulting in the failure of the Stirling Highway / McCabe Street intersection to deliver an acceptable level of service
- Seeks to cede its road network and public open space to the City of Fremantle when they are internally focused and would not serve the greater good of the community
- Has not considered the historic heritage value of the existing office building on the Site.

Strategic context

City officers, along with the Town of Mosman Park, have significant concerns over the lack of strategic context for the proposed PSP. Based on an approximate residential density in excess of R100 and the provision of more than 10,000 square metres of commercial floorspace, the PSP would effectively create a new Activity Centre under draft State Planning Policy 4.2 – Activity Centres (draft SPP 4.2).

The Central Sub-Regional Planning Framework within Perth and Peel@3.5million identifies a network of activity centres, which aim to allow more people to live closer to where they work with the aim of reducing the overall distance travelled for work. It states that activity centres are intended to match quality infill with amenity by creating a village-style mix of open space, housing, workplaces, and entertainment venues, and have access to good quality public transport. The aim is to provide a range of innovative housing options and the creation of a sense of place by providing social and business activities and services.

These activity centres would build on existing infrastructure and be linked to a co-ordinated and integrated transport network to significantly reduce congestion. For this reason, the framework builds on State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) objectives that place a focus on increasing residential, commercial and mixed-use development in and surrounding activity centres linked by a robust movement network. SPP 4.2 defines a hierarchy of centres based on the future importance of each centre from a network perspective and the magnitude of development expected for a centre. There are approximately 50 activity centres across the Central sub-region, as shown in Figure 3 below.



PLAN 2: Activity centres

Figure 3: Excerpt from Perth and Peel@3.5million Central Sub-Regional Planning Framework Activity Centres Plan (site identified by added red arrow)

The geographical boundaries of each strategic metropolitan, secondary, specialised and district centre in the hierarchy have been identified in order to spatially define and differentiate the extent of centres and urban corridors. Neighbourhood centres are not included in the framework, as these are more appropriately planned at the local level. The main purpose of the boundaries is to provide a platform from which to measure activity centre performance over time towards achieving higher densities and diversity in both employment and housing and to manage the interface between centre-scaled development and adjacent land. These draft activity centre boundaries have been based on an analysis of existing activity centre structure plans, zoning in local planning schemes, the extent of existing commercial areas, major infrastructure elements, walkable catchment to major public transit stops and geographical constraints. The boundaries purposely include an array of uses that are considered



components of the activity centre to match the intended role and function, accommodate sufficient growth, and deliver appropriate land use diversity. New activity centres may be identified through sub-regional planning frameworks or plans, growth management strategies, local planning strategies and require endorsement by the WAPC, subject to compliance with the principles and objectives of SPP 4.2 (refer to discussion on land uses below).

The Site lies outside the strategic planning framework for activity centres that is provided for in *Perth and Peel@3.5million*, though the Site does lie within an identified urban corridor. The framework identifies urban corridors in the Central sub-region alongside high-frequency public transit corridors that should be the focus for investigating increased residential densities, with potential for mixed land uses where appropriate.

The presence of existing or planned high-frequency public transit is an important consideration in determining whether a corridor is suitable for a more compact and diverse urban form. A high-frequency public transit service is one where one or more modes of travel (for example, bus, rail) are used in combination to:

- provide high levels of service frequency at all times of the week and generally higher frequency in peak periods
- provide access to a reasonable variety of destinations including through multi-modal links (the movement of people by more than one method of transport)
- operate with a high level of priority over private vehicles wherever possible.

The framework states that an understanding of the existing and future function of urban corridors from both a transport and land use perspective is needed in order to determine future growth opportunities. Urban corridors vary in transport function and their ability to have adjacent high-density development, and the development potential needs to be considered against the local context and function of the particular corridor. It is important that intensifying development does not adversely impact upon the efficient operation of the local and regional transport network. Maintaining and enhancing the urban amenity is also a key objective when considering areas for intensification.

In this instance, the corridor is served by high-frequency bus and rail services, though the subject site is on the cusp of the 800-metre walkable catchment from North Fremantle Station to the south and approximately 1.1 kilometres from Victoria Street Station to the north. It is likely that this would diminish use of the rail service by future residents, meaning that they would fall back on private vehicles, compounding the road and traffic issues explored in more detail below. This would, in turn, impact upon the efficient operation of the local and regional transport network, including the high-frequency bus service that passes the Site, which is inconsistent with the aims of urban corridor development as set out in the Central Sub-Regional Planning Framework.



Land use

A structure plan does not need to include details of the final land uses, nor the specific areas that they will occupy; a structure plan only makes provision for these uses and sets maximum floor space limits. However, as outlined above, the proposed PSP includes 13,000 square metres of commercial floor space, effectively creating a new Activity Centre under Draft SPP 4.2. This triggers the requirement for an impact test to: *“ensure major development proposals will not unreasonably impact upon the activity centre hierarchy, result in loss of services to the community and / or impact upon existing, committed and planned public and private infrastructure investment.”*

Therefore, the applicant provides a breakdown of uses and gross floor area in Appendix 9 – Retail Impact and Needs Assessment. Refer to figure 4 below for the proposed uses and floor areas (noting that F&B refers to ‘Food and Beverage’).

Proposed Use	Gross Floor Area	Relevant PLUC
F&B	3,436	Shop/Retail
Retail	2,163	Shop/Retail
Supermarket	1,313	Shop/Retail
Gym	835	Entertainment, Recreation and Culture
Entertainment	1,530	Entertainment, Recreation and Culture
Health and Wellness	945	Entertainment, Recreation and Culture
Childcare	1,208	Health, Welfare and Community Services
Function / Church	1,531	Health, Welfare and Community Services

Figure 4. Proposed land uses and gross floor area

The impact test modelling provided in support of the proposed PSP is based on the following assumptions:

- Development by 2026
- Ninety per cent lettable area being 6,222 square metres of Shop/Retail floor area
- An on-site yield of 350 dwellings that would contribute to retail expenditure in the local economy
- The trade area extending for five kilometres around the Site.

Within the trade area, the age demographic, dwelling types, household income and retail expenditure were assessed, along with current and future retail supply. Scenarios with and without the proposed development area were modelled.



The impact test concluded that there would be a clear need for retail uses in the proposed location to provide for the daily shopping needs of residents, workers and visitors. It states that the development would create significant economic and community benefits, including retail uses supporting the creation of 158 full-time employment opportunities and providing shopping amenities closer to homes. The modelling provides that the estimated impacts are moderate and below the 10% significant impact threshold; and the sustainability of the centre hierarchy will be preserved due to:

- The surrounding area's high population
- A profitable competitive environment
- The Site's proximity to commercially under-provisioned areas
- The development establishing high population numbers to support ground floor commercial development.

The City recently commissioned a Retail Needs Assessment for the whole of the City of Fremantle local government area, which consisted of a gap analysis of the existing retail offering. A conclusion of this analysis included: *A neighbourhood centre of approximately 8,300 square metres could be planned for at McCabe Street, including a small supermarket of 1,500 square metres.*

The City's LPS4 and Draft Local Planning Strategy recognise that the McCabe Street area will see more residential development in the short to medium term. The Draft Local Planning Strategy notes that as development progresses in the McCabe Street area, there may be an opportunity for a new local centre / local store development (*N.B.: this should refer to a neighbourhood centre – LPS4 was recently amended to reverse the local / neighbourhood centre nomenclature, as it was inconsistent with the definitions given in the Regulations*). Maintaining the ability to review these opportunities in light of the established centre network is considered a sensible approach in the future.

Accordingly, a commercial component of the PSP is reasonable, though not at the scale proposed, as that would be inconsistent with the state and local strategic planning frameworks and would likely undermine the vitality and viability of both the Mosman Park Local Centre and North Fremantle District Centre. Notwithstanding, the PSP would need to reflect this with a nominated zoning over the Site to allow for residential and / or commercial uses. However, the applicant has not nominated a zoning, but rather provided a zoning table including a 'Precinct Structure Plan' column, which is inconsistent with the land use permissibility in the City's existing zones. This cannot be supported, as the City aims to standardise its zoning in line with the current state government direction on the standardisation of zoning and land use permissibility across all local planning schemes.



Plot ratio / density

Several submissions consider the density of development that would be facilitated by the proposed PSP to be too high, though it has the same plot ratio as the existing approved structure plan over the Site. This means that that floorspace of up to twice the area of the Site can be developed, which would potentially accommodate the same number of residents as would be catered for by the existing structure plan. However, the proposed PSP alters the built form significantly from that of the existing structure plan, effectively 'stacking' the building envelopes into taller towers in exchange for a greater area of open space.

Built form

The majority of submissions against the proposed PSP highlight the built form as a major concern in some way, as it is tied to the plot ratio / density, as discussed above, and building height (discussed in detail below). State Planning Policy 7.0 – Design of The Built Environment (SPP 7.0) enables assessment of developments utilising the design principle of 'Built Form and Scale':

Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.

The proposed built form is generally inconsistent with the provisions of Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings (LPP 3.11), which establishes the intended future character of the local area, and is a marked departure to heights approved in DA18 140 Stirling Highway Structure Plan (2009). Additionally, the proposed PSP's Development Controls seek numerous variations to the primary controls set out in State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments (the R-Codes Vol. 2). However, the proposed PSP does not provide planning justification or site-specific / contextual consideration to support these amendments, particularly with regard to proposed building separation (e.g. between the towers proposed for Sites 1 and 2), building setback, and building height of up to 23 storeys.

Furthermore, the proposed built form envelope for the Site 3 tower element suggests a potential floor plate up to 49 metres deep. With floor plates of this depth, it is unclear how the proponents will plan functional apartment layouts that meet the provisions of the R-Codes Vol. 2 regarding natural ventilation, solar and daylight access, and size and layout of dwellings. While not appearing as deep (dimensions were not provided), the floor plates of Building A and Building B of Site 2 prompt similar concerns.



The built form indicated in the proposed PSP uses 'podium' levels up to four storeys that are intended to create a more human scale to the development, creating a sense of the buildings being smaller within the typical field of vision when standing in the streets below. However, the overall height of the buildings proposed (approximately 77 metres) would create significant overshadowing of the internal streets, public open space, and adjoining residences at certain times of the day. While the use of podiums minimises visual bulk at close quarters, it does not address concerns about the impact of any potential development across the wider area. The bulk and scale of the development would be imposing upon adjoining residences and be highly visible from Leighton Beach. It would also have a wider impact on the coastal landscape setting, being able to be seen from locations far along the coastline. These impacts are discussed in further detail below.

Being a structure plan, the proposed PSP does not contain designs for buildings, only indicative renders and sketches for context. However, it should be noted that if the PSP was approved, any subsequent development application(s) would be reviewed by the Design Advisory Committee to attempt to secure a high standard of design.

Building height

The majority of submissions against the proposed PSP registered building height as a significant concern due to its potential impact upon views and visual amenity, the local context and character, and potential for overlooking and overshadowing. These matters are all explored in detail below, following on from an assessment of the proposed building heights in the context of the current planning framework that applies to the Site.

The proposed PSP (Figure 5 below) sets out the proposed building height limits across the Site, in number of storeys, rather than in metres. However, the applicant has confirmed that the tallest buildings (23 storeys) would reach 77 metres in height when measured from the existing site level. The north-eastern quarter of the lot would be occupied by three-storey townhouses, with the taller buildings positioned on the western and southern parts of the lot, encircling an area of public open space.

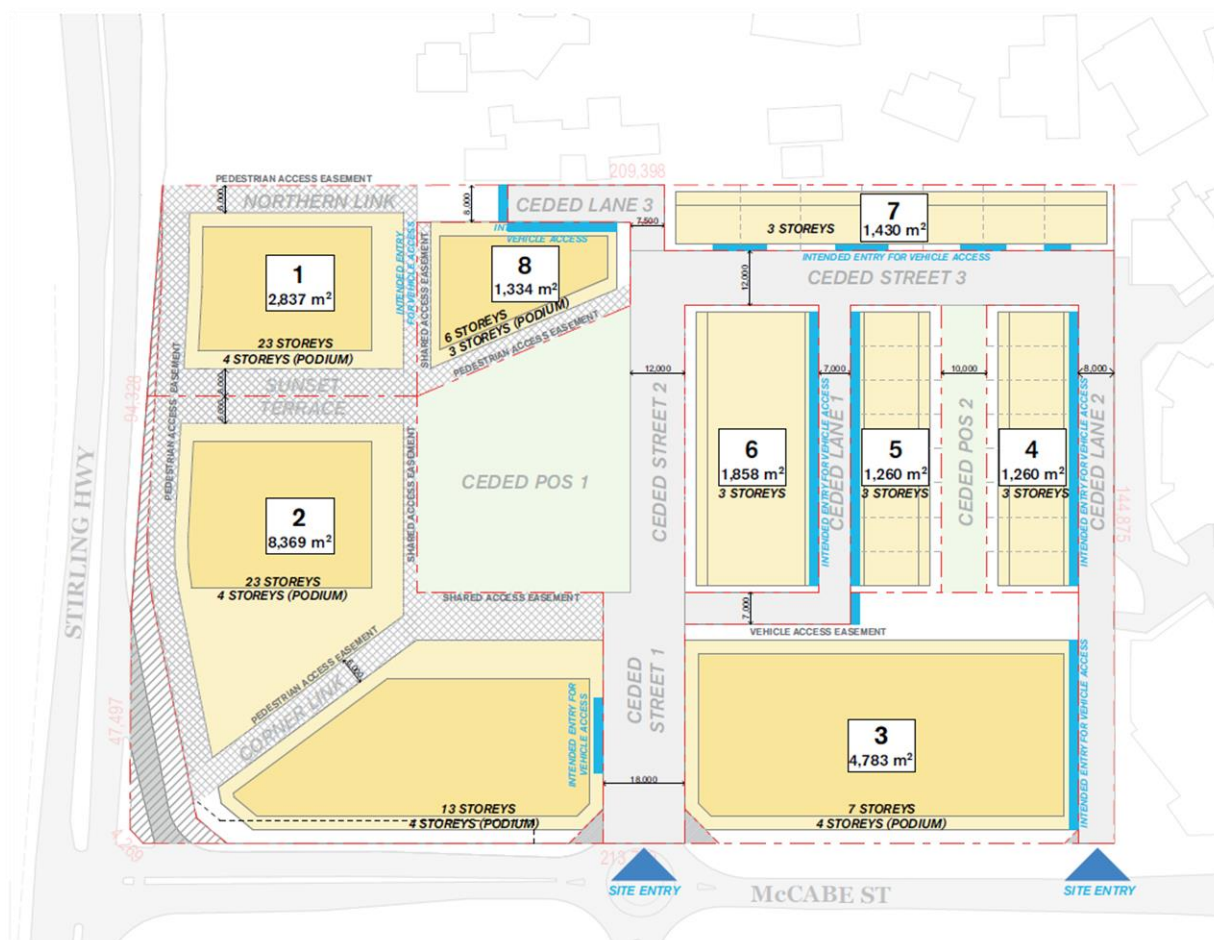


Figure 5: Proposed Precinct Structure Plan

Part 5.4 of State Planning Policy 2.6 – State Coastal Planning Policy states that:

- (i) *The provisions of this part of the policy apply to all development within 300 metres of the horizontal shoreline datum, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999).*
- (ii) *Maximum height limits should be specified as part of controls outlined in a local planning scheme and / or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.*
- (iii) *When determining building height controls in a local planning scheme and / or structure plan, building heights should have due regard to the following planning criteria:*
 - a) *development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;*



- b) development takes into account the built form, topography and landscape character of the surrounding area;*
- c) the location is part of an identified coastal node;*
- d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*
- e) there is overall visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*

In this instance, Sites 1 and 2 of the proposed PSP, which are located along Stirling Highway, are within 300 metres of the horizontal shoreline datum and maximum building heights are specified within the existing structure plan for the Site. This is supported by LPP 3.11 that permits buildings on the Site up to 17 metres tall (approximately five storeys), with provision for buildings up to 25 metres tall (approximately seven storeys) on 'Zone D' and within 60m of the Stirling Highway frontage, where they meet the following criteria:

- a) The development is designed and constructed in such a manner so as to achieve a rating of not less than 5 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool or equivalent
- b) The development incorporates non-residential ground floor uses that contribute to the function of the locality as an activity and / or tourist node
- c) The development satisfies the planning criteria in policy measure 5.4 of State Planning Policy 2.6 – State Coastal Planning Policy
- d) The design of the development performs the urban design function of an 'entry statement' into the City of Fremantle, including design qualities that convey a contemporary coastal aesthetic informed by the local context of North Fremantle and the Indian Ocean foreshore
- e) The development does not encroach upon view corridors as defined in the "McCabe Street Height Study" dated May 2008, prepared by Scenic Spectrums Pty Ltd on behalf of the City of Fremantle.

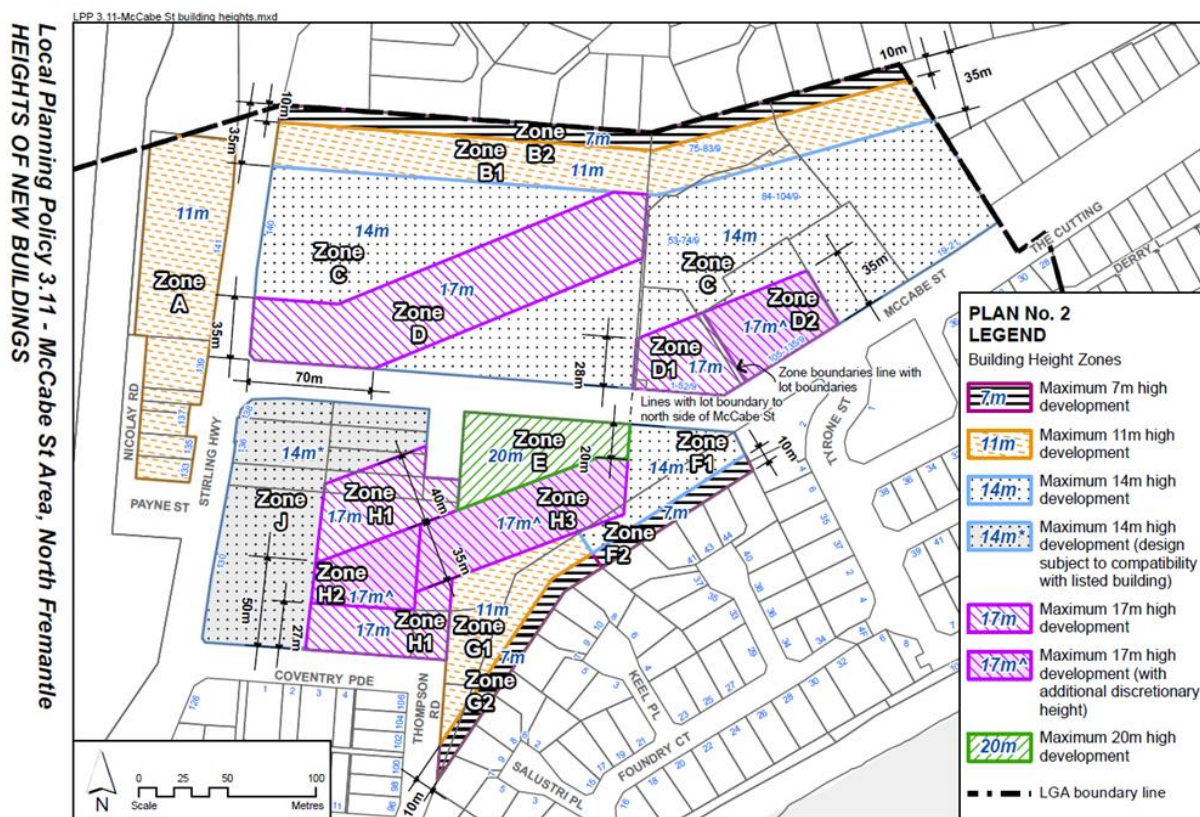


Figure 6: Excerpt from Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings (2015)

Figure 6 above illustrates the extent of the various height limits across the Site. The proposed PSP contains building heights measured in storeys, rather than metres; however, the tallest buildings proposed would reach 23 storeys or approximately 77 metres in height, exceeding the height limits prescribed in the policy by 18 storeys / approximately 60 metres.

LPP 3.11 was originally adopted in 2008 after height modelling was undertaken for the area. A review of the policy was carried out from April 2013, which included further view corridor modelling and assessments of building bulk with modelling specifically for the 130 Stirling Highway, North Fremantle site. The reviewed policy was adopted by Council in August 2015 and is intended to ensure that new buildings developed in the area *"do not adversely affect the visual amenity of the locality in general or the amenity of occupiers of nearby residential properties."* In particular, the policy is intended to help safeguard important views from publicly accessible viewpoints at Buckland Hill and Mount Lyell Park towards and over the Indian Ocean and the Swan River, and the setting of existing buildings and landscape features of cultural heritage significance. It is considered that LPP 3.11 established the desired future character for the locality, taking into account consideration of views and visual amenity, and the existing structure plan for the Site was designed in line with this.



As touched on above, the applicant's rationale for the additional height in the proposed PSP centres around 'stacking' the building envelopes to create taller, narrower towers and open vistas through the site from public vantage points to the Indian Ocean, while also creating a larger public open space for community benefit. The consideration of building height is strongly linked to considerations around the impact on views and visual amenity, and the design and functionality of the public open space / green corridor and landscaping. While these aspects of the proposal are explored in more detail below, it is considered that insufficient justification has been provided for the level of discretion being sought in terms of building height and its impacts on views and visual amenity. Taller, narrower buildings would preserve narrow view corridors to the Indian Ocean from Buckland Hill and Mount Lyell Park, though they would be prominent in those vistas and would become the dominant feature in the local landscape, even more so than existing tall buildings, trees and topography.

Context and character

SPP 7.0 enables assessment of developments utilising the design principle of 'Context and Character':

Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.

At the structure plan level, key considerations include: how the plan responds to existing patterns of development, the relationship between built form and open space, and the site's cultural and historic context (e.g. heritage).

The PSP predominantly utilises two strategies to contextualise future development with its place: protection of key vistas through the site from Buckland Hill and Mount Lyell Park (driving a tower and podium built form typology on lots adjacent to Stirling Highway and McCabe Street) and stepping down this built form to transition to adjacent urban areas to the north (R12.5 detached dwellings) and east (six-storey apartment developments). However, neither strategy has resulted in a response characteristic of the area and/or contributing to a sense of place.

As touched on above, the podium typology proposed does not have precedent in the local area and is uncommon in the broader Fremantle area. Large scale buildings in the North Fremantle area are typically of industrial origin (e.g. the Allied Mills facility) with distinctive built form characteristics stemming from their era of development. Recent developments including the adjacent Taskers site have not made positive contributions to local character and are not representative of the desired future character of the local area. There are also issues with the transition of built form to adjacent areas such as the building height proposed for Site 8 (six storeys) which transitions to the double-storey dwellings to the north.



Impact upon views, and visual amenity

Visual Landscape Planning in Western Australia is a manual produced by the Department of Planning, Lands and Heritage to guide the evaluation, assessment, siting and design of development. It sets out a number of factors that should be taken into account when assessing building height in an urban coastal environment. These include:

- The existing streetscape, including the height of existing buildings and other visual landscape components
- The type of settlement, i.e., a lower permissible height for isolated individual buildings, hamlets and villages, and a higher height permitted in coastal regional centres and the Perth metropolitan area
- The height of existing and new tall trees, such as Norfolk Island pines, so that buildings remain below the tree canopy, to allow these trees to continue to dominate the visual landscape
- Adjacent landforms, to allow landform to continue to dominate the setting
- Potential visibility from nearby coastal recreation sites
- Other town planning scheme guidelines in relation to height.

In this instance, the existing streetscape along Stirling Highway is comprised of relatively low buildings of up to approximately three stories in height (former Ford Factory / Matilda Bay Brewery), while the Taskers Living complex to the east on McCabe Street reaches a height of six stories. Contextually, the building heights permitted in the existing structure plan – generally four stories, with a 'landmark' building of seven stories at the corner of Stirling Highway and McCabe Street – would be considered appropriate for the area, if not generous. The proposed building heights of up to 23 storeys would be out of context in the wider area and would dominate the immediate streetscapes, including Curtin Avenue further to the west, where the buildings would skyline significantly.

In terms of the type of settlement, the location of the Site within the Perth metropolitan area would indicate that a higher height could be permitted; however, this would be an isolated cluster of buildings and there is no precedent for such tall buildings on the Perth coast, other than Observation City at Scarborough, which stands 19 storeys / 70 metres tall. It is worthy of note that Scarborough is governed by a Master Plan that sets a height limit of 12 storeys, though recently there has been controversy over decisions to approve buildings in excess of this limit. So far none have been constructed. The nearest tall building approaching the height of those proposed by the PSP stands approximately 5 kilometres to the north-north-east and 1.5 kilometres inland; The Grove at Airlie Street, Claremont, which reaches a height of 17 storeys. This is an isolated tall building and is visible from a considerable distance away. Within the City of Fremantle, the tallest building is the Fremantle Ports Administration Building at 11

storeys, while the tallest structures are the port cranes at 86 metres (to reiterate, the PSP proposes buildings up to 23 storeys / 77 metres tall).

There is an existing Norfolk Island pine tree on the Stirling Highway frontage that stands approximately 15 metres tall. Under the existing structure plan it would no longer remain a dominant feature on the Site; however, the retention and conservation of the office building would likely include the tree, though its removal would be required to accommodate upgrade of the Stirling Highway / McCabe Street intersection in accordance with Main Roads WA's concept plan.

The relatively flat, open nature of this stretch of coastline means that the development proposed in the PSP would dominate its setting, as there is no significant topography that would background the buildings from public vantage points. The PSP documentation contains a view analysis from Buckland Hill / Leighton Battery and Mount Lyell Park (see Figure 7 below), which indicates significant 'skylining', particularly from Buckland Hill where the development would obscure views to Fremantle Port. The view analysis does not explore the visual impact from other coastal recreation areas, particularly Leighton Beach where the development would again be highly visible. Photographs contained in submission 165 of Attachment 1 – Schedule of Submissions, which were taken from Curtin Avenue above Leighton Beach, give some indication of this.



Figure 64. View Analysis - Buckland Hill Reserve

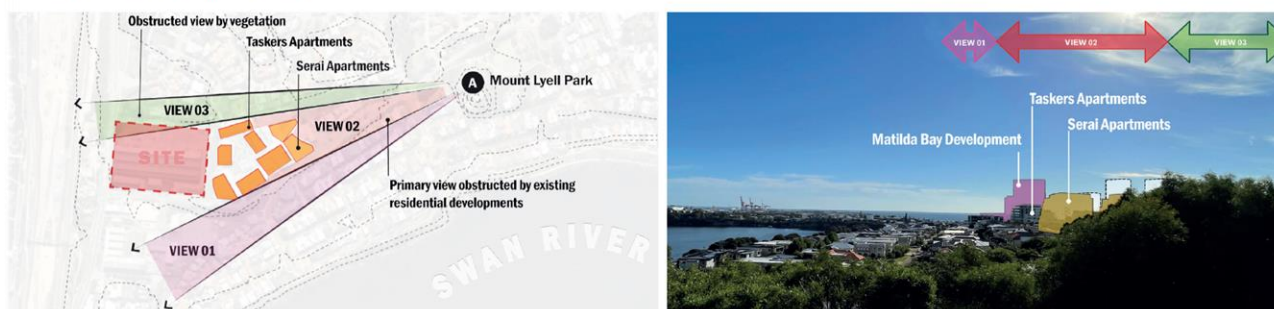


Figure 7: View analysis – Buckland Hill / Leighton Battery and Mount Lyell Park



As outlined above, the proposed PSP attempts to rewrite the height limits set within LPP 3.11 and the existing structure plan for the Site. While the view analyses that have been undertaken consider the visual impact of the development from Buckland Hill and Mount Lyell Park, they do not consider that it would have a significant visual impact on both the immediate locality and a large swathe of coastline.

Overlooking

Two submissions raised concerns about overlooking into adjoining properties. The setback of buildings is intended to minimise this; however, should the proposed PSP be approved, this would be assessed in detail against the Element Objectives of Section 3.5 of the R-Codes Vol. 2 as a part of any subsequent development application.

Overshadowing

Numerous submissions raised concerns about overshadowing of adjoining properties and the dunes at Leighton Beach. Overshadowing diagrams have been provided for showing the extent of shadowing toward Leighton Beach and the adjoining dunes in the early morning. These indicate that in winter there will be no overshadowing of the beach by 8:47 a.m. and no overshadowing of the dunes by 9:00 a.m., and in summer there will be no overshadowing of the beach by 7:05 a.m. and no overshadowing of the dunes by 7:18 a.m. However, the taller buildings would cast shadows over the beach and dunes prior to these times.

No overshadowing diagrams have been provided for the surrounding area, though based on those submitted and the proposed form, massing, and scale of the buildings, it is highly likely that long shadows will fall across the surrounding area throughout the day, including across the Cornerstone development, proposed developments at 130 Stirling Highway, parts of Rocky Bay Estate and the adjoining Taskers apartments. This would lead to any future development being inconsistent with the Element Objectives of Section 3.2 of the R-Codes Vol. 2, which require building layouts that optimise solar and daylight access within the development and minimise overshadowing of the habitable rooms, open space, and solar collectors of neighbouring properties during mid-winter.

Roads and traffic

Along with building height, most submissions against the proposed PSP raised roads and traffic issues as a key concern. Traffic in the area on McCabe Street is currently an issue in peak times, especially at the McCabe Street and Stirling Highway intersection. The low performance on McCabe Street, in its current configuration, will be heightened by additional traffic from future development and general traffic increases in the area. Upgrade of the intersection will be required as development on McCabe Street is realised.



To address these issues, the proponent initially submitted a Traffic Impact Assessment (TIA) in support of their application, which modelled three scenarios. It had been prepared in accordance with the Western Australian Planning Commission's Transport Impact Assessment Guidelines for Developments: Volume 2 – Planning Scheme, Structure Plans and Activity Centres Plans (2016). However, Main Roads WA advised that the TIA did not consider the development impact upon the wider network, as traffic modelling without development for the years 2025 and 2035 had not been provided. Subsequently, the applicant has submitted a revised TIA modelling six scenarios, including 2025 and 2035 without development.

The analyses of the traffic impacts of the development that would be accommodated by the proposed PSP, in conjunction with the proposed development at 130 Stirling Highway, have been carried out for the following intersections:

- Stirling Highway / McCabe Street
- Stirling Highway / Coventry Parade
- McCabe Street / McCabe Place
- McCabe Street / Access Two

The identified intersections have been analysed using the SIDRA analysis program. This program calculates the performance of intersections based on input parameters, including geometry and traffic volumes.

The six scenarios that have been modelled are:

- Scenario 1 – 2022 Existing Traffic without Development (AM and PM)
- Scenario 2 – 2025 Traffic without Development (AM and PM)
- Scenario 3 – 2025 Traffic with Development (AM and PM)
- Scenario 4 – 2035 Traffic without Development (AM and PM)
- Scenario 5 – 2035 Traffic with Development (AM and PM) – Stirling Highway Access Corridor Study (SHACS) intersection upgrades only
- Scenario 6 – 2035 Traffic with Development (AM and PM) – SHACS + Proposed Coventry Parade modifications

Peak times selected are 8:00 AM to 9:00 AM and 4:00 PM to 5:00 PM respectively for the morning and afternoon peak periods on weekdays based on mid-block traffic volume data provided on Main Roads WA Traffic Map.



According to the TIA, the Stirling Highway / McCabe Street intersection operates at capacity for Scenarios 3, 4, 5 and 6 due to the combination of traffic growth along Stirling Highway and future development traffic from the surrounding area. It is likely that further intersection upgrades will be required to ensure that there is sufficient capacity to accommodate the anticipated future traffic demand. As demonstrated by the Scenario 4 results, even with the exclusion of any development, future intersection upgrades will be required.

The TIA also indicates that the Stirling Highway / Coventry Parade intersection would generally operate at an acceptable level of service in all scenarios, with the exception of right turn movements from Coventry Parade, which are expected to experience significant delays. This is due to the high volumes of traffic along Stirling Highway as well as the lack of a central median for a staged crossing which increases the difficulty for this movement. The TIA suggests that there are potential opportunities to modify this intersection to allow for a left-in-left-out and right turn-in configuration, in order to improve traffic operations at this intersection as well as the Stirling Highway / McCabe Street intersection. As shown in the Scenario 5 analysis, the modified layout results in significant improvements to the intersection with reduced vehicle queues and delays.

The TIA indicates that the McCabe Street / McCabe Place intersection is expected to operate at an acceptable level of service for all scenarios. The analysis shows that queues extend through the roundabout along McCabe Street, which is in line with site observations. Despite the queuing, the impacts are relatively minor as the roundabout operates at an acceptable level of service (LOS B for the worst operating movement for Scenario 3, 5 and 6) with minimal queuing at the Site access approaches.

The McCabe Street / Access 2 intersection is expected to operate at an acceptable level of service for all scenarios.

The TIA states that as it is for a structure plan, road and intersection mitigation measures/upgrades are considered to be beyond its scope and ultimately the responsibility of the authorities who manage the intersections/road network.

The revised TIA has been referred to Main Roads WA for their comment; however, at the time of writing, no response has been received.

Notwithstanding, Main Roads WA has advised that existing parking on McCabe Street will require removal to enable future road upgrades to occur and that the development will contribute to additional traffic onto McCabe Street. Main Roads WA recognises that this development is not the sole contributor to additional traffic in this location, and so only a partial financial contribution to road upgrades should be sought, noting that two significant development sites (being 130 and 140 Stirling Highway) are located in this precinct. Therefore, Main Roads WA has recommended the developer enters into a deed of agreement with them, which is



a planning mechanism that allows the State to obtain a partial monetary contribution from a developer towards road network upgrades. State Planning Policy 3.6 – Infrastructure Contributions refers to such mechanisms.

Further, Main Roads WA has advised that land within the primary regional road reservation, as identified on the Land Requirement Plan 1.7143-1, will be required in the future to upgrade the Stirling Highway / McCabe Street intersection. This land would be required to be ceded free of cost to the State as result of the proposed development. However, this is complicated by the presence of the existing office building on the Site, which has been found to have some heritage significance and should be conserved. This is explored further in the 'Heritage' section below.

Land within the primary regional road reservation would also be required to facilitate the new roundabout at the McCabe Place / McCabe Street intersection. This land would be required to be ceded free of cost to the State as result of the proposed development, while construction of the roundabout would be required to be funded by the developer.

The Site is also partially located within the Stirling Highway Activity Corridor Study (SHACS) area. As outlined in the report for the MRS Amendment 1210/41 (March 2012), the concept designs that inform SHACS inform the future road reservations. For reference purposes, Main Roads WA has provided the relevant concept design plans for SHACS. The purpose of the Carriageway Plan drawing no. 1.7222 is for guidance only and should not be treated as a definite plan. The Carriageway Plan is under review and there is no current timeframe to complete the review.

Should the proposed PSP be approved, Main Roads WA has recommended a number of minor changes to wording to reflect its position. These are detailed in its submission included in the attachments.

In addition to Main Roads WA's review of the TIA, the Town Mosman Park has had an independent peer review of the initial three-scenario TIA carried out by i3 consultants WA. The key feedback from this peer review is that the TIA is flawed, noting the following:

- The TIA assigns generated traffic approaching the Precinct Structure Plan site from the south on Stirling Highway to Coventry Parade, a local road, and then redirects this traffic through the proposed Matilda Bay Brewery Site car park, i.e. private property, to access the site via McCabe Place, which is also a local road.
- The TIA also fails to identify pedestrian/ cycle and micro-mobility access points and connectivity to the external transport network, as well as the poor walking and cycling environment on Stirling Highway to each of the



bus stops just north of McCabe Street, including lack of appropriate crossing facilities on Stirling Highway.

- There is also no acknowledgement that the traffic signals along Stirling Highway are part of a co-ordinated system and that modelling of the intersection may not have taken this into account.

The peer review considered that based on the assessment within the TIA, the proposed PSP would have an unacceptable impact on the Matilda Bay Brewery Site, both in terms of access via the Coventry Parade / Stirling Highway intersection and the introduction of through traffic in its car park.

The peer review recommends that the TIA be revised to include the following:

- Re-assignment of all arriving vehicular trips from the south on Stirling Highway turning right into McCabe Street and then left into the Structure Plan site.
- Remodelling of the correctly assigned traffic through a Main Roads WA reviewed and approved traffic model for the co-ordinated signals at the Stirling Highway / McCabe Street intersection.
- Remodelling (or removal) of the Stirling Highway / Coventry Parade intersection based on the only increased traffic being through traffic on Stirling Highway.
- Review of the trip generation rates used in the context of similar land uses in close proximity to transport corridors, e.g., TODs, including surveys of similar developments in similar environments to better reflect trip mode choices when public and alternative transport modes to single occupancy cars are more attractive due to congested highways and intersections at peak times.
- The correct and completed Checklist from Appendix A of Volume 2 of the WAPC Guidelines as well as a completed 'Transport impact assessment revision checklist', also included in Appendix A of Volume 2 of the WAPC Guidelines.

It was also recommended that Version 9.1 of SIDRA is used for the modelling tasks.

Further to the above, the following was noted regarding the TIA:

- Figure 6.13 of 6.7.3 (Scenario 3) sets out the SIDRA layout for Stirling Highway/McCabe Street (upgraded) identifies additional lanes in brown for a length leading up to (from the south-west and north-east) and away from (to the north-west and south-east) the intersection. The inherent problem here is that, largely on the southern side of the intersection (but also along the north-western side) there is existing built form to the front lot boundary which would not allow for this upgrade unless some land at the front of these lots was resumed. This is not discussed in the assessment.



Notwithstanding the mix of land tenures existing in the vicinity of the intersection (two Crown and the remaining five freehold), and the MRS Primary Regional Road Reserve across the front of these lots, resumption would still be required, which would result in likely partial or eventual full demolition of this built form in the immediate vicinity of the intersection.

- Within part 6.8 (Analysis Summary) notes in point one that ...“it is likely that further intersection upgrades will be required...” (for Scenarios 2 and 3). If Scenario 3 would result in likely land resumption towards the front of lots leading up to the intersection, then it is difficult to determine how a further upgrade would be possible without potential significant disturbance to existing lots in the vicinity of the intersection.
- The Town recommends that the traffic impact assessment should consider the overall cumulative effects of development in the wider area and how they will be mitigated.

Although the TIA was amended in accordance with Main Roads’ initial comments, the peer review comments have not been incorporated.

From the City’s perspective, Officers from the Infrastructure Engineering directorate have advised that current traffic count data shows that McCabe Street is at or above the maximum desirable traffic volume for a Local Distributor Road, without the additional traffic that will be generated by the development at 140 Stirling Highway.

The City of Fremantle has previously commissioned a study to assess the impacts of demand growth along both Stirling Highway and McCabe Street in the context of traffic congestion and multi-modal provision. The scenarios investigated include the full redevelopment potential of both 130 Stirling Highway and the Site, in addition to projected growth of Stirling Highway.

The outputs of the study focus on traffic operations and circulation within the nearby McCabe Street Precinct, and the constraints inherent in the local network that might induce mode shift to alternative transport modes. A range of potential road upgrade solutions have been investigated, including:

- Modifications of the Stirling Highway / McCabe Street signalised intersection;
- Extension of McCabe Place to Coventry Parade/Thompson Road; and
- Upgrades to the Stirling Highway / Coventry Parade priority intersection

The following recommendations were made:

- Modifications to Stirling Highway/McCabe Street (SHACS Upgrades)
- McCabe Street/McCabe Place Roundabout



- Right Turn Lane at Stirling Highway/Coventry Street Intersection. Main Roads WA has also suggested consideration be given to moving this right turn lane to the Stirling Highway/Craig Street as an alternative.
- Coventry Parade/Thompson Road/Matilda Bay Access Roundabout.

The City has also conducted a traffic investigation on the latest February 2023 traffic count figures for McCabe Street between Taskers Place and McCabe Place, as it was the closest section to the proposed development:

- The assessment used the average Annual Weekday Traffic (AWT) figures for this section of 6,071 AWT.
- Highest scoring section of the assessment was centred around traffic volumes as the maximum desirable volume of 6,000 vehicles per day had already breached.

With an assessment score of 85 points, the result pushed McCabe Street firmly into the high end of the scale where results of greater than 50 points are denoted as 'technical problem sites'. Adding a further 350 dwellings, plus commercial tenancies will only exacerbate the problems already being experienced by road users along this street. During the a.m. peak period, queuing back in through the development will occur based on the lack of green time being proportioned to McCabe Street with Main Roads WA focus being on reducing congestion on Stirling Highway and having the highway free flowing.

A number of key assumptions should also be taken into account when assessing traffic impact:

- Traffic growth should be factored in, with a 3-4% increase per year as per Main Roads WA advice
- All developments for the McCabe Street sites should be assessed collectively, as the added vehicles from all developments will have a compounding effect on traffic in and through this area and costs associated with network upgrades should be shared amongst all development sites
- Main Roads WA altering the intersection of Stirling Highway and McCabe Street to include bus priority will not alleviate traffic congestion but will contribute to a more efficient public transport service through the area
- The double right-turn lanes proposed by Main Roads WA on the southern approach of Stirling Highway at McCabe Street will impact the McCabe Street layout, requiring dual lanes off the highway to take the volume of turning traffic
- Merging these lanes will happen late at the approach to the McCabe Place roundabout with possible queuing back out across Stirling Highway.



Infrastructure Engineering officers have also advised that with no access being granted by Main Roads WA from Stirling Highway and a proposed roundabout controlling a four-way intersection with McCabe Street and McCabe Place as the primary point of access from McCabe Street, supported by secondary access via an eight-metre wide laneway at the eastern end of the Site, the internal road network does not offer permeability through the Site to existing or previous subdivisions in the Mosman Park or North Fremantle area. In effect, the internal road network is set up for access of residents to their properties with very little on-street parking for visitors to utilise if visiting the development.

The road reserves proposed also present as a high-specification cross section with landscaping and furniture typical of an activity centre. Previous examples of high-specification hard and soft landscaping for residential areas under the City's care have complicated asset maintenance. Not only do the areas require additional consultation and communication on the upkeep and use by the public and residents, but the areas have also had to incur a special area rate to offset the additional cost of maintaining the assets. This creates an additional layer of unnecessary administration. Furthermore, the adopted access road reserve width of 12 metres and laneway widths of 7-8 metres do not readily accommodate the machinery required to reconstruct the infrastructure into the future, without impacting residents who live adjacent to these roads.

While new roads service the needs of a community and are necessary for new growth areas, the proposed network within the development presents a disconnected one. A layout that does not rely on new City-controlled assets should be explored to reduce the incumbent costs of new assets for the City. Relinquishing green title for the rear residential lots is recommended and imposing a strata structure to care for the assets that will be used for these residents would be an equitable solution.

Ultimately, City officers would recommend not accepting gazetted title of the road reserves within the development, as they do not extend the City's network for the greater good of the wider community and are internally focused.

In view of the above, it is considered that the proposed PSP is inconsistent with the design principle of 'Functionality and build quality', as set out in SPP 7.0:

Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.



Parking

Several submissions raised concerns around parking within the proposed PSP area. While a structure plan sets the general development provisions for a site; lot layout, setbacks, building height limits, potential land uses etc, it does not assign parking standards, which are set out in the Local Planning Scheme and R-Codes. Were the PSP to be approved, these standards would apply to any subsequent development on the Site. If any variation to parking standards were to be considered, this would also take place at the development application stage.

Public open space / green corridor and landscaping

A small number of submissions have raised concerns that the public open space (POS) provided for in the proposed PSP would not adequately serve the wider community.

The proposed PSP includes areas of POS that would provide additional amenity for residents in the immediate surrounds, as would the proposed street trees and other planting and landscaping of public areas. The included staging plan indicates that the provision of the POS would form part of stage one of any subsequent development, were the PSP to be approved.

The PSP proposes a central “Green Heart” POS (POS 1), with the intention that ground level activation of Site 2 and Site 8 will present to this space, and provide an active and high amenity space at the centre of the site.

While spatially generous, POS 1 will be overshadowed by built form in the afternoons which may reduce the level of amenity and comfort for people. Its position within the middle of the site, surrounded and overlooked by significant apartment buildings may also discourage use and activation by the broader community. Climate analysis that includes sun and wind studies would be beneficial to ensure that wind tunnels are not created by the relationship of built form and open space, although these are generally not required until the development application stage. Overall, these factors are inconsistent with the design principles of ‘Landscape Quality’ and ‘Amenity’, as set out in SPP 7.0:

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

The proposed PSP does not meet deep soil area requirements for development lots and ceding of 10% of the site for POS does not obviate this requirement. The PSP includes development controls that are proposed to amend deep soil area provision to 5% of site area (rather than 10% under the R-Codes Vol. 2) for Site 1, Site 2 and Site 3. No amendment in deep soil area is proposed for Site 8; however, it is unclear how deep soil area would be provided on this site



consistent with the R-Codes Vol. 2. The PSP does not include an intent to pursue alternative strategies where deep soil area provision is inconsistent with the R-Codes Vol. 2 (e.g. significant planting on structure in lieu of deep soil area). Medium density housing sites (Site 4, Site 5, Site 6 and Site 7) are required to meet provisions for landscaping and deep soil area, as specified in State Planning Policy 7.3 – Residential Design Codes of Western Australia – Volume 1, Part C: Medium Density (R-Codes Vol. 1, Part C). However, the PSP states that open space percentages are not applicable, which is at odds with the intent of the R-Codes. In addition, deep soil areas are not indicated, nor are provisions consistent with minimum tree requirements.

The proposed street layout and design do not support good, long-term landscape quality outcomes. The proposed width of internal street verges (1-2 metres) is insufficient for native and / or high-amenity shade trees, while the intent for a median in Ceded Street 1 is unnecessary. Ceded Lane 1 has no provision of trees, which will contribute to negative impacts on amenity, including contribution to the urban heat island effect. It is also unclear whether the dimensions of Ceded Lane 2 and the adjacent verge space will support functional and sustainable shading trees in the long term.

The pedestrian connection from McCabe Place through to the Buckland Hill green space is not particularly intuitive and legible, as there is lack of clear sightlines between these two pedestrian entry points into the site. Furthermore, this pedestrian connection could have been utilised to establish a legible green link through the site as envisioned by the City's Greening Strategy. Similarly, the service area space on the east side of Site 3, in concert with Ceded Lane 2 presents as an illegible and low amenity space for pedestrians. The proposed PSP is therefore inconsistent with the principle of 'Legibility' set out in SPP 7.0:

Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

Heritage

Two submissions raised concern about the potential loss of the office building at the corner of Stirling Highway and McCabe Street, with one highlighting that it has previously been assessed by heritage architects who determined that it has some heritage value.

The proposed PSP states that:

"This PSP gives significant regard to the heritage character of the North Fremantle Heritage Area stated under this policy, ensuring the surrounding heritage amenity is protected. However, as there are no 'contributory' heritage places within the Precinct area, the approval of this structure plan is not subject to any statutory controls defined in this policy. Additionally, subsequent development facilitated by this PSP will not be subject to the provisions of LPP 3.6, pursuant to Section 3 of LPP 3.6, which states:



'This section of the policy applies to all development requiring planning approval within a heritage area except that within Development Areas subject to an approved structure plan, local development plan and / or design guidelines.'

The proposed PSP further states that:

"As previously discussed, the site does not contain any European or Indigenous Heritage that needs to be protected or given regard to prior to development occurring. However, the Precinct is situated in a culturally rich area surrounded by natural heritage and as well as built heritage surrounding the site, identified as the wider North Fremantle Heritage Precinct under LPP 3.6. Pursuant to LPP 3.6, new development is to be respectful of the established historical character of the surrounding area by means of materiality and landscaping. The subject site has previously received subdivision approval in 2020 from the WAPC (Application No. 158953) to subdivide the subject site into two lots. As part of this subdivision approval, the WAPC have granted the demolition of all buildings onsite, inclusive of the office building on the corner of McCabe Street and Stirling Highway."

However, this statement is incorrect, insofar as the Site does contain a place of heritage significance, the objectives of SPP 3.5 and LPP 3.6 require that development respond to the historic character of the surrounding area in more ways than just materiality and landscaping, and the WAPC's subdivision approval is not a grant of approval for demolition of any buildings on the Site.

The office building at the corner of Stirling Highway and McCabe Street has been assessed as having some heritage significance after a development application for demolition of all structures on the Site was referred to the 15 January 2020 Planning Committee. This report included a recommendation for approval of the demolition, though at the meeting concerns were raised regarding the heritage significance of some of the structures on site, and the Planning Committee subsequently resolved that:

"The item be referred for further information to the next appropriate Planning Committee to allow for Officers to undertake research into the potential heritage significance of the existing building."

City officers' original recommendation for approval of demolition was predicated on the belief that the site had been assessed for significance at the time of creation of the approved structure plan in 2009, which required the complete demolition of all structures on the lot. However, subsequent research reveals that the heritage assessment within the structure plan only included a search of the Heritage Council database and not an actual assessment of any structures on site to capture heritage significance that may have been missed.

Further, there has been recognition in recent years that cultural significance is not strictly limited to buildings constructed prior to or around the turn of the 20th

Century. Previously, and when the City's Municipal Heritage Survey (formerly Municipal Heritage Inventory) was first created, the prevailing view was that generally only those buildings built prior to around the 1940s were worthy of retention, with some exceptions. However, it has come to be recognised that good examples of architectural trends and cultural eras also contribute to the historic significance of the area. The office building that stands on the Site, constructed in 1956 / 1957, is one such building.

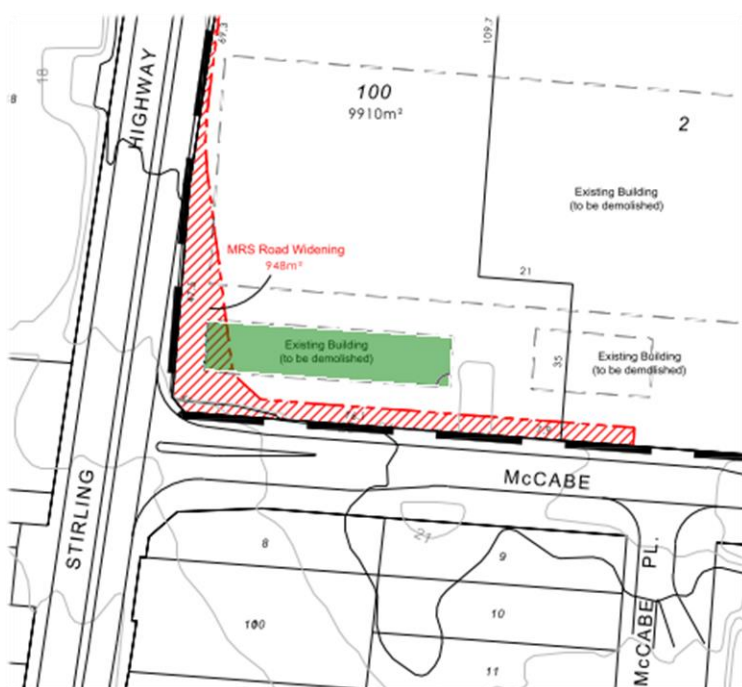


Figure 8: Existing office building in relation to proposed road widening

Following the Planning Committee decision, the City commissioned Hocking Heritage to assess the buildings on the Site, and their full assessment is included as an attachment. The report finds that the office building (shown in green in Figure 8 above) is predominantly intact and has aesthetic, historic and social significance, being an intact example of the 1950's New Bauhaus architectural movement and representing the post-war international architectural style, with its distinctive cubiform shape and regular rhythm of fenestration along the key elevations. The report assesses the three buildings on the site (the Office, Warehouse, and incidental Amenities Building located directly across from McCabe Place) as follows:

"On an individual basis the Office Building is of primary significance due to its rarity as a largely intact example of a Post-WWII International style building. Although the original building was extended in the 1960s, the additions were to the same design and construction and the original design intent of the building was not compromised as a result of the additional bays. Although roof cladding has been changed and additional signage has been added, the building still clearly represents the original architectural style."



The Warehouse building as an individual element is of secondary significance. The building is of simple utilitarian construction and clearly represents a warehouse development. An additional bay was constructed to the same designs in the early 1970s which complemented the original construction. Whilst the warehouse is largely intact, it does not demonstrate the same rarity value as the office building, hence the lower level of significance.

The Amenities Building is also of the Post-WWII International Style though on a smaller scale and is more simplistic in its presentation. The building architecturally connects with the office building through material palette but lacks the finesse and detailing of the main building and therefore demonstrates a secondary level of significance."

State Planning Policy 3.5 – Historic Heritage Conservation states that "*demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; and any local planning policies relating to the demolition of heritage places.*"

In line with this, the City would seek conservation of the place due to its historic heritage significance. However, as touched on above, the situation is complicated by Main Roads WA's land requirements for road widening and upgrade of the Stirling Highway / McCabe Street intersection, which would result in approximately two bays of the office building having to be demolished. Although this would compromise the building's integrity and authenticity somewhat, its construction in multiple bays would allow it to be altered without losing its essential character. Notwithstanding, it would be the City's preference for the building to remain intact, noting that the plans for road widening are, at this time, a concept only and may be subject to change. Furthermore, Main Roads WA does not have a timeframe for this work and it may not transpire at all.

SPP 3.5 also outlines relevant considerations for development within a heritage area, which include:

- *Whether the proposed development responds sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development.*
- *Whether the siting, scale, style and form, materials and finishes of the proposed development responds sympathetically to the heritage values of the area.*



- *The local planning policy for the heritage area including any places designated of heritage significance and the objectives and guidelines for conservation and enhancement of the heritage area.*

The objectives of LPP 3.6 are to ensure that:

- *A consistent approach is applied to the assessment of heritage significance and impact.*
- *Development is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.*
- *Key features which contribute to an understanding of cultural heritage significance are retained and enhanced.*
- *Development within heritage areas responds to the specific characteristics of an individual heritage area as outlined in the area's statement of significance.*
- *Existing places and fabric located in Heritage Areas which are, or may become, of cultural heritage significance are protected until such time as mapping of Contributory Places has been completed and any significant fabric added to the Heritage Area mapping and/or the Local Heritage Survey, or as otherwise determined by Council upon planning application*

The existing structure plan for the Site limits most buildings to a height of approximately four or five storeys, which is broadly in keeping with the scale of the larger industrial buildings that stand or stood in the vicinity. Provision was made for a taller building of up to approximately eight storeys at the corner of Stirling Highway and McCabe Street as a 'gateway' or 'entry statement' for Fremantle. However, it appears that little or no consideration was given to the principles enshrined in SPP 3.5 at the time of assessment. Notwithstanding, the more modest scale and finer grain of the built form provided for in the existing structure plan is more in keeping with the established built form of the surrounding area, including the larger former industrial holdings and the apartment developments to the east.

The proposed PSP does not make mention of SPP 3.5 and discounts LPP 3.6 from consideration, because the development control provisions contained therein do not apply to the Site. However, it is important not to lose sight of these principles in assessing the PSP, as its built form controls will shape any future development applications over the Site. The development control principles set out in SPP 3.5 are as follows:

- Development within a heritage area should respect and complement the heritage significance of the area as identified in the local planning policy. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration.



- Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the heritage significance of the area.
- A general presumption should apply in favour of retaining buildings that make a positive contribution to the significance of the area. Any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the heritage significance of the area. New construction that is imaginative, well designed and harmonious should not be discouraged.

It is acknowledged that the apartment developments to the east of the Site are thoroughly contemporary in their execution and do not relate particularly well to the characteristics of the broader North Fremantle Heritage Area. However, they are of a more modest scale than what is proposed as part of this PSP and do not have such a significant impact upon the on the wider landscape, nor the views from public vantage points on Buckland Hill and at Mount Lyell Park. It is considered that development on a lesser scale could still achieve the desired density, particularly with a reduction in the commercial offering on the Site. This would be more in keeping with the lower-rise, finer grained character of the surrounding area.

The current WAPC approval for subdivision of the Site into two lots is conditional upon the buildings on the Site being demolished. However, this is not in itself an approval for demolition. A separate development approval for demolition would be required before any work could commence and at the present time, demolition of the office building has not been approved.

Public transport

The subject site has access to high frequency bus services along Stirling Highway, though only the south-western corner of the Site is inside the 800-metre walkable catchment from North Fremantle train station.

Several submissions have called for the reinstatement of a Leighton train station; however, this is beyond the scope of the proposed PSP.

Access to northbound buses is poor, owing to the location of the pedestrian crossing on Stirling Highway and the lack of a footpath on the western side of the road. The bus stops to the south of the Site are approximately 300 metres away from the centre of the development and again, pedestrian access across to the stop on the western side of Stirling Highway is poor, owing to the lack of a pedestrian crossing point. The Public Transport Authority (PTA) has advised that it welcomes collaboration with all parties to explore opportunities to integrate bus stop infrastructure with the subject site, though the selection of appropriate bus stop locations is determined by the PTA's bus stop infrastructure team to ensure safety and suitability of the location for bus operations. The PTA has also noted the significant level difference between the development site and Stirling



Highway and has advised that this should be carefully considered in delivering walkable public transport outcomes.

Active transport

A number of submissions have highlighted the harsh pedestrian environment on Stirling Highway and McCabe Street around the Site. It is acknowledged that the proposed PSP would go some way to improving the pedestrian environment and may provide alternative pedestrian routes, though the public footpath on Stirling Highway would still run along the edge of the road, next to traffic travelling at 60 km/h. The narrow verge on McCabe Street would likely be widened as a result of the development, which would improve the pedestrian environment by creating a greater separation between the footpath and the road.

Several submissions also highlighted the lack of cycling infrastructure in the locality and the risks this poses to cyclists. The PSP documents do not indicate the inclusion of separate cycle lanes within the development, though these streets would be low-speed and, in many cases, shared surfaces. However, the installation of cycle lanes in the wider locality is outside the scope of this proposal.

Beach access / pedestrian crossing

The PSP documents make mention of potential for a new pedestrian bridge to Leighton Beach; however, Main Roads WA have asked that this be removed from the document, as there are no future plans or funding available for a pedestrian crossing over Stirling Highway. The applicant has subsequently elected not to remove the reference from the document, contending that it emerged from the community needs assessment.

A number of submissions also drew attention to the lack of safe crossing points on Stirling Highway, with some requesting the installation of an over or underpass. As above, Main Roads WA control the Regional Road Reserve and have indicated that there are no plans or funding available for a crossing of this type. However, should the PSP proceed and the Stirling Highway / McCabe Street intersection be upgraded, there may be scope for improvements in this regard.



Noise / disturbance

Main Roads WA and the Public Transport Authority both provided advice on the proposed PSP highlighting that State Planning Policy 5.4 – Road and Rail Noise applies to the preparation and assessment of structure plans where a noise-sensitive land use (i.e. residential dwellings) within 200 metres of a significant traffic route and 100 metres of a passenger railway.

The Public Transport Authority (PTA) has advised that the Preliminary Transportation Noise Assessment (Lloyd George 2022) concludes that *"noise from passenger trains is negligible relative to road traffic and therefore no longer considered"*, because the recorded noise level measurements (road traffic) of 68.3 dB_{L_{Aeq}(Day)} and 64.6 dB_{L_{Aeq}(Night)} exceed the noise exposure category of 56 dB for rail, determined under SPP 5.4 and the distance from the rail (70 – 80 metres). Therefore, both the PTA and Main Roads WA have advised that future subdivision and development applications for the Site will be required to undertake a noise assessment and noise management in accordance with SPP 5.4. This would include:

- a noise assessment and noise and/or vibration management plan, prepared by a suitably qualified consultant, in accordance with SPP 5.4
- Section 165 or 70A notifications on titles, in accordance with model subdivision conditions.

Some public submissions also expressed concerns around the potential for noise and disturbance associated with the proposed development. While it is acknowledged that an increase in population will bring additional noise to the area, there is nothing to suggest that apartments would generate any more noise or disturbance than single homes. It is likely that with largely internalised living spaces, there may be less impact from an apartment building than from single homes.

Dwelling diversity / affordable housing

A small number of submissions raised the question of whether the proposed development would include affordable housing. The PSP document makes mention of dwelling diversity but refers primarily to Liveable Housing Australia Design Quality Marks, which are representative of liveability considerations and future adaptability for aged persons or those with disabilities. It is unclear what the dwelling diversity mix would be in terms of dwelling size, which is often more indicative of likely affordability, though the attendant diagram indicates that most would be family dwellings.



Property value

Several submissions raised concerns regarding the potential negative impact on local property values. However, this is not a valid planning consideration and cannot be taken into account in assessment of the proposal.

Liveability

One submission against the proposed PSP highlighted concerns around the liveability of high-rise, high-density apartments, citing negative impacts upon social cohesion and physical and mental health and wellbeing. The R-Codes Vol. 2 contains extensive design provisions to ensure the best possible liveability in such developments. Notwithstanding, questions over the social, and physical and mental health effects of apartment living are not valid planning considerations and cannot be taken into account in assessment of the proposal.

Schools

A small number of submissions raised the question of whether local schools could cope with the additional population that the proposed PSP would facilitate. The Department of Education's asset planning division has been asked to comment on the proposed PSP; however, at the time of writing, no response has been received.

Waste

Several public submissions raised concerns around how waste would be collected within the proposed PSP area. Although waste management would typically be dealt with in detail at the development application stage, it is important to understand how waste would be removed from the Site. City officers requested that the applicant submit a waste management strategy to give some understanding of how this would be achieved. However, the applicant has only provided a basic plan indicating vehicle access points to buildings, with a note that *"Vehicle height clearance, turning circles and frequency of visit within each lot will be determined at development application stage and based on waste generation and bin types used."* Unfortunately, this does not adequately address how a 24-ton HR waste vehicle will access bin presentation areas throughout the structure plan area (the City's waste collectors will not access private property to collect bins), particularly where a side-arm loader is used due to the clearance needed. Although landfill waste bins from multiple dwellings may be collected by a rear-loaded vehicle, currently recycling and FOGO bins are only collected by a side-arm loader. Rear-loading vehicles may be used to collect large landfill waste bins from multiple dwellings; however, questions over access, turning areas, loading bays and bin presentation areas remain. Again, this is inconsistent with the design principle of 'Functionality and Build Quality', as set out in SPP 7.0.



Emissions and carbon footprint

One submission raised concern around the emissions and carbon footprint from development that may result from the proposed PSP. It is acknowledged that the construction of large buildings is responsible for the emission of carbon dioxide into the atmosphere and that the ongoing operation of such buildings also generates a significant carbon footprint; however, this is not a valid planning consideration and cannot be taken into account in assessing the proposal, as there are no legislative or policy frameworks that prevent development on this basis.

Notwithstanding, SPP 7.0 does set out the design principle of 'Sustainability':

Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.

The proposed PSP contains requirements that buildings on sites one, two, three and eight achieve a minimum five-star Green Star Target under the Green Building Council Australia Green Star scheme, and a minimum five-star NABERS (National Australian Built Environment Rating System) rating, and achieve carbon neutral operation within three years of completion, although the report does not contain specifics. New buildings are also subject to energy efficiency requirements set by the National Construction Code. These measures would go at least some way toward ameliorating emissions and the subsequent carbon footprint.

Fire and evacuation

Two submissions raised concerns around the ability to fight fire and evacuate the tall buildings that could arise from the proposed PSP. While this is not a valid planning consideration and cannot be taken into account in assessing the proposal, were the PSP to be approved, any future buildings would be required to comply with relevant aspects of the National Construction Code that pertain to fire separation / compartmentalisation, fire suppression systems, and evacuation paths. DFES fire fighters are trained and suitably equipped to fight fires in multi-level buildings, regardless of their location.

Environment / wildlife

Numerous submissions against the proposed PSP make references to the environment, with three specifically mentioning local wildlife. However, the subject land is a former industrial site and has been largely cleared of vegetation, providing little habitat for wildlife, other than some remnant native trees on the periphery of the Site. Should the proposed PSP be approved, any future development would incorporate tree planting and landscaping which would, at the very least, provide places for birds to rest and forage. Shrubs and other plants would provide a habitat for insect species, and potentially cover for small animals, though they are less likely to be found in an urban environment.



Asbestos

Two submissions have raised concerns about demolition of the existing warehouse structure, due to asbestos having been used in its construction. This matter would be addressed at the development stage, when a demolition licence would be required for removal of the structure. Demolition work involving asbestos materials is subject to regulation and may only be carried out by a licensed contractor, who would implement measures to ensure that asbestos fibres are not released into the environment.

Water quality

Two submissions against the proposed PSP raise questions over potential impacts upon local water quality. The Local Water Management Strategy (LWMS) submitted in support of the application states that groundwater is at a depth of approximately 20 metres below the existing site level. Although this may fluctuate with the tide, it is considered that with such significant separation, a pre-development groundwater level and quality monitoring program is unnecessary.

The LWMS further states that the aim of Surface Drainage Management for the subject land is to generally manage the water flows so that water treatment happens on site for minor events and that the major storms are controlled to the required flow rates off the subject land.

The stormwater analysis provided has considered both the City of Fremantle's general drainage requirements as well as the pre- and post-development site characteristics.

The Post development scenarios have been designed to meet the City's requirement of:

- The 1% AEP flow rate matches the 5% annual exceedance probability (AEP) natural state flow rate
- No direct connection to the City's drainage network due to the limited infrastructure and capacity in the current street drainage.

This is due to the constrained nature of the downstream stormwater system on McCabe Street and Stirling Highway. All roads and POS and landscaping areas, other than a small section of the entrance road and the individual lot areas within the unit site, are assumed to discharge to bioretention gardens. The gardens have been designed to be approximately 2% of each catchment, excluding the building roofs. When the bioretention gardens overtop, the water flows to underground storage units.

The small portion of entrance road and individual private and commercial lots within the unit site area are assumed to flow directly to underground storage units. These roof runoff areas are assumed to produce relatively clean water, which is the reason for sending this water directly to the underground storage,



while the other areas were deemed to be impractical to direct to bioretention gardens. A pre-treatment structure will be installed prior to the main underground storage to capture coarse litter and sediment.

In general, private lot water will be detained within the lot for the 5% AEP event, with excess flows being directed to storage within the POS or potentially storage under roads. This extra storage in the roads and POS is then used to bring the flow leaving the Site down to the pre-development 5% EP for the 1% AEP post development.

The Site's flows were generally split so that stormwater will continue to shed to the north-west and south as it currently does.

It is therefore considered that the proposal would have no impact on local water quality, due to the separation from groundwater and the on-site stormwater management solution.

Air quality

One submission raised the prospect of air quality being affected by increased traffic volumes. While this is not a valid planning consideration and cannot be taken into account in assessment of the proposal, the Department of Water and Environmental Regulation undertakes air quality monitoring across the state and researches its impacts. The RAC also maintains the RAC Air Health Monitor, which gives Western Australians access to real-time air quality information.

Sustainability / e-charging infrastructure

A number of submissions raise questions around the types of sustainability measures that would be employed in any future development under the proposed PSP and whether e-charging infrastructure would be provided. Details of sustainability measures and e-charging infrastructure (particularly public infrastructure) are generally not required at the structure plan stage. An exception to this is where an aspect of development may be conditional upon achieving a sustainability outcome. However, the proposed PSP contains requirements that buildings on sites one, two, three and eight achieve a minimum five-star Green Star Target under the Green Building Council Australia Green Star scheme, and a minimum five-star NABERS (National Australian Built Environment Rating System) rating, and achieve carbon neutral operation within three years of completion. If the PSP is approved, any subsequent development applications would detail further sustainability measures and e-charging infrastructure, though many of these are voluntary or could be provided via negotiation with the developer.

Wind

Several submissions raise concerns over potential effects on wind speed and direction resulting from the construction of tall buildings as proposed in the PSP. Wind studies are not required at the structure plan stage; however, were



the PSP to be approved, any subsequent development applications would be required to include wind studies to ensure that there are no detrimental impacts on the surrounding area in this regard.

Light pollution

One submission raised concerns over light pollution: both sunlight reflecting from heavily-glazed structures and light spill during hours of darkness. Generally, reflections are unavoidable, though many new structures employ anti-reflective coatings or tinting to reduce these effects. Lighting design to minimise light spill during hours of darkness can be implemented relatively easily and is typically a condition of development approval. Notwithstanding, these factors would be dependent on the specific design of any future development, which is not known at this stage.

Conclusion

In conclusion, City officers have significant concerns that the proposed PSP attempts to create a new Local Centre outside of the established hierarchy of activity centres set in the Central Sub-regional Planning Framework contained within Perth and Peel@3.5million, which could significantly undermine the vitality and viability of the established Mosman Park Local Centre and North Fremantle District Centre. Similarly, the proposed PSP deviates from the strategic direction set by the draft Fremantle Local Planning Strategy (2022), which identifies potential for only a neighbourhood centre or local store at McCabe Street.

City officers also consider that the built form and urban layout proposed in the PSP are flawed in a number of ways, in particular that the building height would represent significant overdevelopment of the site to the detriment of local character, views of significance and the visual amenity of the wider area, and would result in significant overlooking and overshadow of surrounding properties, particularly where variations to the design elements of R-Codes Vol. 2 are being sought. Furthermore, the overshadowing resulting from the excessive building height would compromise the amenity of the proposed POS, which would be located at the centre of the development. To approve buildings of such height in a sensitive coastal location would also set an undesirable precedent for future coastal development in the Perth metropolitan area.

The overall layout contained in the proposed PSP lacks permeability, and though it is acknowledged that this is limited by the closed nature of adjoining developments, it does not invite the wider community to make use of the public spaces, but rather favours residents and those visiting the Site for its various commercial offerings. POS 2 is particularly enclosed and would only realistically serve adjoining residents. The internal road network is of a high specification and would only exist to serve the development, yet the applicant wishes to cede the public open spaces and the road network to the City, which would then be responsible for their ongoing upkeep. The applicant has also not satisfactorily demonstrated how waste collection vehicles would access the development.



In addition, the development would place significant pressure on the local road network, particularly the Stirling Highway / McCabe Street intersection which will eventually fail to deliver an acceptable level of service. While it is acknowledged that the relevant authorities, primarily Main Roads WA and the City, must resolve network issues and that the developer is willing to contribute to future road upgrades, such overdevelopment of the site will only serve to accelerate the failure of the intersection.

Of final note, the existing office building has been assessed as having some heritage value, though the proposed PSP does not consider this, instead intimating an intention to demolish all buildings on the site.

For these reasons, it is recommended that Council submit this report and attachments to the WAPC with a recommendation that the WAPC refuse the proposal.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE RECOMMENDATION ITEM PC2306-10 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Jenny Archibald

Council

- 1) Note the submissions received as detailed in the Officer's report and Attachment 1**
- 2) Pursuant to Regulation 20 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit this report and attachments to the Western Australian Planning Commission with a recommendation that the Commission refuse the proposed Precinct Structure Plan for the following reasons:**
 - (i) The proposal effectively seeks to create a new Local Centre, per State Planning Policy 4.2 – Activity Centres for Perth and Peel / draft State Planning Policy 4.2 – Activity Centres, which is not provided for in the established state and local strategic planning frameworks, including Perth and Peel@3.5million, the Fremantle Planning Strategy (2001), and the draft Fremantle Local Planning Strategy (2022).**
 - (ii) The proposal is inconsistent with the principles for development within a Heritage Area, as set out in State Planning Policy 3.5 – Historic Heritage Conservation.**



- (iii) The proposal is inconsistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment.
- (iv) The proposal is inconsistent with a number of the objectives of State Planning Policy 7.2 – Precinct Design, specifically:

 - Response to and enhancement of the distinctive characteristics of the local area
 - Integration of landscape design that enhances sustainability outcomes
 - Built form height and massing that is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area
 - Delivery of a sustainable built environment through passive environmental design measures, adaptive reuse of existing structures and promotion of active and public transport modes
 - Provision of comfortable public spaces that encourage physical activity and enable a range of uses
 - Provision of a place that is easy to navigate with clear connections and good lines of sight
- (v) The proposed built form controls seek numerous variations to the primary controls set out in State Planning Policy 7.3 – Residential Design Codes – Volume 1, Part C – Medium Density and Volume 2 – Apartments without sufficient justification.
- (vi) The proposal is inconsistent with the principles set out in the Visual Landscape Planning in Western Australia manual.
- (vii) The proposal does not nominate a zoning and the land use table is incompatible with City of Fremantle Local Planning Scheme No. 4.
- (viii) The proposal does not meet the broad objectives of Local Planning Policy 3.6 – Heritage Areas, particularly with regard to conservation of the existing office building on the Site.
- (ix) The proposal is inconsistent with the building height limits set out in Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings and will likely result in significant visual amenity impacts on the immediate locality and wider area, significant overlooking and overshadowing of adjoining properties.
- (x) The proposal would place significant pressure on the local road network, resulting in failure of the Stirling Highway / McCabe Street intersection to deliver an adequate level of service.



- (xi) The proposal seeks to cede its road network and public open space to the City of Fremantle when they are internally focused and would not serve the greater good of the community.

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Jenny Archibald, Cr Adin Lang, Cr Ben Lawver**

ADDITIONAL OFFICER'S COMMENT

Further to discussion at the Planning Committee Meeting held on 7 June 2023, it is recommended that reason for refusal 2.(xi) is revised to read as follows:

2. (xi) The proposal seeks to cede its road network and public open space to the City of Fremantle, which would ordinarily be accepted for the benefit of the wider community; however, in this instance the City does not believe that their design and location are conducive to attracting use by the wider community and is not prepared to receive them as public assets.

Cr Bryn Jones moved the officer's amended Committee Recommendation as follows:

OFFICER'S AMENDED COMMITTEE RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Doug Thompson

Council

- 1) Note the submissions received as detailed in the Officer's report and Attachment 1**
- 2) Pursuant to Regulation 20 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit this report and attachments to the Western Australian Planning Commission with a recommendation that the Commission refuse the proposed Precinct Structure Plan for the following reasons:**
 - (i) The proposal effectively seeks to create a new Local Centre, per State Planning Policy 4.2 – Activity Centres for Perth and Peel / draft State Planning Policy 4.2 – Activity Centres, which is not provided for in the established state and local strategic planning frameworks, including Perth and Peel@3.5million, the Fremantle Planning Strategy (2001), and the draft Fremantle Local Planning Strategy (2022).**



- (ii) The proposal is inconsistent with the principles for development within a Heritage Area, as set out in State Planning Policy 3.5 – Historic Heritage Conservation.
- (iii) The proposal is inconsistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment.
- (iv) The proposal is inconsistent with a number of the objectives of State Planning Policy 7.2 – Precinct Design, specifically:

 - Response to and enhancement of the distinctive characteristics of the local area
 - Integration of landscape design that enhances sustainability outcomes
 - Built form height and massing that is responsive to existing built form, topography, key views and landmarks, and the intended future character of the area
 - Delivery of a sustainable built environment through passive environmental design measures, adaptive reuse of existing structures and promotion of active and public transport modes
 - Provision of comfortable public spaces that encourage physical activity and enable a range of uses
 - Provision of a place that is easy to navigate with clear connections and good lines of sight
- (v) The proposed built form controls seek numerous variations to the primary controls set out in State Planning Policy 7.3 – Residential Design Codes – Volume 1, Part C – Medium Density and Volume 2 – Apartments without sufficient justification.
- (vi) The proposal is inconsistent with the principles set out in the Visual Landscape Planning in Western Australia manual.
- (vii) The proposal does not nominate a zoning and the land use table is incompatible with City of Fremantle Local Planning Scheme No. 4.
- (viii) The proposal does not meet the broad objectives of Local Planning Policy 3.6 – Heritage Areas, particularly with regard to conservation of the existing office building on the Site.
- (ix) The proposal is inconsistent with the building height limits set out in Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings and will likely result in significant visual amenity impacts on the immediate locality and wider area, significant overlooking and overshadowing of adjoining properties.



- (x) The proposal would place significant pressure on the local road network, resulting in failure of the Stirling Highway / McCabe Street intersection to deliver an adequate level of service.
- ~~(xi) The proposal seeks to cede its road network and public open space to the City of Fremantle when they are internally focused and would not serve the greater good of the community.~~
- (xi) *The proposal seeks to cede its road network and public open space to the City of Fremantle, which would ordinarily be accepted for the benefit of the wider community; however, in this instance the City does not believe that their design and location are conducive to attracting use by the wider community and is not prepared to receive them as public assets.*

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Doug Thompson

To amend the recommendation as follows:

- 2) Pursuant to Regulation 20 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit this report and attachments to the Western Australian Planning Commission with a recommendation that the Commission refuse the proposed Precinct Structure Plan for the following reasons:
 - i) The proposal effectively seeks to create a new ~~Local Centre~~ *'Activity Centre' at a scale could be defined as a 'District Centre' or 'Secondary Centre', as* per State Planning Policy 4.2 – Activity Centres for Perth and Peel / draft State Planning Policy 4.2 – Activity Centres, which is not provided for in the established state and local strategic planning frameworks, including Perth and Peel@3.5million, the Fremantle Planning Strategy (2001), ~~and~~ the draft Fremantle Local Planning Strategy (2022), *and is not supportable as the Site falls outside of any existing or proposed 'Station Precinct'.*

Amendment carried: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



AMENDMENT 2

Moved: Cr Andrew Sullivan

Seconded: Cr Doug Thompson

To amend the recommendation as follows:

- iv) The proposal is inconsistent with a number of the objectives of State Planning Policy 7.2 – Precinct Design, specifically:
- ~~R~~*It does not respond*~~se~~ to and enhancement~~ment of~~ the distinctive characteristics of the *adjacent* local areas *or define a new development characteristic that will integrate with and transition to the adjacent low density residential areas.*
 - ~~I~~*ntegration of*~~The proposed~~ landscape design ~~that~~ does not enhances~~s~~ sustainability outcomes *or adequately connect with and enhance the green networks of the Vlamingh Parklands.*
 - ~~B~~*The* built form height and massing ~~that is~~ *not* responsive to existing built form, topography, key views and landmarks, ~~and the intended future character of the area.~~
 - Delivery of a sustainable built environment through passive environmental design measures, adaptive reuse of existing structures and promotion of active and public transport modes.
 - Provision of comfortable public spaces that encourage physical activity and enable a range of uses.
 - ~~Provision of a place that is easy to navigate with clear connections and good lines of sight.~~
- v) The proposed built form controls seek numerous variations to the primary controls set out in State Planning Policy 7.3 – Residential Design Codes – Volume 1, Part C – Medium Density and Volume 2 – Apartments, *especially in relation to open space, street widths and deep soil planting*, without sufficient justification.
- xi) The proposal seeks to cede ~~its~~ *the entire* road network and public open space to the City of Fremantle, which would ordinarily be accepted for the benefit of the wider community; however, in this ~~instance the City does not believe that their~~ *the* design and location of *some laneways (i.e. "Lane 1" and "Lane 2") and public open space (primarily "POS 2")* are *not* conducive to attracting use by the wider community and *the City of Fremantle* is not prepared to receive them as public assets.
[amended officer recommendation for 2(xi) used as base]



- xii) *The intensity of residential development combined with the extent of commercial floorspace proposed cannot currently be accommodated in the McCabe Street precinct as it is inadequately served by rapid transit and the configuration of the regional road and rail networks remain unresolved. As such, in the absence of the McCabe Street node being an integral part of a station precinct, it is considered premature to support the structure plan until further sub-regional land use and transport planning identifies realistic opportunities for appropriately located public infrastructure that would complement and underpin such an activity centre.*

Amendment carried: 12/0

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

Reason for amendment 1 and 2:

To provide in 2 (i) the correct classifications referred to in the relevant documents and to expand on the reason the proposal can't be supported.

In relation to 2 (iv), to provide more specific reasons why the proposal does not meet the objectives of good Precinct Design, and to delete the dot point that has not been substantiated.

In relation to 2 (v) to provide clarification of the main parts of the codes that have been deviated from without adequate justification.

In relation to 2 (xi) to provide clarity about the parts of the road and POS design that are not supported as land to be ceded to the city.

In introducing a new point 2 (xii), to highlight the premature nature of a proposal for such residential and commercial intensity on a site located in a precinct that has not yet been identified as land suitable for such intensive development.



COUNCIL DECISION ITEM P2306-10
(Amended committee recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Doug Thompson

Council

- 1) Note the submissions received as detailed in the Officer's report and Attachment 1**
- 2) Pursuant to Regulation 20 of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit this report and attachments to the Western Australian Planning Commission with a recommendation that the Commission refuse the proposed Precinct Structure Plan for the following reasons:**
 - ii) The proposal effectively seeks to create a new 'Activity Centre' at a scale could be defined as a 'District Centre' or 'Secondary Centre', as per State Planning Policy 4.2 – Activity Centres for Perth and Peel / draft State Planning Policy 4.2 – Activity Centres, which is not provided for in the established state and local strategic planning frameworks, including Perth and Peel@3.5million, the Fremantle Planning Strategy (2001), the draft Fremantle Local Planning Strategy (2022), and is not supportable as the Site falls outside of any existing or proposed 'Station Precinct'.**
 - iii) The proposal is inconsistent with the principles for development within a Heritage Area, as set out in State Planning Policy 3.5 – Historic Heritage Conservation.**
 - iv) The proposal is inconsistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment.**
 - v) The proposal is inconsistent with a number of the objectives of State Planning Policy 7.2 – Precinct Design, specifically:**
 - *It does not respond to and enhance the distinctive characteristics of the adjacent local areas or define a new development characteristic that will integrate with and transition to the adjacent low density residential areas.***
 - *The proposed landscape design does not enhance sustainability outcomes or adequately connect with and enhance the green networks of the Vlamingh Parklands.***
 - *The built form height and massing is not responsive to existing built form, topography, key views and landmarks.***
 - *Delivery of a sustainable built environment through passive environmental design measures, adaptive***



reuse of existing structures and promotion of active and public transport modes.

- Provision of comfortable public spaces that encourage physical activity and enable a range of uses.

- vi) The proposed built form controls seek numerous variations to the primary controls set out in State Planning Policy 7.3 – Residential Design Codes – Volume 1, Part C – Medium Density and Volume 2 – Apartments, *especially in relation to open space, street widths and deep soil planting*, without sufficient justification.
- vii) The proposal is inconsistent with the principles set out in the Visual Landscape Planning in Western Australia manual.
- viii) The proposal does not nominate a zoning and the land use table is incompatible with the City of Fremantle Local Planning Scheme No.4.
- ix) The proposal does not meet the broad objectives of Local Planning Policy 3.6 – Heritage Areas, particularly with regard to conservation of the existing office building on the Site.
- x) The proposal is inconsistent with the building height limits set out in Local Planning Policy 3.11 – McCabe Street Area, North Fremantle – Height of New Buildings and will likely result in significant visual amenity impacts on the immediate locality and wider area, significant overlooking and overshadowing of adjoining properties.
- xi) The proposal would place significant pressure on the local road network, resulting in failure of the Stirling Highway / McCabe Street intersection to deliver an adequate level of service.
- xii) The proposal seeks to cede *the entire* road network and public open space to the City of Fremantle, which would ordinarily be accepted for the benefit of the wider community; however, in this *the* design and location of *some laneways* (i.e. "Lane 1" and "Lane 2") and public open space (primarily "POS 2") are not conducive to attracting use by the wider community and *the City of Fremantle* is not prepared to receive them as public assets.
[amended officer recommendation for 2(xi) used as base]
- xiii) *The intensity of residential development combined with the extent of commercial floorspace proposed cannot currently be accommodated in the McCabe Street precinct as it is inadequately served by rapid transit and the configuration of the regional road and rail networks remain unresolved. As*



such, in the absence of the McCabe Street node being an integral part of a station precinct, it is considered premature to support the structure plan until further sub-regional land use and transport planning identifies realistic opportunities for appropriately located public infrastructure that would complement and underpin such an activity centre.

Carried: 12/0

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



11.2 Finance, Policy, Operations and Legislation Committee 14 June 2023

ITEMS APPROVED "EN BLOC"

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

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

The following items be adopted en bloc as recommended:

FPOL2306-4	DELEGATED AUTHORITY REGISTER REVIEW 2023/2024
FPOL2306-6	TRAFFIC CALMING POLICY
FPOL2306-7	FREMANTLE RECLINK COMMUNITY CUP
FPOL2306-9	DISPOSAL OF ENCROACHED LAND – 11-13 BARNETT STREET
FPOL2306-11	CLANCY'S FISH PUB LEASE AND PRINCESS MAY PARK PLAYGROUND
FPOL2306-13	LARGE SCALE EVENTS AT ESPLANADE RESERVE

Carried en bloc: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



FPOL2306-4 DELEGATED AUTHORITY REGISTER REVIEW 2023/2024

Meeting date: 14 June 2023
Responsible officer: A/Manager Governance
Decision making authority: Council
Attachments: 1. Delegated Authority Register (Council Delegations) 2023/2024

SUMMARY

Council is required to undertake a review of delegated authority each financial year. All delegations have been reviewed to ensure that the Chief Executive Officer (CEO), Officers and Committees have the appropriate discretion to exercise delegated authority under the relevant legislation.

This report recommends that Council acknowledge that a review has been undertaken and revoke all current delegated authority and adopt the reviewed delegations contained in the Delegated Authority Register 2023/2024, as attached.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the authority it has delegated at least once every financial year. The City's current Delegated Authority Register was last reviewed and adopted by Council on 25 May 2022.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Section 5.42 of the *Local Government Act 1995* prescribes that Council may delegate certain powers and duties to the Chief Executive Officer.

A delegation authorises a person or class of persons to exercise powers that the Council would ordinarily exercise. The City of Fremantle has established a Delegated Authority Register to improve the timeliness and efficiency of decision making.

In some instances, Acts and Regulations require that Council make a direct appointment to a person or class of persons. These acts do not contain a provision to allow the CEO to make a sub delegation.



For example, the *Food Act 2008* allows an Enforcement Agency (Local Government) to delegate authority but does not allow the CEO to sub-delegate that authority.

In addition, where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government.

For example, The *Environmental Protection Act 1986* allows for the appointment and the granting of delegated authority directly to local government Environmental Health Officers by the Department of Environment Regulation.

Where an officer of the local government is authorised to perform a function under an Act or Regulation but has no discretion in how they perform that function, a delegation is not required. This is known as “acting through”.

For example, if a provision of an Act specified that a local government must refuse an application that does not contain the applicants’ name, there is no need for Council to provide delegation to officers to refuse applications for this reason as officers are unable to exercise any discretion, they must refuse the application.

CONSULTATION

Internal consultation was undertaken to ensure accuracy and to address all ‘best practice’ needs.

OFFICER COMMENT

A thorough review has been undertaken of the City's Delegated Authority Register with the intention of producing an up to date, comprehensive and workable register that complies with relevant legislation and meets the operational needs of the City of Fremantle.

There are no major amendments recommended to the council delegations contained in the Delegated Authority Register during this review.

The table below outlines minor amendments made to the Delegated Authority Register 2023/2024, to correct legislation references and remove position titles from delegations that are no longer required.



Delegation	Amendment
2.3 Defer payment, grant a concession, waive fees and write off debts (Page 15)	Changed reference to section from 6.2 to 6.12
2.11 Expressions of interest and tenders (Page 24)	Removed reference to section 3.47 under the <i>Local Government Act 1995</i> . The reference only requires section 3.57 + 5.42 + 5.43.
2.13 Appoint persons to receive and withdrawals of complaints (Page 26)	Added the <i>Local Government Act 1995</i> to referenced legislation, and sections 5.42 and 5.43 to referenced sections.
2.15 Particular things local governments can do on land that is not local government (Page 28)	Changed reference to section from 3.2 to 3.27 in the sentence "Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.27 of the <i>Local Government Act 1995</i> in accordance with:"
2.19 Disposal of sick or injured animals (Page 33)	Removed the position Manager Facilities and Environmental Management from sub delegations.
3.16 Graffiti Vandalism Act 2016 Functions (Page 55)	Removed position of Graffiti Field Officer from sub delegations, as the position is no longer at the City.
3.22 Modifications to the Heritage List and Local Heritage Survey (Page 63)	Changed from "Division 2 of Schedule 2" to "Part 10, Division 2 of Schedule 2"
3.22 Modifications to the Heritage List and Local Heritage Survey (Page 63)	Changed wording from "Yes" to " <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Sch 2 cl. 83"
3.24 Health (Miscellaneous Provisions) Act 1911 Powers of local government (Page 66)	Added power to subdelegate " <i>Health (Miscellaneous Provisions) Act 1911</i> s 26", which was previously blank.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required



COUNCIL DECISION ITEM FPOL2306-4
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Revoke the Delegated Authority Register 2022/2023 and all Council delegations contained within; and**
- 2. Adopt the Delegated Authority Register 2023/2024 and all Council delegations contained within, as shown in Attachment 1.**

Carried en bloc: 12/0

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



FPOL2306-6 TRAFFIC CALMING POLICY

Meeting date: 14 June 2023
Responsible officer: Principal Assets, Engineering and Infrastructure Management
Decision making authority: Council
Attachments:
1. Traffic Calming Policy (updated)
2. Traffic Calming Guidelines and Technical Standards Administration Policy

SUMMARY

The City's Traffic Calming Policy became due for scheduled review and has subsequently been assessed and updated. As part of the review process a new Traffic Calming Guidelines and Technical Standards – Administration Policy has been created to assist officers in the review and consideration of traffic issues.

This report has been prepared to seek endorsement of the updated Traffic Calming Policy as detailed in Attachment 1 and also approval to progress to advertise the Policy for community comment and feedback prior to submitting a final version for Council consideration and formal adoption.

BACKGROUND

In Local Government policies reflect the leadership and decision-making role of Council and are a way for Council to give expression to preferred solutions to problems or matters of concern.

Policies are developed to be clear, simple statements of how an organisation plans to conduct its services, actions, or business and to meet strategic and operational needs and comply with statutory and legislative requirements.

Policies provide Council with the ability to make fair, consistent, and transparent decisions affecting the community and are a guide for officers and elected members when making decisions. They are implemented by way of administration policies, procedures, and processes.

The City's existing Policy - named Traffic Calming priority' Reference Number SG35 was initially adopted by Council in March 2005 and was reviewed in 2011 with no amendments. This existing policy provided a framework of parameters and requirements to assist officers in assessing the suitability of traffic calming and level of intervention.



OFFICERS COMMENT

Officers commenced a review of the existing Policy - *Traffic Calming priorities* with a view to re-examine the parameters and requirements from lessons learned, community feedback and simplify and update the document. Workshops and assessments have taken place with internal stakeholders as part of this process, as a result number of revisions, inclusions and exclusions have been identified and included.

The review has identified that the existing policy was very process focussed with a structured and defined assessment approach which, through its reliance on the Traffic Warrant System (TWS), has unfortunately resulted in a predominately negative outcome for the resident or complainants – sometimes failing to appropriately address some traffic issues. The TWS adopts a quantitative approach based on traffic speeds and volumes, scored against associated environment parameters. The review concluded the calibration of the scoring typically favoured a 'no action' outcome.

The review also established that there was a lack of qualitative assessments in respect to the surrounding environment, driver behaviour, general road geometry and active / enquiring residential / community engagement.

In addition, it was found that internal procedures needed to be improved to better guide officers on how to consistently consider suitable treatments and other parameters including traffic planning analysis and an approach / method of selection for suitable treatments and appropriate and effective community consultation.

The considerations detailed above have subsequently informed:

- A revised version of the Traffic Calming Policy
- The introduction of an administration policy that consistently guides internal officers on how to investigate traffic calming requests/studies
- An updated 'recalibrated' Traffic Warrant Assessment tool

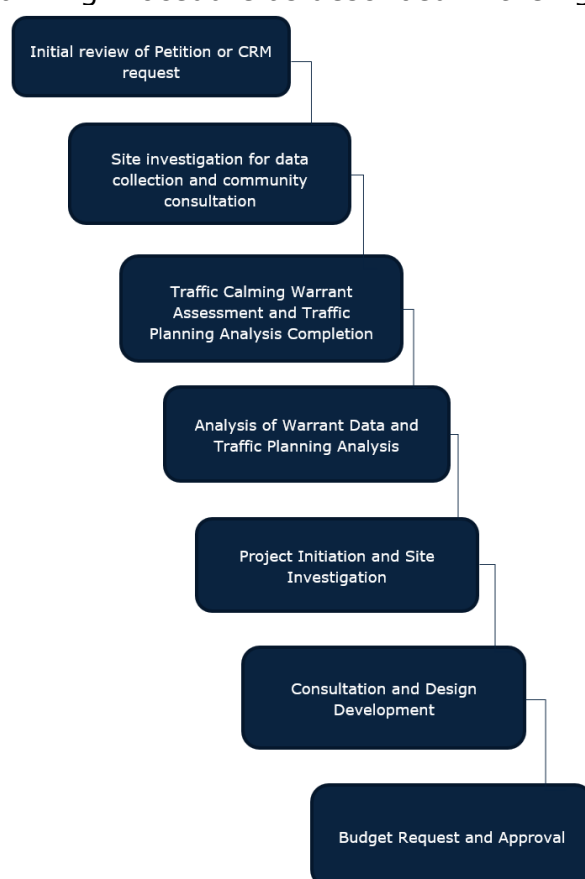
The updated version of the Traffic Calming Policy has been simplified and incorporates a broader approach to traffic calming. The policy extends to consider other traffic issues and introduces the inclusion of the *Traffic Calming Devices Guidelines and Technical Standards – Administration Policy*.

The revised Traffic Calming Policy investigates requests for traffic calming and the analysis of other traffic issues which are identified through a mix of qualitative and quantitative methods. Traffic issues could be excessive heavy vehicle use of suburban streets or vehicle noise. The process in which this is done is supported by the administration guidelines contained in Attachment 2 of this report.

The new Administration Policy provisions a consistent approach to the way the City carries out traffic calming requests and analyses traffic planning issues. It seeks to provide better consultation and engagement with the community on traffic calming and traffic issues and lists the processes and tools which are to be utilised in exhausting all requests to provision solutions or further planning that extends beyond the request. The types of traffic calming devices are documented.

The processes outlined in the figure below seeks to establish a better connection between City officer and the community to provision traffic calming solutions whilst offering technical guidance to internal officers for consistency in approach. Analysis of traffic issues that arise from requests are outlined to ensure both traffic calming and other issues are dealt with in tandem through utilising the three sections of guidance:

Section 1 - Traffic Calming Procedure as described in the figure below.



The sub-processes which make up each step are expanded upon to ensure rigor and considerations are completed by internal officers in regard to community engagement, holistic road network analysis, road network impact, road geometry and topography.



Section 2 – Outlines the application of traffic calming devices. Guidance on the selection of traffic calming devices is specified which specifies advantages, disadvantages, and suitability of each device. This guidance is crucial in determining the correct treatment is pursued.

Section 3 - The traffic warrant system template. The template provides the scoring mechanisms for traffic calming requests and assigns each score a risk/priority rating to ensure all traffic issue are dealt with.

FINANCIAL IMPLICATIONS

As part of the City's capital works planning process, all project proposals pertaining to traffic calming will be formulated into programs of work and Project Initiation Documents (PID) for inclusion into the City's forward works 10-year plan and consideration as part of the annual budget process.

LEGAL IMPLICATIONS

Legislative - The Local Government Act 1995, section 2.7(2)(b) provides Council with the power to determine policies.

CONSULTATION

The review has been previously workshopped internally with stakeholders / impacted Business Units and technical staff.

It is proposed that subject to endorsement, the updated Policy shall be advertised for Community comment and feedback prior to submitting the updated Traffic Calming Policy to Council for formal adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

ADDITIONAL OFFICER COMMENT

In response to feedback received at the Committee meeting, further amendments have been made to the Traffic Calming Technical Standards and Guidelines as shown in Attachment 2 of the Council Agenda. The proposed amendments incorporate revisions to the traffic calming request process to be more descriptive on how a request for traffic calming progresses or does not progress to the project development phase. Lastly, Precinct Groups have been added as a stakeholder into the traffic calming request process in Attachment 2.



COUNCIL DECISION ITEM FPOL2306-6
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Endorses the Traffic Calming Policy as detailed in Attachment 1.**
- 2. Request officers advertise the updated Traffic Calming Policy for community comment and feedback.**
- 3. Request the feedback received be reviewed and brought back to Council in the updated Traffic Calming Policy for consideration and adoption of the policy.**

Carried en bloc: 12/0

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



Cr Frank Mofflin and Cr Adin Lang declared an impartiality interest earlier in the meeting, and stayed and participated in the item.

FPOL2306-7 FREMANTLE RECLINK COMMUNITY CUP

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development and Marketing
Decision making authority: Council
Attachments: Nil
Confidential Attachments: 1. Sponsorship Application and Acquittal

SUMMARY

The purpose of this report is to present a sponsorship proposal for the Fremantle Reclink Community Cup for consideration. The proposal seeks to enter into a 3-year sponsorship agreement with the City which requests the provision of cash and in-kind sponsorship support.

This report recommends that Council authorise the Chief Executive Officer to negotiate a 3-year sponsorship agreement with the event organiser for the 2023, 2024 and 2025 events.

BACKGROUND

The Fremantle Reclink Community Cup is an annual sporting showcase event held at Fremantle Oval. The event is owned and operated by not-for-profit, Reclink Australia.

It is a public, ticketed event with all proceeds going to Reclink Australia to support the delivery of sport and recreation programs in Fremantle for people struggling with severe disadvantage in the community, homelessness, mental health illness, drug and alcohol rehabilitation.

The event is a fun, social game of AFL that creates awareness of the benefits of sports participation for people struggling with disadvantage. The event is a tool for Reclink Australia to fundraise and promote its cause and programs.

The City of Fremantle has previously supported the event with both in-kind and cash contributions as follows:

2017	all event associated City of Fremantle fees waived
2018	all event associated City of Fremantle fees waived \$1,500 cash contribution



2019	all event associated City of Fremantle fees waived \$1,000 cash contribution
2020	all event associated City of Fremantle fees waived \$500 cash contribution
2021	all event associated City of Fremantle fees waived

The COVID-19 pandemic has had a negative impact on the event by way of reduced attendance and sponsorship/partnerships which has resulted in less funds raised for Reclink Australia.

The Grants and Sponsorships Policy was adopted by Council on 12 May 2021. The policy provides a consolidated approach to the management of financial assistance requests across the City and outlines the framework to manage one-off grant, sponsorship or in-kind funding requests that will further the actions and the achievement of the City's strategic objectives.

As a result, the ongoing funding of this annual events sits outside of the policy scope and is required to be submitted to Council for assessment and approval.

OFFICER COMMENT

In order to support the Fremantle Reclink Community Cup with post-COVID recovery, the event organiser has sought support from the City by way of a fee waiver and cash contribution. This will be recognised as in-kind and cash support through a sponsorship arrangement with the City.

The City of Fremantle has previously committed to a 3-year sponsorship arrangement commencing in 2018. As part of this agreement, the City provided Reclink Australia with year-on-year depreciating values of cash contribution. This approach was taken to assist the event in becoming financially self-sufficient over time. Unfortunately, this approach was unsuccessful with Reclink Australia requesting a cash contribution to help cover the cost of event operations again in 2023.

The City's support is required in order to assist the event in continuing to fundraise money for Reclink Australia and in turn run programs for the Fremantle community. A consistent approach toward funding over the next 3-years will assist the event in budget forecasting and planning.

The following support has been negotiated as part of a 3-year sponsorship agreement.

Year 1 - 2023, Year 2 – 2024 and Year 3 – 2025

- Supply of Fremantle Oval with a 100% reduction in venue hire fees
- Event application fee waiver



- Environmental health fee waiver
- Car bay fee waiver for car bays within Fremantle Oval
- \$1,500 cash contribution per year, per event

An additional three-year agreement will be considered based on the outcomes and performance of the first three years.

As part of the provision of this in-kind and cash support under a sponsorship agreement, the City would expect to receive the following benefits in return:

- City of Fremantle to be acknowledged and featured as a major sponsor on all media releases and communications across print, digital and social mediums in the following ways:
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo in Principal Partner position on all marketing and communication collateral both corporate and consumer facing
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo and link on website.
 - Verbal acknowledgement of City of Fremantle as Principal/Major Partner at market events.
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo to be displayed on both teams playing jerseys.
 - Incorporation of co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo on any additional produced event signage including but not limited to;
 - Event barriers
 - Marquee gables
 - Flags
- Additional engagement with the City of Fremantle brand through:
 - Inclusion of co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo on all consumer facing collateral.
 - Ability to place co-branded destination brand THIS IS FREMANTLE and City of Fremantle signage, banners and collateral at the event.
 - Tag @cityoffremantle and @visitfremantle social media handles (and hashtags) in social media posts.
 - Unlimited access to any professional photography and videography taken during the event in years of the agreement, for use by the City for general distribution license free in perpetuity.



- Event operator to engage with local Fremantle businesses, community groups and service providers to participate in the event.
- Use of the event's intellectual property – the right to use the logo in City of Fremantle communications, and the right to use event images (video and photography).
- Opportunity for the City of Fremantle to contribute to post event survey and for that specific data to be shared with the City of Fremantle.
- The Organiser may not operate "Fremantle Reclink Community Cup" (the brand) outside of Fremantle during specified event operating dates as agreed upon annually, within the term of this agreement without prior written consent from the City of Fremantle.

FINANCIAL IMPLICATIONS

The proposed sponsorship offering and associated sponsorship benefits to be received by the City have been determined in line with the City's Grants and Sponsorship Policy.

An overview of the total financial contribution by way of fee waiver and cash contribution proposed over the three-year term is provided below.

Value of Sponsorship	Year 1 (2023)	Year 2 (2024)	Year 3 (2025)	Total
Venue Hire Fee Fremantle Oval: 1 x Event Day at \$370 a day, 2 x bump in/out days at \$85 a day	\$540	\$540	\$540	\$1,620
Application Fee	\$95.50	\$95.50	\$95.50	\$286.50
Environmental Health Fee	\$546	\$546	\$546	\$1,638
Car Bay fee Fremantle Oval carpark: 65 car bays for one day charged at \$37 a bay per day	\$2,405	\$2,405	\$2,405	\$7,215
Cash contribution	\$1,000	\$1,000	\$1,000	\$3,000



Total	\$4,586.50	\$4,586.50	\$4,586.50	\$13,759.50
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The cash contribution component can be accommodated within the event sponsorship budget in the 23/24 budget.

LEGAL IMPLICATIONS

Sponsorship will be provided under a contractual agreement between Reclink Australia (the event organiser) and the City. The City will be recognised as the principal partner for the event. Provision of sponsorship will be subject to approval of the event by the City of Fremantle, and the event organiser seeking all other necessary approvals.

CONSULTATION

Consultation has occurred with the City of Fremantle Community Development team who support Reclink Australia to assist in the delivery of programs in Fremantle. These programs have been deemed to be beneficial to the local community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL2306-7 **(Officer's and Committee recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

- 1. Authorise the Chief Executive Officer to negotiate a three-year event sponsorship agreement between the City of Fremantle and Reclink Australia that includes the following essential terms:**

Year 1 (2023/2024 Financial Year)

- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**

Year 2 (2024/2025 Financial Year)



- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**

Year 3 (2025/2026 Financial Year)

- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**

Carried en bloc: 12/0

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



FPOL2306-9 DISPOSAL OF ENCROACHED LAND – 11-13 BARNETT STREET

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Attachments: 1. Site Survey

SUMMARY

The purpose of this report is to seek Council approval for a request from the property owner at 11-13 Barnett Street to purchase a portion of land that forms part of an encroachment on to City of Fremantle property at 5-15 Quarry Street.

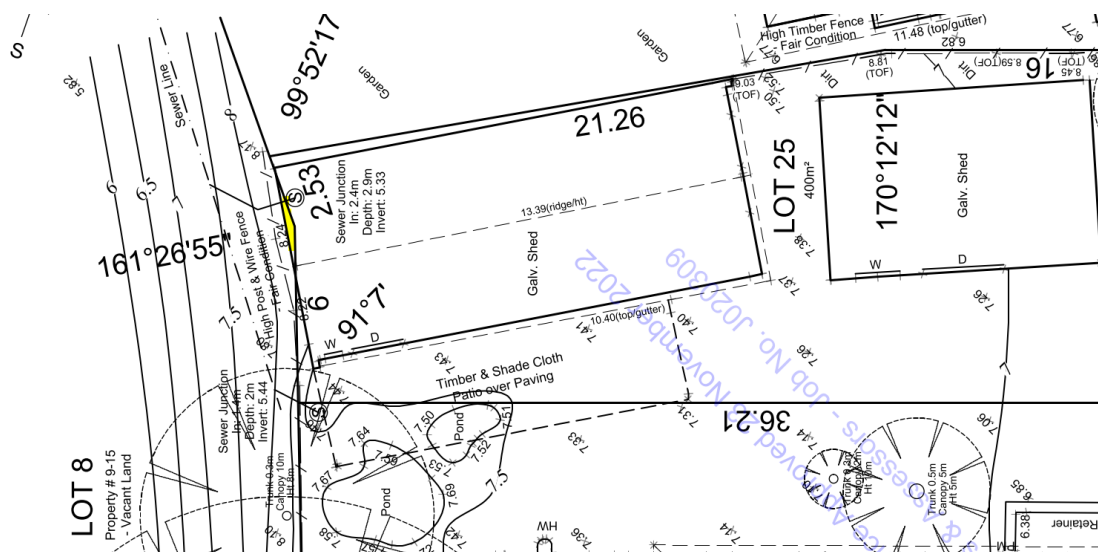
This report recommends that Council authorise the Chief Executive Officer to dispose of the land in line with the requirements of Section 3.58 the Local Government Act 1995.

BACKGROUND

The property at 11-13 Barnett Street abuts City of Fremantle owned land at 5-15 Quarry Street. The current owners purchased the property in 2022.

Approximately 25 years ago, a shed was constructed on the property at 11-13 Barnett Street. The construction of the shed resulted in a minor encroachment on to 5-15 Quarry Street, with an incursion into a small corner of approximately 0.5m² and up to 360mm of the western outbuilding wall. See aerial image and excerpt from survey plan below of the two properties associated with this report.





The DA has been approved with the following condition:

- On 2 March 2023, the City issued a building permit (BP0490/23) for the internal fit out works.

In order for the encroachment to be rectified, the City can dispose of the land at market rate to the owner of 11-13 Barnett Street.

The owners would be responsible for all costs associated with the sale, subdivision and amalgamation of the land within the encroachment.



FINANCIAL IMPLICATIONS

The landowner would be responsible for all costs associated with the sale, subdivision and amalgamation of the land within the encroachment, should a disposal occur.

LEGAL IMPLICATIONS

There are no legal requirements to approve the development application, or the building permit. However, it must be acknowledged that an adverse possession claim could result if the City was not supportive of this proposed boundary realignment and subdivision process.

The sale of 5-15 Quarry Street has progressed and legal documentation including the contract of sale and any other associated documents already make reference to the existing encroachment.

Any disposal will be carried out in line with the requirements of section 3.58 of the Local Government Act 1995.

CONSULTATION

Nil.

OFFICER COMMENT

On 6 February 2023, the owners of 11-13 Barnett Street requested officers review the historic encroachment issue and resolve to adjust the boundaries between the two properties to remove the current encroachment into 5-15 Quarry Street.

There are two options with regard to addressing the encroachment.

Option 1 – Dispose of encroached land

Council can resolve to dispose of the land which will enable the property owner to adjust the property boundary, removing the encroachment and providing the ability carry out the planned additions and alterations to the shed.

As previously approved by council, officers have progressed with the sale of 5-15 Quarry Street. Following the Council approval, officers have undertaken the following:

- Site survey
- Geotechnical assessment
- Appoint real estate agency
- Advertise property



- Submit application for subdivision with WAPC in line with Council resolution
- Sales contract drafted

Given this action has been undertaken, a change of property boundary would result in a change to the current sales terms.

Officers will be required to undertake a new site survey, make an amendment to the sales contract and advise potential buyers. This may result in a delay to the sale of the property.

Option 2 – Retain encroached land

Should Council choose to retain the encroached land, the land owner will be required to undertake works to make the shed compliant which would involve removing the existing part of the structure that is creating the encroachment. The landowner would be unable to meet the condition within the development application approval without doing so, and the outbuilding will remain non-compliant.

Upon consideration of the two options, due to the relatively small size and minor impact on the abutting property officers recommend the disposal of the land so that the landowner can progress with their proposed works. The disposal of the land is likely to have a negligible impact on progressing the sale of 5-15 Quarry Street.

The owners of 11-13 Barnett Street will be responsible for all costs associated with the sale, subdivision, and amalgamation of the land within the encroachment, which will form part of the sales conditions associated with the disposal.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM FPOL2306-9
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Authorise the Chief Executive Officer to give public notice of the proposed disposal of the encroached land at 5-15 Quarry Street in line with the requirements of section 3.58(3) of the Local Government Act 1995.**
- 2. Authorise the Chief Executive Officer to progress with the disposal if no submissions are received within the required advertising period.**

Carried en bloc: 12/0

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



FPOL2306-11 CLANCY'S FISH PUB LEASE AND PRINCESS MAY PARK PLAYGROUND

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development and Marketing and Manager Parks and Landscapes
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Clancy's Fish Pub - Princess May Playground Concept Design2. Princess May Park Adopted Master Plan (2015)3. Princess May Lighting Proposal

SUMMARY

The purpose of this report is to seek Council approval for the construction of a new playground within Princess May Park, and a variation of current lease terms for Alba Pty Ltd T/A Clancy's Fish Pub operating Clancy's Fish Pub at 51 Cantonment Street, Fremantle.

This report provides an overview of the playground's design intent, details of the collaborative design process that has been undertaken to date, outcomes reached in the development of the proposal, and an outline of recommendations for the support of the proposed playground in the design, delivery, maintenance, and asset handover stages for the project.

This report recommends Council:

- 1. Approve the design and construction of a new playground;**
- 2. Authorise the Chief Executive Officer to progress with a variation to the current Lease by adding a further five (5) year term effective 1 August 2033 subject to Ministerial approval and compliance with s3.58 of the Local Government Act 1995.**

BACKGROUND

In 2013, the City of Fremantle entered into a lease with Alba Pty Ltd T/A Clancy's Fish Pub for a term of 10 years effective from 1 August 2013 with the option for a further term of 10 years effective from 1 August 2023, and expiring on 31 July 2033 with the permitted use of Tavern and Restaurant.

Clancy's Fish Pub has sought to create a new play space in Princess May Park with the aim of improving the experience for Clancy's Fish Pub's clients and the broader Fremantle community.



Nature Based Play (NBP) has built a portfolio of 'nature play' which are play spaces composed of elements made of natural materials creating imaginative and explorative play for all ages. The construction of the playground is subject to the relevant City and planning approvals.

Alba Pty Ltd T/A Clancy's Fish Pub is now seeking a variation to the current Lease between Alba Pty Ltd T/A Clancy's Fish Pub and the City of Fremantle for a further five (5) years effective 1 August 2033 expiring 2 August 2038 subject to approval of the Minister for Lands in accordance with s3.58 of the Local Government Act 1995.

Subject to Council approval of the lease variation, a market rent review will occur prior to the additional 5-year term commencing.

Clancy's Fish Pub is proposing to invest up to \$150,000 in the design and construction of the playground at Princess May Park.

Clancy's Fish Pub has also committed to providing ongoing annual maintenance and cleaning of the playground for the current lease term (10 years), and a further 5 years if the proposed lease variation is approved (a total of 15 years), at a cost of approximately \$3,758 per annum, CPI adjusted.

Clancy's Fish Pub has also proposed to invest a further \$72,000 into the installation of interactive lighting for the playground and up lighting of buildings and trees in Princess May Park.

This report provides an update on the process, consultation, outcome and recommendation on how it can be delivered to meet the City's requirements.

FINANCIAL IMPLICATIONS

Playground design, approvals, tender, construction and twelve months of maintenance and the Defects Liability Period of the Project will be fully funded by Clancy's. Through these project stages, City Officer resources will be provided by the City.

Following the twelve-month maintenance and Defects Liability Period, the City will inherit the asset. The City will become responsible for inspections and undertaking maintenance works to City standards.

Clancy's Fish Pub will cover the cost of playground maintenance in line with their lease term. Officers will negotiate with Clancy's Fish Pub to incorporate a suitable contribution to the repair and maintenance of the lighting installation once the final design, product and lighting warranty details are finalised.



Playground maintenance costs per year are estimated as follows:

Description	Quantity	Service frequency	Rate	Total p.a.
General inspection and rubbish removal	0.5 hours	Weekly	\$68/hr	\$1,768
Sand screening	100m ²	4 per year	\$2/m ²	\$800
Playground audit	1	Bi- annually	\$380/audit	\$190
Playground and timber maintenance	1	Annually	\$1,000/year	\$1,000
			Total	\$3,758

The City has provided in-kind support to the project through officer time and the provision of a Feature Survey, supporting shared ownership of the project.

Alba Pty Ltd T/A Clancy's Fish Pub currently pay a rent of \$120,028 per annum + GST.

LEGAL IMPLICATIONS

In accordance with s3.58 of the Local Government Act 1995, the City will place a public notice advertising the intention to vary the lease for an additional five (5) years and will invite any objections in writing within a fourteen (14) day period. The notice will be advertised prior to the expiry of the current Lease in 2033.

Finance, Policy, Operations and Legislation Committee (FPOL) has Delegated Authority under the section 1.1 Delegated Committees of Council of the 2022/23 Delegated Authority Register to approve a lease term that does not exceed ten (10) years.

CONSULTATION

The City has worked with Clancy's and NBP by establishing an internal team to provide input and review to the proposal, consisting of:

- Parks and Landscape
- Place Engagement and Activation
- City Design
- Heritage
- Aboriginal Engagement
- City Business
- Economic Development and Marketing



The City of Fremantle's Walyalup Reconciliation Action Plan (WRAP) was involved prior to the project development stage via a presentation by Clancy's Fish Pub at WRAP Workshop 14 June 2022.

Review of cultural content and design concept was undertaken and ongoing updates at WRAP meetings by City Officers and Clancy's Fish Pub team on an as needs basis was agreed.

The final drawing package and a City CEO executed submission form are to be submitted to the Department of Planning, Lands and Heritage (DPLH) Referral Unit for endorsement.

Officers will draft a Heritage Impact Statement to accompany the submission to state that all considerations have been made through master planning, with minimal impact on heritage value.

DAADA have been engaged by Clancy's Fish Pub throughout the commencement of the project. DAADA is a strong supporter of the Playground proposal and appreciate the design revision following the City's design review process.

OFFICER COMMENT

Clancy's Fish Pub have sought to create a new play space in Princess May Park with the aim of improving the experience for Clancy's clients and the broader Fremantle community.

Nature Based Play has built a portfolio of 'nature play' which are play spaces composed of elements made of natural materials creating imaginative and explorative play for all ages. Design Package One, showcasing Clancy's design intent was initially submitted by Clancy's to the City.

Materiality and play elements were consistent with nature playgrounds, however the location of the play space was not initially aligned with the intent of the Princess May Reserve Masterplan (refer additional information).

Clancy's Fish Pub also had early involvement with the WRAP group which assisted in providing Whadjuk cultural knowledge to inform the theming, concept development and initial sketch design. This initial design is shown below:



Following internal review, feedback was provided to Clancy's seeking greater alignment of the proposal to City Policies, guidelines, and the endorsed master plan.

A consolidated response was submitted to Clancy's Fish Pub that related to:

- Increasing spatial design alignment and consideration of the City's endorsed Master Plan (2015) (refer additional information).
- Proximity to DADAA building not meeting maintenance standards of a heritage building.
- Use, access, and privacy of DADAA and heritage of the building are further considered.
- Use of City's minimum standards relating to timber and softfall in nature-based play areas is required to help the City retain public realms that are safe, compliant, durable and require minimal maintenance.
- Maintaining vehicular and pedestrian access as per Masterplan, in particular the north – south pathway must remain accessible for needs of current and future pedestrians and vehicles.
- Planting and turf areas to be further developed with City oversight.
- Materiality and style to align with needs of precinct.

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- Education themes being further investigated to link to school history of the site.

A design workshop with Clancy's was subsequently held to discuss changes and a way forward. A project storyboard developed by the City to outline the City's requirements for materiality, form and design intent for Princess May Park play space was also provided and discussed (refer additional information).

The feedback provided by the City informed NBP's design development and the ensuing Design Package Two (shown below) was presented and provided to the City for review.



Major design changes include:

- Relocation of play space and removal of existing asphalt path, both in line with 2015 Masterplan and resolving heritage, access, and shared use concerns.
- School history was celebrated, with remnants of and alignment of a school border wall being used to develop a 'play wall'.



The City reviewed Design Package Two, with comments and feedback provided generally based on approval of the design with minor revisions.

Key comments related to the:

- Design spatially aligning with the Masterplan (2015) and allows future delivery of masterplan components.
- Materials proposed align with the style and vision of the Masterplan (2015).
- Theming is appropriately place focused, using both Whadjuk and school history to inform design.
- Edge treatments between mulched play and turf have been revised to be wider and minimise mixing of adjacent surfaces (mulch, gravel, turf).
- Removal and replacement of asphalt path with compacted and concrete stabilised summer stone fines / Mukinbudin quartzite is supported.

Pending approval, Clancy's Fish Pub have advised that works are indicatively scheduled to commence in September 2023. Work will need to be referred to the Department of Planning, Lands and Heritage for their support, which is not deemed to be a high risk item.

The final concept plan provided by Clancy's Fish Pub is supported by City Officers with minor revisions as and if required to meet City requirements. The collaborative design approach has resulted in a well-developed concept masterplan for Clancy's Fish Pub to proceed.

Through future design and construction stages, the City will remain involved to approve construction specifications, material types and quantities, construction details, play and access compliance and plant species in accordance with the Council approval. This is on top of any external approvals, including DPLH (heritage referral) and Kid Safe (accredited playground compliance inspections).

Following completion of construction works and the issuing of a Practical Completion Certificate for the playground, Clancy's Fish Pub will retain asset ownership through a 12-month Defects Liability Period.

Subsequently, the City will become the asset owner and maintainer, acknowledging that Clancy's have agreed in principle to inspect the play area frequently and report issues to the City. Clancy's will cover the cost of playground and lighting maintenance in line with their lease term.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM FPOL2306-11
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Endorse the Clancy's Fish Pub - Princess May Playground Concept Design (attachment 1) and approve the proposal to construct a Play Space at Princess May Park, subject to Clancy's Fish Pub:**
 - a. Entirely funding the construction and all associated costs.**
 - b. Gaining City approval of detailed documentation and specifications prior to construction.**
 - c. Notifying the community of the project on site with relevant project details prior the fence being erected.**
 - d. Applying and obtaining all necessary permits and licences for the Works.**
 - e. Ensuring site tidiness and public safety is maintained at all times.**
 - f. Providing evidence to the City that Clancy's Fish Pub – or their Contractor - have current public liability insurance (\$20M) and workers compensation (\$10M) to cover the Works prior to commencement on site.**
 - g. Commencing the Works in a timeframe as agreed with City officers otherwise the approval is void and the proposal will be subject to a new approval.**
 - h. Completing the Works within 4 months of erecting site fencing.**
 - i. At completion of works, a full site inspection to be undertaken with a nominated City representative, to confirm works are complete to specifications, noting that any rectification work is to be funded solely by Clancy's Fish Pub, to achieve Practical Completion.**
 - j. Maintaining the works for a period of 12 months from date of Practical Completion to the satisfaction of the City.**
 - k. Arranging a 12 months' defects liability period inspection (prior to expiry date) with the contractor, and to invite a nominated City representative to be present.**
 - l. Undertaking and funding all rectification works required to reach Final Completion, at which point the City will become the asset owner.**
 - m. Paying an annual playground maintenance and cleaning contribution of \$3,758 per annum (CPI adjusted annually) for the term of the current lease (10 years), and a further 5 years if the proposed lease renewal is approved (a total of 15 years).**



- 2. Noting the current volatility of construction costs, advises the developer Clancy's Fish Pub that based on the importance of this piece of public realm, no reduction in design quality, materiality or scope will be considered, following this approval.**
- 3. Noting the potential risk to the City regarding incomplete or substandard work by a future contractor, Clancy's Fish Pub are required to provide a cash bond of 5% of tendered construction cost to the City prior to site possession being granted. The full bond will be returned to Clancy's Fish Pub following the City's acceptance of the completed works.**
- 4. Authorise the Chief Executive Officer to negotiate with Clancy's Fish Pub to determine the final lighting installation details and negotiate a suitable financial contribution to the repair and maintenance of the lighting installation once the final design, product and lighting warranty details are finalised.**
- 5. Subject to the delivery of points 1-4 authorise the Chief Executive Officer to progress with a variation of the current Lease by adding a further five (5) year term effective 1 August 2033 subject to approval of the Minister for Lands and compliance with s3.58 of the Local Government Act 1995.**

Carried en bloc: 12/0

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



FPOL2306-13 LARGE SCALE EVENTS AT ESPLANADE RESERVE

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development and Marketing
Decision making authority:	Council
Attachments:	1. Outdoor Events Policy
Confidential Attachments	1. Event A: Event Application, Draft Site Plan and Event Report
	2. The Gog Block Party: Event Application and Draft Site Plan

SUMMARY

The purpose of this report is to seek approval for two large scale events to be approved outside of the scope of the Outdoor Events Policy.

This report recommends that Council authorise the Chief Executive Officer to approve Event A (as outlined in Attachment 1) and The Gog Block Party to be held at the Esplanade Reserve in 2023.

BACKGROUND

The City's Outdoor Events Policy applies to all privately managed outdoor events held at designated outdoor event venues.

The policy outlines venues within the City of Fremantle that are deemed as designated outdoor event venues and categorises the venues as either *Gold*, *Silver* or *Bronze*, depending on their suitability to accommodate events.

The policy provides an annual allocation for large and major events for each outdoor event venue along with the following principles which are applied to the scheduling and frequency of events:

- No more than one event will normally be approved on the same day in each venue.
- The scheduling of approved events will be structured to maintain a balance between events and recreational use of the venue.
- The frequency of events will be structured to ensure at least a 10-day buffer (from bump out, to bump in) between Large and Major events.
- Events will be scheduled to allow for the physical rehabilitation of the venue.
- Events will be scheduled in such a way as to accommodate the primary use of the venue.
- Event approval will take account of the frequency and timing of events to ensure they are spread throughout the year wherever possible.
- The event is suitable.



- The venue is available.

The following Large and/or Major impact events that have taken place/are approved to take place at Esplanade Reserve in 2023:

Jan 2023	Summersalt	Completed
Mar 2023	Fremantle Boat and Seafood Festival	Completed
Nov 2023	Beerfest Fremantle	Provisional Approval Granted

These events are assessed as either Large or Major events and in line with the Outdoor Events Policy, the Esplanade Reserve has an allocation of a maximum of three Major or Large impact events.

Officers are seeing Council approval for a further two additional large impact events to be granted approval to take place in the 2023 calendar year. These events include:

- **Event A** (as outlined in Attachment 1)
- The Gog Block Party

Event A has been used to refer to the event detailed in Attachment 1. This event is being treated as confidential as the name of the event and detail associated with the event is commercial in confidence. The event has not been held in Fremantle before and Officers have been in discussion with the event promoter regarding the potential of securing this event in Fremantle.

Please refer to specific Event A details in **Attachment 1**.

The Gog Block Party

The Gog Block Party is a commercial, ticketed New Years Eve celebration run by Nokturnl Events.

Nokturnl Events is owned and operated by the owners of Fremantle-based hospitality business, The Old Synagogue.

The event was established in 2020 and was first hosted in the carpark areas surrounding the Old Synagogue and the Fremantle Oval.

The event since outgrew this venue and the 2021 and 2022 New Years events were hosted at Esplanade Reserve. The event has quickly become one of the biggest New Years Eve celebrations in Perth and is the biggest outdoor event in Fremantle.

In 2021, the event was impacted by COVID-19 lockdowns and was postponed. The event was later held on 15 January 2022 and was the first event in the state to have to provide for COVID-19 check-in requirements and overcome many



obstacles to run a successful event. Tickets for the 2022 event sold out and 5,000 patrons attended.

The Gog Block Party 2023 aims to attract 10,000 patrons to Esplanade Reserve to celebrate the New Year. The event will feature DJs, rides, food stalls, dodgeball, silent disco and a proposed fireworks display for the countdown to midnight.

The event is targeted to 18–35-year-old demographic and event organisers will work closely with local hospitality and accommodation providers to support benefit from the event.

Prior to the adoption of the Outdoor Events Policy in 2021 and the COVID pandemic, ten events were held at Esplanade Reserve, four of these were considered large and/or major impact.

In 2022, eight events were held at Esplanade Reserve and three of these were large and/or major impact events.

Currently, in 2023 the City has hosted and/or approved to host nine events at the Esplanade Reserve.

Three of these events are large and/or major impact. Should Council approve these two additional events, at least eleven events will be hosted at Esplanade Reserve in 2023 which will bring the event offering back to pre-pandemic activation levels.

OFFICER COMMENT

The Outdoor Events Policy was established to endorse venues that are appropriate for outdoor events, establish event categories (large and major scale), and provide an annual allocation of large and major scale events to outdoor event venues.

Officers have undertaken an assessment of the two event applications to determine the potential impact on the public amenity and impact to residents as a result of noise and other associated disruptions that take place during large scale events and have resolved with a recommendation to progress with approval of the events based on the limited number of complaints received to date relating to events at the Esplanade Reserve.

Officers will consider noise impacts from these events and will ensure staging, and speakers are positioned in a way that least impacts the community. Regulation 18 approvals (issued by Environmental Health to allow noise emissions greater than what is outlined in the Environmental Noise Regulations) will be in line with standard noise levels for this venue.



All events must comply with existing event approval processes which consider community and economic impacts and benefits as well as patron and public safety.

Post COVID, the event landscape in Perth has changed. We have seen the departure of St Jerome's Laneway Festival; an iconic event on Fremantle's annual event calendar due to a desire for a larger event space able to accommodate up to 20,000 patrons which was not available in Fremantle. The event relocated to Wellington Square in the City of Perth.

Following a successful return of the annual Falls Festival Fremantle event post COVID-19 in early January 2023, the event organisers have recently announced that the event will be taking a break in 2024. The absence of these two annual events has left a significant gap in the City's events offering.

The Outdoor Events Policy was created during the height of the COVID-19 pandemic. During this time, event organisers were limited in what, when and how they could deliver events.

Following COVID a formal expression of interest (EOI) for large and/or major event applications has been unable to take place, but an informal EOI with the events industry has resulted in a significant number of event applications being submitted. This has been a positive increase with 37 events taking place in Fremantle in 2023 to date.

FINANCIAL IMPLICATIONS

Event A fees and charges

An overview of the proposed total fees and charges associated to this event is outlined below.

Fees and Charges	
Venue Hire Fee Esplanade Reserve: 2 x event days, 8 x bump in/out days	\$28,620.00
Application Fee	\$95.50
Environmental Health Fee	\$871.00
Regulation 18 Fee	\$1,000.00
Obstruction Fee	\$125.00
Total	\$30,711.50

**Please note this is in line with 22/23 fees and charges and may differ once 23/24 fees and charges are adopted.*



The Gog Block Party fees and charges

An overview of the proposed total fees and charges associated to this event is outlined below.

Fees and Charges	
Venue Hire Fee Esplanade Reserve: 1 x event day, 5 x bump in/out days	\$15,900.00
Application Fee	\$95.50
Environmental Health Fee	\$871.00
Regulation 18 Fee	\$1,000.00
Obstruction Fee	\$125.00
Total	\$17,991.50

**Please note this is in line with 22/23 fees and charges and may differ once 23/24 fees and charges are adopted.*

LEGAL IMPLICATIONS

Formal Event Approval will be provided under a contractual agreement between the event organisers and the City. The City will be recognised as the approver for the event.

Event Approval will be subject to the event organisers seeking all other necessary approvals from required stakeholders and obtaining final public building approval sign off by the Environmental Health team prior to the event commencing on the event day.

CONSULTATION

Officers across the organisation including environmental health, infrastructure, parks, parking and community safety have been consulted and support the addition of two events within the allocation of the Esplanade Reserve.

The Parks and Recreation team have confirmed they can restore the reserve within their standard restoration works.

The Environmental Health team are comfortable with the potential impacts of these events taking place can be managed appropriately through the event approval process.



The City has received three minor resident complaints relating to events being held at Esplanade Reserve since policy adoption in September 2021.

Two complaints were received relating to public toilets and/or playgrounds being inaccessible during events. In 2023 a general complaint was received in the lead up to the Fremantle Boat and Seafood Festival relating to playground and toilet access and noise.

Neither of the proposed events will incorporate the playground or public toilets within the fenced area.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COUNCIL DECISION ITEM FPOL2306-13 **(Officer's and Committee recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council authorise the Chief Executive Officer to approve an additional two large-scale events to be held at the Esplanade Reserve in 2023.

Carried en bloc: 12/0

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



11.3 Audit and Risk Management Committee 19 June 2023

ITEMS APPROVED "EN BLOC"

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

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

The following items be adopted en bloc as recommended:

ARMC2306-1	INFORMATION REPORT – UPDATE ON THE ROLLOUT AND IMPLEMENTATION OF THE RISK MANAGEMENT FRAMEWORK
ARMC2306-2	EMERGING ISSUES REPORT – MAY 2023
ARMC2306-3	AUDIT ACTIONS UPDATE – MAY 2023
ARMC2306-4	PURCHASING POLICY EXEMPTIONS APRIL TO MAY 2023
ARMC2306-5	TENDERS AWARDED UNDER DELEGATION APRIL TO MAY 2023
ARMC2306-6	OVERDUE DEBTORS REPORT AS AT 31 MAY 2023

Carried en bloc: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



**ARMC2306-1 INFORMATION REPORT – UPDATE ON THE ROLLOUT
AND IMPLEMENTATION OF THE RISK MANAGEMENT
FRAMEWORK**

Meeting date: 19 June 2023
Responsible officer: A/Manager Governance
Decision making authority: Council
Attachments: 1. Draft strategic risk register dashboard

In November 2021, Council adopted a new Risk Management Framework (RMF), which committed the City to implementing practical and comprehensive risk management approach, to ensure effective management of risk remains central to the City's activities.

Since adoption of the RMF, the following actions have been undertaken to rollout and implement the framework across the City:

1. RMF published on the City's website for public viewing, and on the City's internal intranet for employee access.
2. Risk Management training has been rolled out to the Executive Team, Management Team, and key officers. On-going training and support is provided to officers as required.
3. A range of City documents and processes have been reviewed and updated to align line with the RMF, and the framework has been incorporated into the City's new corporate planning processes.
4. New Corporate Risk Registers have been developed to capture the City's Strategic Risks, Operational Risks, Project Risks and Emerging Issues, in-line with the RMF.
5. The Executive Team have developed the following nine (9) strategic risks based on the key risk categories identified in the RMF. Each risk identifies a potential threat of event that may have an affect the City's ability to achieve its strategic objectives.

Ref No.	Risk Category	Risk Description
S001	People	Loss of corporate skills, caused by, labour market changes, resulting in, loss of capacity to deliver.
S002	Finance	Unable to deliver on organisational objectives, caused by, insufficient funding and inadequate planning, resulting in, reduced ability to meet organisational needs.



Ref No.	Risk Category	Risk Description
S003	Stakeholders & Reputation	Lack of understanding of our direction and vision caused by inconsistent communication
S004	Performance	Reduction of services levels, caused by insufficient corporate and business planning, resulting in not delivering on expectation of services levels and organisational goals
S005	Legal & Compliance	Non-compliance and not meeting statutory obligations caused by lack of good governance processes, knowledge and understanding of legislation resulting in poor decision making.
S006	Community / Social	Inadequate community amenity and wellbeing, caused by inappropriate planning, resulting in reduced community inclusion, accessibility, safety and participation.
S007	Environmental	Not achieving government sustainability targets, caused by, lack of commitment, funding and advocacy, resulting in, damage to the City's reputation
S008	Commercial / Economic	Decline of Fremantle as an economic centre, caused by, inadequate planning, policy and reputation, resulting in, a decline of business investment and loss of business confidence.
S009	Heritage	Loss of reputation as a significant heritage City, caused by inadequate planning controls and maintenance programs, resulting in erosion and decline of economic capacity and Fremantle's point of difference.

The strategic risk register provided in attachment 1 will continue to be developed, monitored, and reviewed by the Executive Team on an on-going basis, to ensure continuous improvement and effectiveness of the City's risk management. Regular progress updates will be provided to the Audit and Risk Management Committee.

Phase two of the RMF rollout includes identifying and developing the City's Operational Risks. This process will focus on the operational activities of the City, to identify the key operational risks that may affect the delivery of services and activities provided by each business unit.



COUNCIL DECISION ITEM ARMC2306-1
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receives the information report on the rollout and implementation of the Risk Management Framework.

Carried en bloc: 12/0

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



ARMC2306-2 EMERGING ISSUES REPORT – MAY 2023

Meeting date:	19 June 2023
Responsible officer:	A/Manager Governance
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Corporate Issues Summary Report (May)

SUMMARY

This report highlights the relevant issues which are either current or emerging and may significantly affect the operation, financial, legal, or reputational operation of the City.

These matters are raised to inform the committee of any significant issues identified by officers and allow for any further feedback or questions on the actions currently being taken or under consideration to address and resolve them.

BACKGROUND

Part of the role of the Audit and Risk Management Committee is to be aware of the significant emerging financial, political, and corporate issues being identified by the organisation and to understand, review or advise on the possible actions to address these.

FINANCIAL IMPLICATIONS

Some of the issues and potential mitigation actions outlined in this report may include financial implications for the City. Order of magnitude estimates of financial implications based on information available at the time of the report, is included in the issues table attached.

LEGAL IMPLICATIONS

The City actively seeks legal advice and support where issues and risks identified have potential legal implications.

CONSULTATION

Nil.

OFFICER COMMENT

The confidential table attached with this agenda identifies the emerging issues which are considered significant by the organisation. Some are in action,



and some are under review by the organisation and will continue to be updated to the Audit and Risk Management Committee over time.

In conjunction with the organisation's newly developed Risk Management Framework, the City's issues log will provide a consistent and effective means of tracking, managing, and resolving significant corporate and organisational issues.

It should be noted that as the City progresses through the transitional period to the new Risk Management Framework, there are a number of issues covered on both the issues log and the current Corporate Risk Register.

The City's corporate issues log is populated and maintained by officers. This document is maintained live in the City's corporate document management system and is reviewed and discussion by the Executive Leadership Team as a standing agenda item monthly.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2306-2 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receive the emerging issues report for May 2023.

Carried en bloc: 12/0

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



ARMC2306-3 AUDIT ACTIONS UPDATE – MAY 2023

Meeting date:	19 June 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Audit Actions Register

SUMMARY

This report provides an update on the status of actions arising from annual audits carried out in line with statutory requirements.

The report requests the Audit and Risk Management Committee receive and note the current list of audit actions and status associated with each.

BACKGROUND

Currently the City of Fremantle participates in or undertakes the following audits as required under the Local Government Act:

- Audit of annual financial statements
- Audit of General computer controls and information systems
- Audit of Financial management (Regulation 5)
- Audit of general systems, procedures and controls (Regulation 17)

The Financial Audit and General Computer Controls Audit are carried out by the Office of the Auditor General (OAG) and assess both financial and information technology related compliance and controls.

The Regulation 5 and Regulation 17 audits are carried out by external auditors engaged by the City.

Each audit results in a series of recommendations being made by the auditor, which the City reviews, tracks and actions accordingly. Recommendations are rated based on risk and severity and the city prioritises any remediation required on that basis.

The attached audit register provides information regarding the status of each action and progress associated with each.

FINANCIAL IMPLICATIONS

Nil.



LEGAL IMPLICATIONS

The City considers and actions audit recommendations in line with its requirements under the local Government Act.

CONSULTATION

Audit recommendations are implemented and actioned in consultation with auditors to ensure accurate interpretation and understanding of audit recommendations.

OFFICER COMMENT

Following feedback received at the previous audit and risk committee, officers have developed an interim approach to reporting audit information via spreadsheet. This consists of a simplified spreadsheet that aggregates reporting on all audits and provides committee members with a clear and succinct update on each finding.

The interim audit action register has been developed as part of the continuous improvement of the City's management and reporting of audit activities and findings.

Noting that this is a temporary approach to reporting this information, officers are scheduling a workshop in the coming weeks to seek further feedback from committee members on the method of reporting they would most benefit from.

The interim audit action register provides a summary report of all the current open audit findings, recommendations, and progress comments from the various audit activities.

Noting that full audit reports are presented to the Audit and Risk Committee upon completion of each audit, the register provides an ongoing summary update on status and includes the following information:

- The core finding identified by the relevant audit.
- The associated risk rating as identified by the auditor.
- The Auditor's core recommended actions.
- The officer responsible for implementing the action.
- Indications of which audits resulted in the core finding, whether it be the OAG financial or IT audits, Regulation 5 or 17.
- Comments on progress made, and current status of action being taken by the City.
- Estimated completion date and actual completion date for the items that have been resolved.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2306-3 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receive and note the updated audit actions register as provided in attachment 1.

Carried en bloc: 12/0

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



ARMC2306-4 PURCHASING POLICY EXEMPTIONS APRIL TO MAY 2023

Meeting date:	19 June 2023
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Purchasing Policy Exemption Detail – April to May 20232. Purchasing Policy Exemption Request for Artists Group

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempted from the requirements of the Purchasing Policy, during the period April to May 2023.

This report recommends that Council receive the Purchasing Policy Exemptions report for April to May 2023.

BACKGROUND

At the Ordinary Meeting of Council of 25 November 2020, Council adopted a new Purchasing Policy. The Purchasing Policy outlines the requirements and decision-making process for each Policy threshold. The Policy also contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and other Policy exemptions.

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

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.



OFFICER COMMENT

April 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$40,500.00 for the month of April 2023.

The value of exemptions by category is:

Exemption Category	Value
Request for Artist	\$10,450.00
Sole Source	\$30,000.00
Total	\$40,450.00

Details regarding individual exemptions can be found in Attachment 1.

May 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$32,179.65 for the month of May 2023.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultancy	\$24,329.99
Request for Artist	\$7,849.66
Total	\$32,179.65

Details regarding individual exemptions can be found in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2306-4 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receive the information report on Purchasing Policy exemptions for April to May 2023.

Carried en bloc: 12/0

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



ARMC2306-5 TENDERS AWARDED UNDER DELEGATION APRIL TO MAY 2023

Meeting date: 19 June 2023
Responsible officer: Procure to Pay Team Leader
Decision making authority: Council
Attachments: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and Committees during the period April to May 2023.

This report recommends that Council receive the report on tenders awarded under delegation between April to May 2023.

BACKGROUND

Tenders awarded by the City are awarded under the following delegations, approved at Council on 25 May 2022:

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

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

FINANCIAL IMPLICATIONS

All tenders were awarded within the 2022-23 budget approved at Council on 30 July 2022.

LEGAL IMPLICATIONS

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

Under delegation 2.11 Expressions of interest and tenders, of the City's Register of Delegated Authority 2022-23, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.



CONSULTATION

Nil.

OFFICER COMMENT

Below is a list of tenders awarded under delegation between April 2023 to May 2023.

April 2023

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
WFCC107.23 - Microsoft Enterprise Agreement	Director	Crayon Australia Pty Ltd	3 Year	\$286,641.00

May 2023

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
Nil				

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM ARMC2306-5 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receive the information report on tenders awarded under delegation for April to May 2023.

Carried en bloc: 12/0

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



ARMC2306-6 OVERDUE DEBTORS REPORT AS AT 31 MAY 2023

Meeting date:	19 June 2023
Responsible Officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Summary of Overdue Debts above Threshold

SUMMARY

This Overdue Debtors Report, with confidential attachment, is provided to the Audit and Risk Management Committee to report details of overdue debts, as at 31 May 2023, and identify those where the amount owing is over 90 days with a total debt exceeding \$10,000.

This report recommends that Council receive the Overdue Debtors Report and acknowledge the overdue debts exceeding 90 days that have a combined value greater than \$10,000 as at 31 May 2023.

BACKGROUND

This report provides the Audit and Risk Management Committee the following information in relation to overdue debtors:

- The amount of total debt outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above.
- A confidential report containing the individual debtor information in relation to the outstanding debts exceeding 90 days with a combined value of debt, by debtor, exceeding \$10,000.
- The Debtor Day Ratio, being the average number of days taken for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

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

As at the year ending 30 June 2022 an amount of \$165,134 was held as an allowance for impairment of sundry receivables. As at 31 May 2023, the current allowance held as impairment is \$160,937 with a total of \$4,197 being waived or



written off to date in the 2022/23 financial year of which one debt is over \$1,000 which is reportable to the Audit and Risk Committee.

Summary of Sundry Debtors

As at 31 May 2023 a total of \$4,197 in Sundry debts have been waived or written off during the 2022/23 financial year.

Summary of Rates Debtors

As at 31 May 2023 no Rates debts have been waived or written off during the 2022/23 financial year.

LEGAL IMPLICATIONS

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

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

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

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

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

CONSULTATION

Nil.

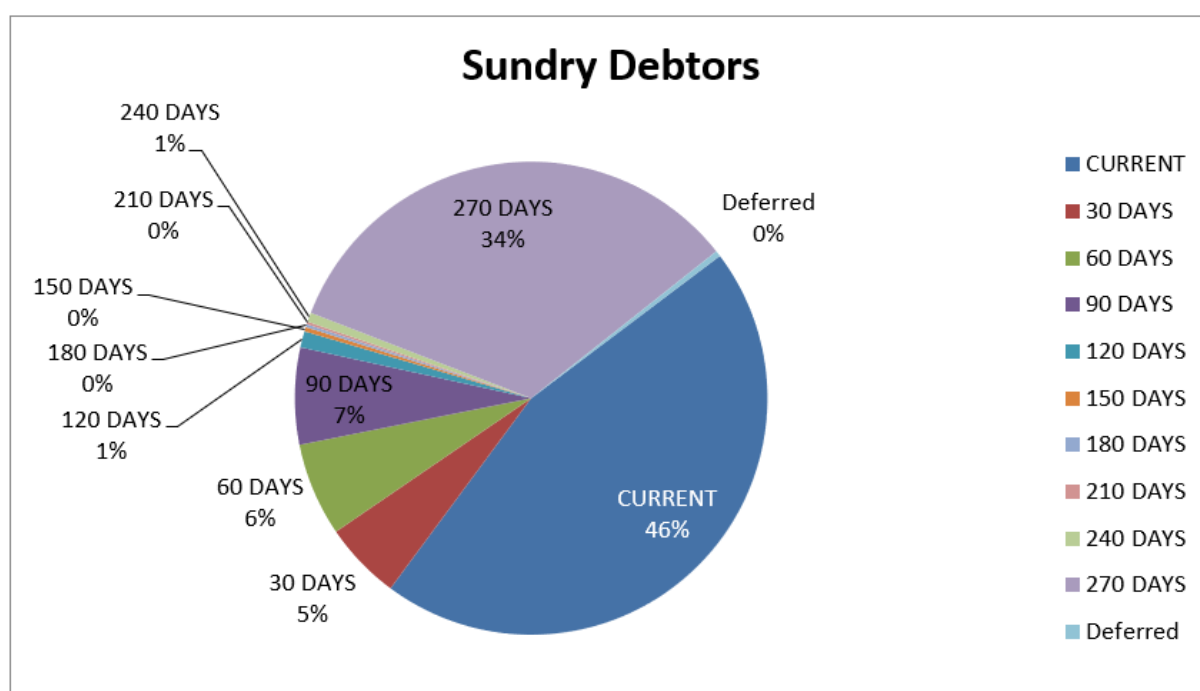


OFFICER COMMENT

The total of debts outstanding as at 31 May 2023 was \$855,913. A breakdown of aged debt for the current period compared to prior year is tabled below.

Period Ending	Current	30 Days	60 Days	90+ Days	Total
July 22 – May 23	46%	5%	6%	43%	100%
	390,301	45,688	54,774	365,150	855,913
July 22 – May 23 Excl. Commercial Properties	53%	11%	16%	20%	100%
	156,063	31,777	48,777	60,557	297,174
July 21 – May 22	577,171	59,168	412,343	321,951	1,370,633

The graph below shows the aged debt balances as at 31 May 2023:



Compared to the report of overdue debtors as at 28 February 2023, presented to Audit and Risk Management Committee at the 19 April 2023 meeting, the total value of outstanding debts has increased slightly from \$852,499 to \$855,913.

Total outstanding debt over 90 days has increased from \$321,951 at the end of the previous reporting date to \$365,150.

The number of overdue debtors over 90 days, and above the total debt reporting threshold of \$10,000, has increased from six to seven. Of the seven reported, three



debtors have decreased and two have increased values of debt since the prior reporting period.

These seven debtors have a total debt owing of \$298,908 of which \$294,606 is over 90 days. The confidential attachment contains details of the debtors comprising this balance.

Key Performance Indicators

When determining status or risk associated with outstanding debtors, officers typically consider and assess the following metrics:

- Total amount of outstanding debt
- Age of outstanding debt (and value of that debt)
- Frequency of payment of outstanding debt
- Outstanding debt per individual debtor
- Outstanding debt per type of debtor

Officers consider all of these metrics alongside each other as well as the debtor day ratio to assist in providing an overarching assessment of general performance of outstanding debtors. The debtor day ratio measures how quickly cash is being collected from debtors regardless of the level of total outstanding amount of debt or the type of debt, allowing for a consistent metric that will identify periods where debtors are taking longer to pay down outstanding debt.

A number of metrics have been provided to follow that provide an initial snapshot of performance and or status of outstanding debtors to follow.

Debtor Day Ratio

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

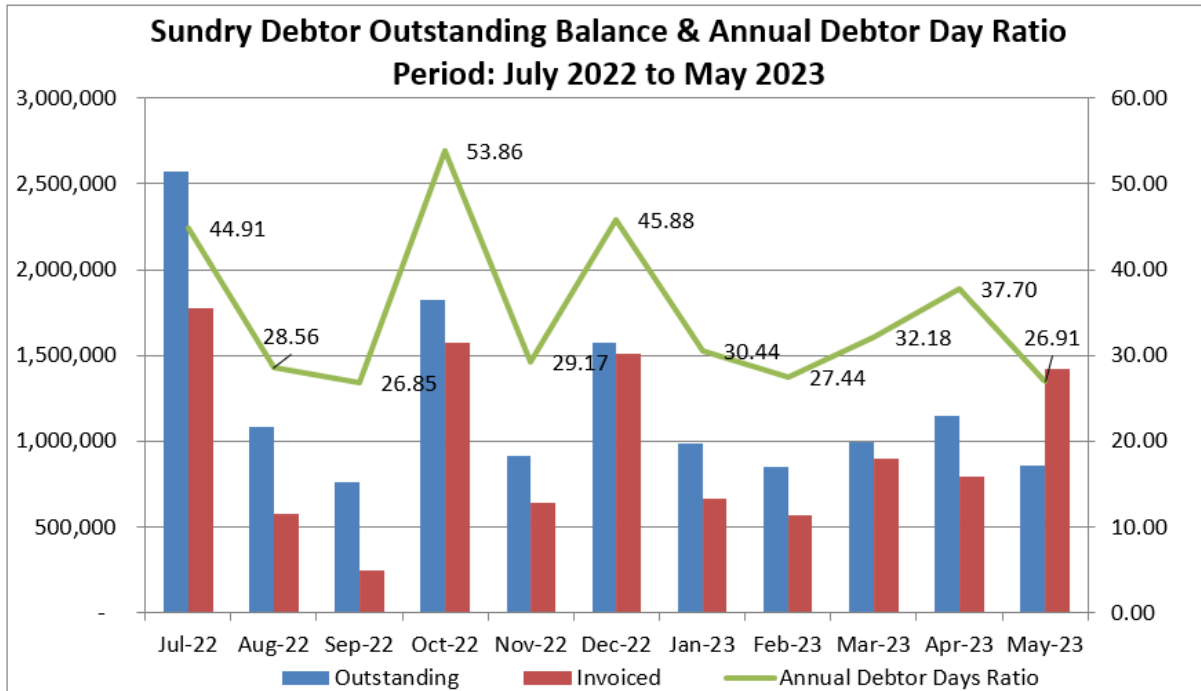
The calculation of the ratio considers the total amount outstanding at the end of the period divided by the total amount invoiced to that period for the financial year. This is then multiplied by the total number of days from 1 July to the end of the period. See calculation in the graph to follow.

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

As at 31 May 2023, the Debtor Day Ratio was 26.91 – being a decrease from the prior reporting period as at 28 February 2023 – of 27.44. Of outstanding debt as at 31 May 2023, 42% related to current invoices that were not yet due.



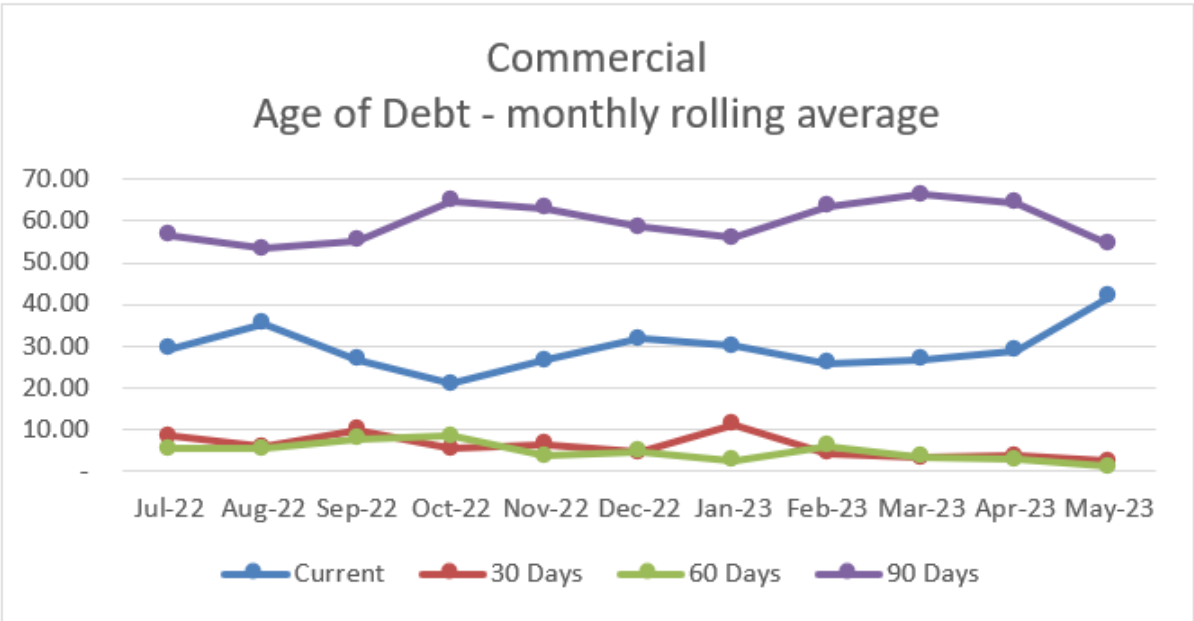
The chart to follow indicates a positive trend since July 2022 with a notable reduction in debtor day ratio over time, indicating that on average outstanding debt is being collected more quickly. There has also been a significant reduction in total amount of outstanding debt since July 2022.



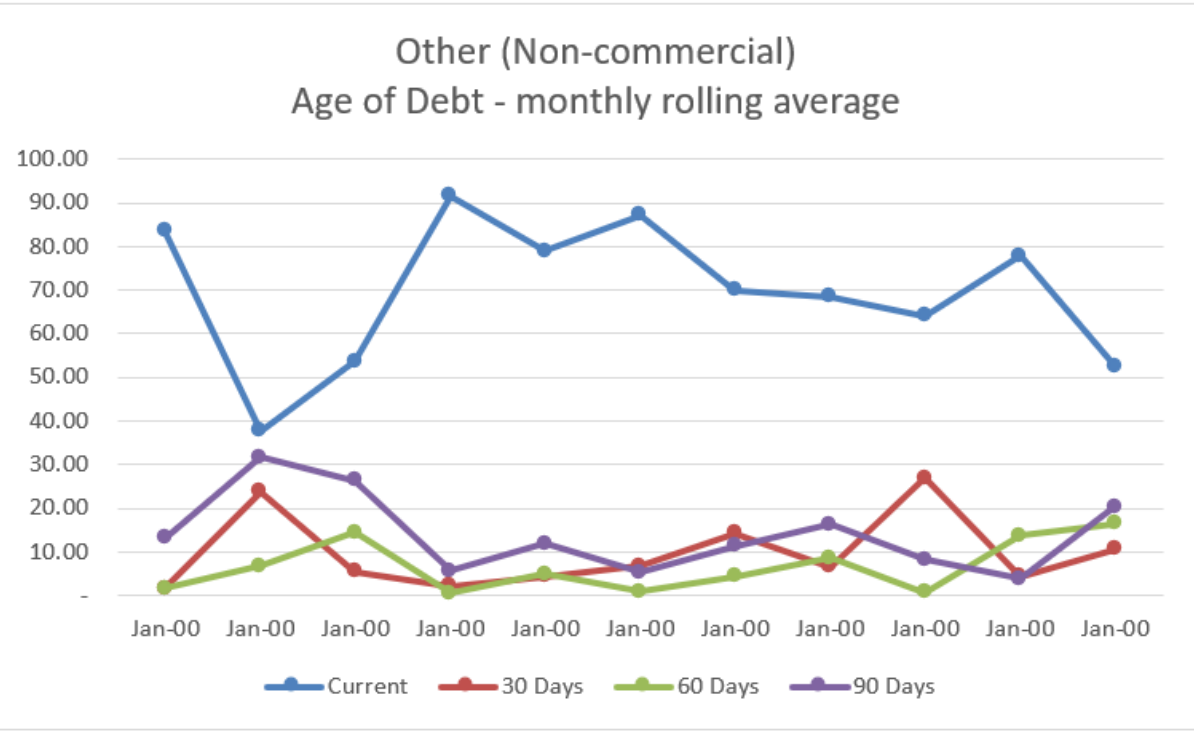
Age of Debt

The rolling 12-month Average for debt in each age category is shown in the graphs to follow for Commercial and Other (non-commercial) debt. These graphs show the 12-month average as at each point in time, to provide a view of the trend of the City's aged debt portfolio.

The monthly rolling average of Commercial debt shows that the portion of debt that is current has increased and remains below 42% while the portion of debt that is over 90 days has remained steady over time and appears to be decreasing in recent months. This currently includes debts associated with 2 commercial property debtors carrying a significant portion of the outstanding debt. This represents a positive trend and indicates an increasing percentage of debt being paid earlier. The portion of debt in the 30-59 days and 60-89 days has not significantly changed.

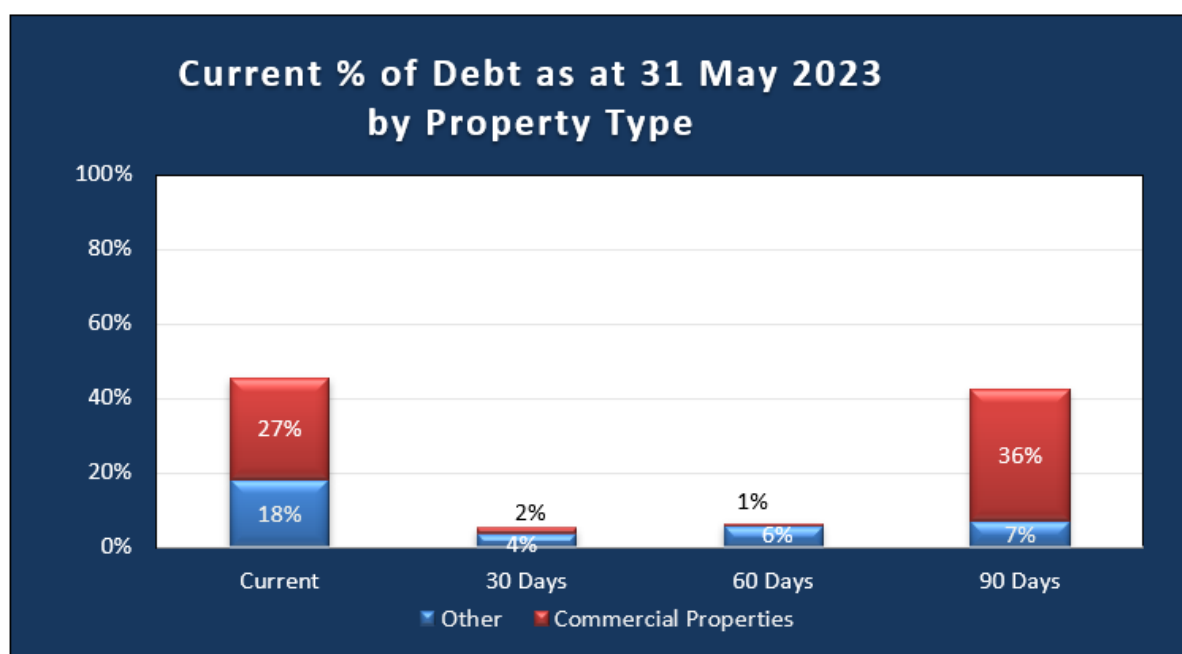


For Other (non-commercial) debt, the trends are also positive with current debt trending to represent a larger percentage of the total debt over the last 11 months and ended in May 23 being 53% of the outstanding balance. Debts over 30 days due have remained below 30% over the review period. This indicates a high degree of debts being collected timely.





The Current Value of Debt by Age category is shown in the graph to follow, split between Commercial Properties and Other (non-Commercial) Property Types:



Of total debt, Commercial Properties account for 53% (\$234K), and account for 21% of the debt owing 90 days or more (\$305k).

City officers continue to liaise with all commercial tenants to provide assistance, including payment arrangements, where appropriate.

Impact of COVID on Commercial Property

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

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

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

To date, of the \$492,579 only \$7,090 remains outstanding. This is a reduction from the prior reporting period of \$ 3,776 with all debtors currently paying their debts progressively via direct debit arrangements.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM ARMC2306-6
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council receive the Overdue Debtors Report as at 31 May 2023, and the confidential attachment listing overdue debts exceeding 90 days with the combined value, by debtor, exceeding \$10,000 as at 31 May 2023.

Carried en bloc: 12/0

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



11.2 Finance, Policy, Operations and Legislation Committee 14 June 2023

FPOL2306-8 DESTINATION DEVELOPMENT STRATEGIC PLAN 2023 – 2027

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development & Marketing
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. DRAFT City of Fremantle Destination Development Strategic Plan 2023 – 20272. Destination Marketing Strategic Plan 2018-2022 Review3. City of Fremantle Destination Marketing Strategic Plan 2018 – 20224. Destination Marketing Working Group Terms of Reference

SUMMARY

The purpose of this report is to seek Council approval for the Destination Development Strategic Plan 2023 – 2027.

This report provides an overview of the outcomes achieved during the completion of the current Destination Marketing Strategic Plan 2018 – 2022 which has come to the end of its current term, and key priorities as outlined in the proposed Destination Development Strategic Plan 2023 – 2027.

This report recommends that Council adopt the Destination Development Strategic Plan 2023 – 2027.

BACKGROUND

The City of Fremantle plays a key role in developing Fremantle as a tourism destination.

Prior to 2018, there was no central co-operative marketing approach and minimal marketing activity was delivered outside of Fremantle, with limited focus on specific markets, or initiatives seeking to attract new visitors.

By 2018, it was evident that Fremantle was changing with the Kings Square renewal project acting as a catalyst for increased investment in the city, including a significant boost to the accommodation and hospitality sectors.



As a result of this, it became important to develop a brand that captured the essence of Fremantle and could be used as a foundation to promote Fremantle's reputation as a desirable destination to visit, work and invest.

In 2018, to support the development of a suitable destination development approach, and to leverage the Fremantle transformation, the City of Fremantle formed the Destination Marketing Working Group (DMWG).

Made up of highly skilled industry representatives, a key outcome for the DMWG was to develop the DMSP 2018-2022 that supported all business-to-customer industries in Fremantle including retail, hospitality, professional services, and traditional tourism attractions, with extensive consultation from a variety of industry stakeholders.

The first Destination Marketing Strategic Plan (DMSP) was developed in 2018 in response to declining visitation and low engagement with the existing Fremantle brand. The previous destination brand *Fremantle-Be part of the story*, was not achieving the cut-through required in a competitive landscape and was approaching the end of its lifecycle.

This was seen as a significant issue given the massive transformation that Fremantle was (and still is) undergoing with unprecedented levels of investment in commercial, residential, retail and hotel projects not seen since the America's Cup.

The outcome was a roadmap for the future development of Fremantle as a destination for people to visit, live in, work, and invest.

As well as extensive consultation with a variety of stakeholders, the 2018-2022 DMSP was informed by thorough research and the analysis of the previous brand and marketing activities. Target markets were reviewed, and new markets segments defined.

As a result of consultation and analysis it was clear that Fremantle is seen as having a diverse range of experiences and the density of those experiences are reflected in the City's walkability.

At the same time, it was also clear that Fremantle needed more. So, in collaboration with the City of Fremantle, the DMWG's mission was to lead in the development of a compelling external-facing brand that represented Fremantle's identity, its values, and its unique selling points; as well as creating a strategy that was able to drive growth in Fremantle's visitor economy.

The brand values that evolved from the consultation phase were:

- Spirit – relates to Fremantle's vibrancy, liveliness, colour and fun;



- Soul – relates to Fremantle's arts and culture, heritage buildings and live music scene; and
- Sea – relates to Fremantle's beaches, its maritime history, the port, the seafood industry and unique coastal precincts such as Fishing Boat Harbour.

The positioning which was to form the basis of the City's brand and visual identity was: "Fremantle is a maritime city with spirit and soul."

This was further supported by seven strategic pillars that were developed to provide a clear pathway in the delivery of the strategic plan. They were:

- Brand
- Business tourism
- Gateway
- Visitor experience
- Events
- Growth
- Partnerships and advocacy.

The implementation of the DMSP was split across three phases:

- Building awareness in 2019-2020
- Generating momentum 2020-2021
- Maximising growth 2021-2022.

The four major market segments which form the basis of Fremantle's destination marketing opportunities were identified as:

- Leisure tourism
- Business tourism
- Major events
- Cruise shipping.

These markets were also segmented geographically to include intrastate, interstate, and international visitors. Opportunities within specific niche markets were also identified in the DMSP based on the diversity of unique experiences on offer in Fremantle. These included:

- Arts and culture lovers
- Recreation and fun-seekers
- Heritage enthusiasts
- Ocean, maritime and beach lovers
- Food and coffee lovers
- Shopping and retail
- Group travellers.

The key messaging behind these segments was that Fremantle is a destination that is rich and diverse in experience, one of the City's key differentiators.



Emerging markets including Aboriginal tourism; marine tourism and cultural tourism were also identified as opportunities.

Activations targeting families (specifically during school holidays) also became an important element of the marketing strategy providing the foundation for direct local business engagement and effective tactical campaigns which complemented the brand awareness campaigns.

According to Tourism Research Australia, Fremantle has attracted an average visitation of 1.27 million visitors per annum (TRA 5yr avg to 2019/20). Of overnight visitors to Destination Perth (DP) in 2019, 56% were Intrastate, 27% interstate and 17% international.

Due to COVID and associated border closures, focus shifted to engaging with the metropolitan and intrastate markets (81% of visitors in 2020). Once the WA border policy was revised in 2022 and the announcement that the state border was to open on 5 February 2022 (later changed to March), opportunities to partner with Tourism WA on destination marketing were established.

The success of the DMSP was to be measured by:

- Increased visitation (10%)
- Increased web visits and time on page
- Continual growth in subscribers and engagement on social media platforms
- Increase in digital and social media engagement during major campaign activity
- Greater number of commissionable and trade ready product
- Stronger relationships and partnerships.

Other qualitative success measures included:

- A significant number of stakeholders, businesses and operators having adopted the new brand as part of their own marketing activities
- The perception of Fremantle's brand and reputation improving in the eyes of the City's key visitor markets, particularly in Perth and the intrastate markets
- More population driven businesses operating in the city centre
- An increase in awareness of what's on offer in Fremantle
- Improved performance of the City's retail, hospitality and tourism businesses
- A greater number of Perth residents advocating for Fremantle as place for their friends and relatives to visit.

OFFICER COMMENT

The City of Fremantle's primary tourism goal is to increase the overall number of visitors to Fremantle and develop a more resilient and vibrant economy.



The launch of the THIS IS FREMANTLE Brand and its architecture in April 2019 was a major milestone and, with the investment into a content library that depicted the Brand values, there was a sound basis for the ongoing positioning of Fremantle as a destination city.

The new brand has been the inspiration for award-winning campaigns and the vehicle which has delivered the city's objective of increasing visitation despite the challenges associated with COVID from March 2020 to late 2021.

The development of two hero marketing assets – the website, vistfremantle.com.au, and the destination magazine (a holiday planner) - in November 2021 became significant initiatives in re-booting Fremantle's destination marketing post pandemic.

The development of the website, visitfremantle.com.au, was a critical strategic objective of the DMSP 2018-22 and represented a consolidation of a number of URLs the city had in 2017. Budget cuts during COVID delayed a full re-design but when it was finally launched, the website had a booking capability as well as providing rich information for visitors.

Initiatives undertaken between 2018 and 2022 to achieve objectives associated with the DMSP included:

- Promoting Fremantle as a visitor destination via a destination marketing strategy and the development of a new brand
- Creation of brand assets and content
- Collecting and collating key economic data and indicators to inform decision making
- Liaising, communicating and collaborating with the local business community and wider tourism industry
- Delivering business capacity building programs to aid businesses in leveraging the once-in-a-generation investment occurring within Fremantle
- Delivering a program of festivals, events and activations to attract visitors to Fremantle
- Investigating and delivering on ways to improve the visitor experience to Fremantle.

Results achieved throughout the four-year period of the DMSP can be summarised as follows:

- Based on a rolling three-year average, there was an increase in 39,778 day-trip visitors to Fremantle per annum between the period in which implementation of the DMSP commenced (2016-18) and the period in which the pandemic commenced (2018-21).



- In the 2018 to 2021 period, there was an average day trip visitors to Fremantle per annum of 832,000, as compared to 792,222 in the 2016-18 period.
- The pandemic resulted in a significant decline in average annual day trip visitation to 739,000 in the 2019-21 period (down from 832,000). However, this was only 53,000 less than the annual average visitation recorded in the 2015-17 period (post mining boom) which clearly demonstrated the positive impact of maintaining significant marketing activity throughout the pandemic period.
- 7.04 million people were reached through marketing campaigns
- 1m page views of the visitfremantle.com site (since brand launch April 2019)
- 1.25m people engaged on the City's social platforms
- Nearly 750,000 people were attracted to events in Fremantle
- \$4.52 million generated in economic impact from school holiday activations
- 70,312 extra people attracted to school holiday activations

A significant qualitative success measure of the DMSP was the recognition the City received in winning the top award for tourism excellence for a local government authority in the 2021 Western Australian Tourism awards, and a silver award for the THIS IS FREMANTLE destination marketing activities.

The following year in 2022, the City was awarded a gold medal in the Tourism Marketing and Campaign Award category for the THIS IS FREMANTLE destination marketing brand, qualifying for the national awards. The Tourism Marketing and Campaign Award recognises creativity and innovation in the promotion of tourism products, services or destinations.

The City was also awarded a gold medal in the Excellence in Local Government Tourism category for the second year running.

Further, Fremantle was named in 74th in 2021's top 100 Leading Tourism Destinations in the world as measured by the Tourism Sentiment Index (TSI). A tourism sentiment index number is calculated from data gathered from visitors' social media and booking platform's comments about destinations around the world.

Fremantle's TSI was 24.53 in 2021 with its most commonly expressed sentiment associated with Fremantle being "Joy". In 2022, Fremantle was named by TIME magazine as one of the 50 greatest places in the world.

The Destination Development Strategic Plan 2023-27 seeks to build on this success, and to maximise the growth already generated by the DMSP 2018-22 by providing a refreshed road map aimed at converting awareness of the Brand and the city's expanded visitor experiences, into business.



The strategic pillars supporting the delivery of the DDSP's overall objectives of increased visitation to Fremantle and positioning it as a destination city include:

- Grow brand equity and continue to position Fremantle as the most eclectic and spirited seaside destination in the world
- Continue to build the high-yield business tourism sector
- Recognise and promote Fremantle's position as a port town and western gateway to WA
- Ensure the visitor experience in Fremantle is world standard
- Ensure Fremantle's spirit and vibrancy is reflected through events and activations
- Build on partnerships to amplify the Brand and advocate to key stakeholders to enable strategic alignment and shared destination outcomes

FINANCIAL IMPLICATIONS

An allocation has been made in the draft 2023/24 budget to fund activities linked to the delivery of this strategy.

LEGAL IMPLICATIONS

Subject to the adoption of this strategy, it is likely the City will be required to enter in to some contractual agreements to assist in the delivery of some services.

CONSULTATION

A range of stakeholder feedback and input has been considered as part of the review of the former strategy and the development of this strategy. Including but not limited to Fremantle Chamber of Commerce via membership on the DMWG, direct engagement with all members of the DMWG, engagement with elected members, Business Events Perth, Charter One, Fremantle Accommodation Association members, Fremantle Fishing Boat Harbour members, Fremantle Markets, Fremantle Port Authority, Fremantle Prison, Fremantle Tours, Fremantle Visitor Centre, Kidogo Arthouse, Public Transport Authority, Republic of Fremantle, SeaLink, Sirona Capital, Stand Up Paddleboards, Tourism Australia, Tourism Western Australia, WA Maritime Museum and WA Shipwreck Museum.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COMMITTEE RECOMMENDATION FPOL2306-8
(Officer's Recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Rachel Pemberton

Council:

- 1. Receive and note the outcomes achieved through the delivery of the previous Destination Marketing Strategic Plan 2018-2022, as provided in the attached Destination Marketing Strategic Plan 2018-2022 Review.**
- 2. Adopt the DRAFT City of Fremantle Destination Development Strategic Plan 2023 – 2027 as provided in attachment 1.**

PROCEDURAL MOTION

At 6:49pm the following procedural motion was moved:

Moved: Cr Ben Lawver

Seconded: Cr Marija Vujcic

Defer the item to the next appropriate Finance, Policy, Operations and Legislation Committee meeting to allow time for further clarification on information within the report.

Lost: 2/10

For
Cr Ben Lawver, Cr Marija Vujcic

Against
**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Geoff Graham, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Reason for deferral:

Concerns about how this report is drafted, and to allow time for further clarification.



COUNCIL DECISION ITEM FPOL2306-8
(Officer's and Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Rachel Pemberton

Council:

- 1. Receive and note the outcomes achieved through the delivery of the previous Destination Marketing Strategic Plan 2018-2022, as provided in the attached Destination Marketing Strategic Plan 2018-2022 Review.**
- 2. Adopt the DRAFT City of Fremantle Destination Development Strategic Plan 2023 – 2027 as provided in attachment 1.**

Carried: 10/2

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Geoff Graham, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Ben Lawver, Cr Marija Vujcic



12. Reports and recommendations from officers

C2306-1 ADOPTION OF THE ANNUAL BUDGET 2023-2024

Meeting date:	28 June 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Annual Budget 2023-242. Operating and Capital Projects 2023-243. Annual Fees and Charges 2023-24

SUMMARY

This report is to consider the adoption of the 2023-24 Budget which includes the Municipal, Trust and Reserve Fund budget for the 2023-24 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Budget 2023-24 includes just over \$121 million in operating and capital expenditure over the coming financial year. The budget has been prepared taking into consideration the Strategic Community Plan, Corporate Business Plan and 10-year financial plan.

This budget proposes a 9% increase in revenue collected via rates as well as increases in most non-statutory fees and charges in line with CPI where appropriate.

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

This report recommends that Council adopt the 2023-24 Budget which comprises the Statutory Financial Statements, setting of rates and associated rate charges, annual fees and charges, use of reserve funds and Elected Member fees and allowances.



BACKGROUND

The draft 2023-24 budget has been compiled based on principles contained in the Strategic Community Plan and Corporate Business Plan. In preparing the proposed budget for 2023-24 a thorough review of all base operating, capital and operating projects has been undertaken by Elected Members and Management through a series of long-term financial planning and budget workshops between February and June 2023.

The proposed differential general rates and minimum payments were endorsed for advertising by Council's FPOL Committee at its meeting of the 10 May 2023 and advertised for public comment. Two (2) submissions were received. Noting that the two submissions were received outside of the advertising period, a register of the submissions received with comments has been included in this report for Council consideration.

FINANCIAL IMPLICATIONS

This report sets the 2023-24 annual budget for the City of Fremantle.

LEGAL IMPLICATIONS

The draft budget 2023-24 has been prepared in accordance with the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

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

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2023-24 budget as presented is considered to meet statutory requirements.

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



CONSULTATION

While no specific consultation has occurred on the draft 2023-24 budget, community consultation and engagement has previously occurred during development of the Strategic Community Plan from which the Corporate Business Plan was developed. In addition, the proposed differential rates were advertised in news media and available on the City's website from Thursday 11 May 2023.

OFFICER COMMENT

2023/24 Annual Budget

In developing the Budget, consideration has been given to the local and national economic climate. Global economic conditions have driven rapid inflation and increasing cost pressures across most developed economies. Western Australia has not been immune to this, and Local Governments have had to absorb significant increases to the cost of service delivery and wage growth.

Despite these challenges the City of Fremantle has progressively returned to pre-covid levels of service delivery after revenue sources such as general fees and charges, paid parking and commercial property have begun to recover.

Growth in rates revenue has fallen below sustainable levels following a 0% rate increase in 2021, as well as a decrease in discretionary revenues as our economy recovers from COVID alongside a period of significant CPI increases.

During COVID, the city's revenue sources ranging from paid parking and rates to commercial properties were significantly reduced. Post-COVID, the city has been re-building revenue streams with new commercial property opportunities, but the reality remains that rates revenue accounts for more than 60% of the City of Fremantle's income.

An important indicator of the City's financial health is our asset sustainability ratio. This ratio, as recommended by the State Government provides a guide on the level of investment that should be made in to maintaining our physical assets. The ratio suggests that if our investment is at least equal to the depreciation of our existing assets, then it is likely our assets are being adequately maintained.

The City has been working towards achieving the recommended target ratio range of between 90 – 110% (a renewal spend of at least 90% of the value of depreciation) and is on track to achieve this in the coming years.

These assets – parks, footpaths, buildings, library, roads, facilities etc – are worth \$450million and the City needs to ensure an adequate program to maintain them, as any delay will present a financial burden for coming future generations.



To maintain the momentum in working towards the achievement of this strategic goal for the City's finances, the City must continue to increase investment in to the renewal of existing assets.

For the City of Fremantle this means continuing to work towards the investment of at least \$10 million into the renewal of its existing assets.

A key objective in this year's budget is to close the gap on this target, following a short period of reduced investment as a result of the pandemic.

The City has recommended, advertised and invited submissions on an increase to revenue generated by rates of 9%. The proposed increase is to ensure that the community's expectations as to liveability and service delivery are not only met but continue to grow.

Sustainable growth now will ensure there is an adequate level of investment into the renewal of existing community assets so they can continue to be accessed and utilised by the community.

Notwithstanding a key focus needs to be on achieving an appropriate level of investment into renewal, the City is also committed to ongoing investment in to new projects and initiatives that add value for local communities both in the City Centre and across our suburbs. As such it is intended that we continue to build our financial capacity so that we can work towards investing up to \$5 million annually in new projects that meet both the needs of our growing community and the ongoing operational requirements of service delivery.

As we continue to work towards this goal, the 2023/24 draft budget proposes an investment of over \$4 million of municipal funding into the City's capital renewal program. This is in addition to existing renewal spend (approx. \$7.4m) being carried forward from the 2022/23 financial year.

In addition to this, the budget proposes investment into a number of capital and operating projects which focus on delivering core services to our suburbs and building capability within the organisation to ensure timely and cost-effective delivery.

Noting the aforementioned focus on growing investment into to our renewal program, the 2023/24 budget is predicated on the achievement of the following core objectives.

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



The 2023/24 budget will represent an important step towards building the necessary financial capacity to achieve these objectives. Looking ahead the City's supporting financial strategy will seek to:

- Strengthen our focus on investment into renewal in line with the value of asset depreciation.
- Build reserves to fund and deliver new capital projects alongside major developments to encourage and attract residential investment in the City centre.
- Continue to grow councils discretionary spend on new, renewal and operating projects to \$15 million.

Budget Highlights

The main features of the draft budget for 2023-24 include:

- The City will generate \$57.9m in rate income, an increase of \$5.3m on last year's budget. The rate income generated by the City for this budget comprises 64% of operating revenue sources, as compared to 63% in the budget set for 2022/23.
- Total budget income is \$110.2m, comprised of \$7.7m in capital grants, \$4.7m in proceeds from sale of assets and \$97.8m in operating cash income (including rate income and carried forward surplus).
- Total budget expenditure is \$111.8m, comprised of \$24.5m in capital expenditure, \$84.5m in operating cash expenditure and \$2.8m in loan principal and lease repayments.
- The capital works programme (inclusive of carried forward projects) totals \$24.5m, which is being funded by;
 - \$7.8m from grants and contributions,
 - \$6.3m transferred from reserves, and
 - \$10.2m from municipal funds and carried forward funds
 - \$0.2m from proceeds of sales of assets

A highlight of key capital projects to be undertaken is provided later in this report. The full capital works programme is contained within the attachments.

- There are no new loan borrowings proposed for this budget.
- Reserve funds are expected to be reduced by \$1.8m during 2023-24.



Significant transfers to reserves are:

- \$4.5m to Investment Reserve from proceeds from sale of land.
- \$0.1m to investment reserve for future contributions towards commercial tenancy fit out.
- \$0.25m to Renewable Energy Investment Reserve for future sustainability initiatives, including solar panels, solar thermals, community batteries and electrical storage batteries.

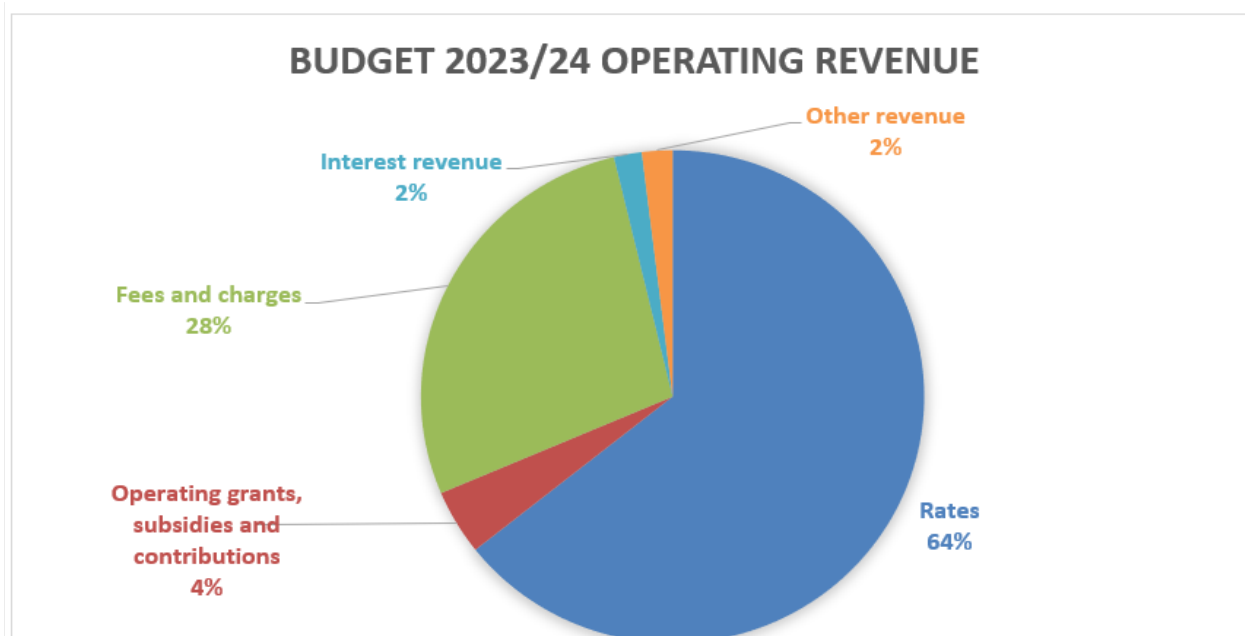
Significant transfers from reserve are:

- \$2m from Parking Dividend Equalisation Reserve towards installation of Carpark 11.
- \$1.7m from Parking Dividend Equalisation Reserve for the replacement of parking ticket machines.
- \$0.5m from South Beach Reserve towards design and construct South Beach changerooms.
- \$0.4m from Investment Reserve towards fit-out costs related to Walyalup Civic Centre commercial tenancies.
- \$0.8m from Hilton Park Sports Reserve towards design and construct Hilton Reserve.
- \$0.4m from Investment Reserve towards design and construct - Booyembara Park Masterplan.
- \$0.5m from Fleet Reserve towards fleet replacement.

Operating Budget

REVENUE

The total operating revenue budget totals \$90m and is comprised of:



	Budget 2023-24	Budget 2022-23
Rate Income (incl. Specified Area)	\$57.9m	\$52.8m
Service Charges (Underground Power)	\$0m	\$1.3m
Operating Grants, Subsidies and Contributions	\$3.8m	\$3.0m
Fees and Charges	\$25m	\$23.5m
Interest Earnings	\$1.5m	\$0.7m
Other Revenue	\$1.8m	\$2.7m
Total Operating Revenue	\$90.0m	\$84.0m

- Rates – 64%

Total revenue from rates (general and specified area rates) will increase by \$5.3m due to an average proposed rates increase of 9%, applied to slightly reduced interim property valuations as compared to 2022-23. The increase is in line with increasing cost pressures outlined earlier in this report and ensuring that all services and provision of amenities is maintained within a changing economic environment.



- Service Charges – 0.01%

There is a reduction in service charge income as compared to 2022-23 due to last year's budget including a service charge provision for the Hilton Underground Power project. The 2023-24 budget includes \$9k service charge income for provision of a community bore.

- Operating grants, subsidies and contributions – 4%

Total revenue from operating grants, subsidies and contributions is higher than 2022-23 mainly due to the timing of receipt of the Commonwealth Federal Assistance Grants. There is no indication from the commission that the 2023/24 1st quarter of the Commonwealth Federal Assistance Grants payment will be received in 2022/23 hence full amount of grants income is budgeted in 2023/24 budget. As an advance payment was received in 2021/22, a reduction of grants income was shown in the 2022/23 budget.

- Fees and charges – 28%

Fees and charges will generally increase by 6%. The total revenue from fees and charges will increase by \$1.5m which is mostly attributed to increased parking fees, income from commercial property. This is offset by reduced revenue from art centre education services due to maintenance work at the Fremantle Art Centre.

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

- Interest Earnings – 2%

Total revenue from interest earnings will increase by \$0.9m due to the high interest rates and available cash funds for investment. It is also noted that the Reserve Bank of Australia (RBA) board raised its cash rate 25 basis points to 4.1% on 6 June 2023 - the highest since April 2012. Current investment markets continue to offer attractive interest rates.

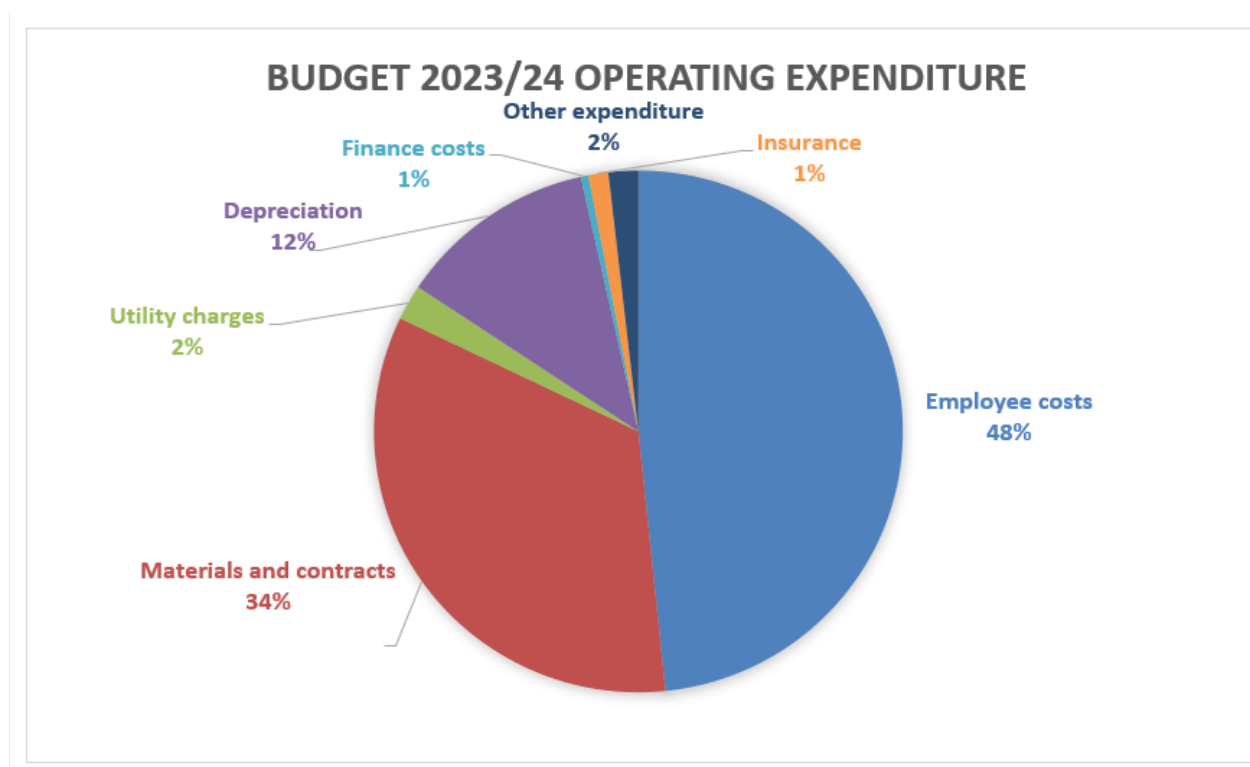
- Other revenue including Profit on sale of assets – 2%

Total revenue from other revenue will decrease by \$0.7m mostly attributed to the reduction of profit on asset disposals. Disposal of assets fluctuates from year to year.



EXPENSES

The total operating expenses budget totals \$96.2m and is comprised of:



	Budget 2023-24	Budget 2022-2023
Employee costs	\$46.5m	\$42.1m
Materials and contracts	\$32.5m	\$29.2m
Utilities	\$2.1m	\$2.1m
Depreciation	\$11.7m	\$11.4m
Finance costs	\$0.4m	\$0.5m
Insurance expenses	\$1.2m	\$1.1m
Other expenses	\$1.7m	\$2.0m
Total Operating Expenses	\$96.2m	\$88.4m



- Employee costs – 48%

Total expenses from employee costs will increase by \$4.4m due to increases in salaries and wages, workers compensation insurance cost and the legislated increase to superannuation guarantee. It should be noted that Western Australia is still facing issues with skills shortages especially for technically qualified staff and may cause potential challenges for the City in attraction and retention of its workforce.

- Materials and contracts – 34%

Total expenses from materials and contracts will increase by \$3.3m due to increased expenditure on operating projects, contract expenses & programs. Increases are also to allow for CPI adjustments to recurring costs and project expenditure to deliver core services and key projects.

- Utility Charges – 2%

Utility charges which comprise electricity, gas and water costs are based on forecast unit charges together with any growth in usage. Total expenses from Utility charges are expected to remain at the same level as 2022-23 FY. This is achieved by savings in electricity due to solar panels on the Walyalup Civic Centre, however is offset by recent price escalations in the energy market.

- Depreciation – 12%

This is a non-cash item and does not affect rates and charges. Depreciation is included in the Statement of Comprehensive Income to reflect the reduction in the value of assets. Total expenses from depreciation will increase by \$0.4m, mainly due to capitalisation of the capital projects in 2022-23FY.

- Finance costs– 1%

Total expenses from interest expense relate to loan agreements with the Western Australian Treasury corporation (WATC). Lease agreements will reduce by \$52k as the City's outstanding principal on loan borrowings has been reduced due to repayment of loan instalments.

- Insurance expenses – 1%

Total expenses from insurance expense will increase by \$0.1m due to the expected increase in annual insurance premiums as indicated by the Local Government Insurance Scheme of Western Australia (LGIS).

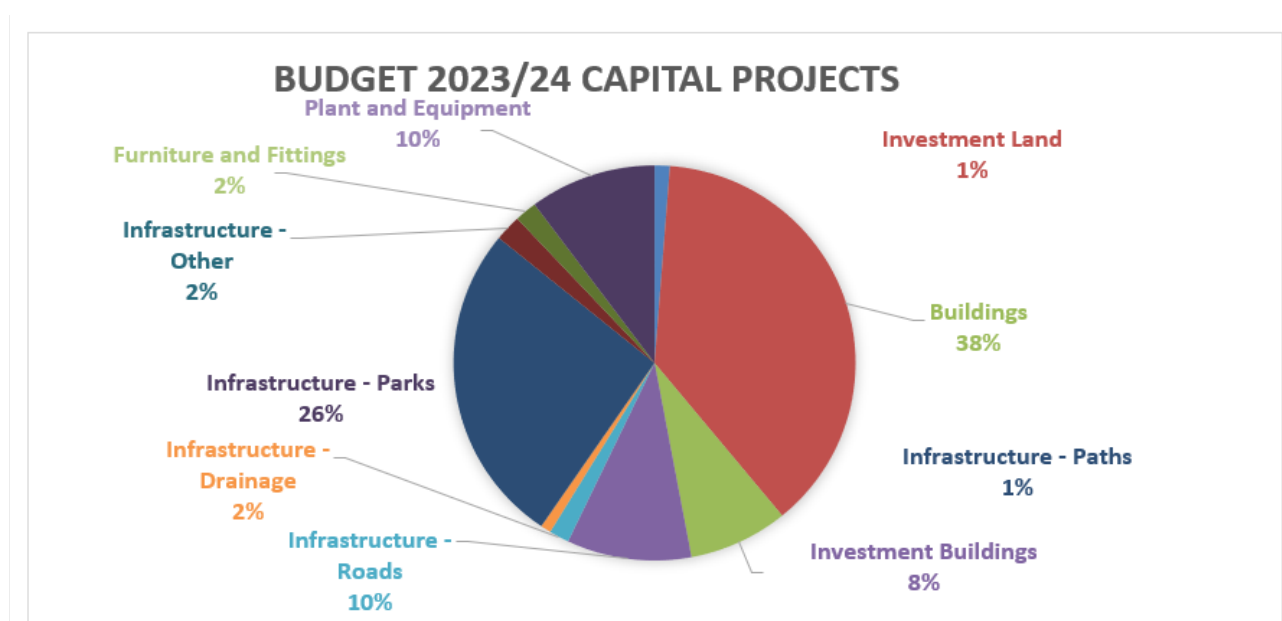


- Other expenses – 2%

Other expenses comprise of Statutory fees, taxes, provision for bad debts, donations and subsidies made to community groups and this will increase by \$92k.

Capital Projects

The capital budget 2023-24 includes \$24.5m in capital expenditure in these key areas:



Below are some of the major projects included in the capital budget, including some carried forward projects:

Renewal projects:

- Progression of the Hilton Park and Dick Lawrence Reserve Masterplan
- Works to the façade of 38 Henry Street
- Upgrade of the South Beach Changerooms
- Delivery of a series of renewal programs across the areas of drainage catchment, footpaths, Carpark resurfacing, fleet replacement, bores & irrigation
- Ecological restoration works at Prawn Bay
- Delivery of programs via R2R grant funding
- Upgrades to the Fremantle Arts Centre including lighting, air-conditioning, ventilation, climate control, and the fire system.
- Upgrades to heritage buildings including the Moore's Building, Old fire station, DADDA and Victoria Pavilion
- Refurbishment of public toilets at the Point Street car park



- Delivery of commercial tenancy fit outs

New projects:

- Delivery of sustainability initiatives
- Purchase of Victor Felstead Artworks
- Delivery of a Creative Hub at the Fremantle Arts Centre, in partnership with the federal Government
- Provision of access matting at South Beach
- Upgrades to the Local History Centre at the WCC
- Portable steps for the Leisure Centre
- Implementation of additional city centre car parking capacity at car park 11 (adjacent to Esplanade Youth Plaza)

Operating projects:

- Coastal monitoring across our beaches (North and South)
- Delivery of the WAEC Local Government elections and Strategic Community Plan review
- Support for the Sculpture at Bathers festival
- Urban forest tree planting & Bushland restoration
- Delivery of a series of IT projects to build organisational capacity
- Delivery of Workforce Plan and City Plan

A detailed listing of all individual capital works program projects is included in attachment 2 – Proposed Budget for Operating and Capital Projects 2023-24.

The capital budget does not include any new loan borrowings for next financial year. The opening loan principal balance on 1 July 23 is \$20.4m and, taking into account the principal repayments throughout 2023-24, the estimated closing balance at 30 June 2024 is \$18.2m.

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

7 Quarry Street	\$ 2,250,000
9 Quarry Street	<u>\$ 2,250,000</u>
TOTAL	<u>\$ 4,500,000</u>

Carry forward Capital Projects

As at the end of the 2022/23 financial year, some projects and asset replacements are either incomplete or not commenced. This may be due to:



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

It is estimated that the carry-forward capital projects from 2022/23 will amount to \$17.8m. This will bring the total Capital Works Program for 2023/24 to \$24.5m. The carried forward project component is (estimated at \$17.8m) fully funded from the 2022/23 Budget. Actual amounts will however be adjusted based on the final end of year results.

Proposed Rates

In addition to any rating changes, the triennial valuation carried out by Landgate has also fallen in the current year and any changes to GRVs will be reflected in 2023/24 rating. Landgate has now completed the triannual gross rental valuation (GRV) assessments of all properties in the City of Fremantle as at the Date of Valuation, being 1 August 2021.

On 10 May 2023, Council's FPOL Committee endorsed advertising of the Statement of Objects and Reasons and the proposed differential rates and minimum payments for 2023-24.

The overall change in the GRV valuations roll was 14.35% based on 16,874 properties. Should ratepayers have queries regarding their valuations, they are encouraged to contact Landgate before lodging a formal objection.

The GRV values for the different rating categories changes are as per the Landgate extract. Rates are calculated by multiplying the property GRV by the Rate in the Dollar.

In noting some of the GRV changes, the city has amended the Rate in the Dollar for each rate category to account for the changes in the GRV.

As an example, if the Rate in the Dollar for the Residential Improved category remains unchanged into 2023/24, it would mean a 24.65% increase in rates for those ratepayers. Therefor the Rate in the Dollar has been adjusted prior to any additional increases being applied.

The following table and chart outlines the proposed rate in the dollar and minimum payment for the 2023/24 budget.



Rate Description	Rate in the \$	Minimum Payment
Residential Improved	0.079212	1,649
Commercial & Industrial General	0.107416	1,649
City Centre Commercial	0.107416	1,649
Residential Short Term Accommodation	0.107378	1,649
Vacant Residential Land	0.136819	1,599
Vacant Commercial & Industrial	0.158423	1,649

An advertisement calling for public submissions was placed in The Fremantle Herald newspaper and on the City's public notice webpage from Thursday 11 May 2023. Submissions were also invited via the City's e-newsletter Freo Weekly. Two submissions were received as detailed in the table below, noting that the submissions were received outside of the advertising period of 11 May to 1 June 2023.



No. Ward

Submission from Property Owner

1	Beaconsfield (Submissions closed on 1 June 2023 – received 6 June)	<p>I write regarding the City of Fremantle’s proposed rate increase for 2023/2024. The published rate increase of approximately 8 or 9 percent is preposterous and incredibly excessive.</p> <p>This percentage increase far outstrips a realistic and considerate increase. Whilst WA has a high CPI, this proposed increase exceeds annual CPI and will place significant pressure on many residents, particularly at a time with high cost of living and increasing interest rate payments.</p> <p>Combined with the CAT bus proposed funding reduction, it would appear the City of Fremantle has not been managing its budget and is now frantically making knee jerk decisions to cut costs and increase revenue. These decisions do not cater for long term planning, or the best outcomes for ratepayers and residents.</p> <p>At the same time, the City is also losing revenue through abolishing paid vehicle parking (eg corner opposite Fremantle markets, and site of new Police Station).</p>
2	East Ward (received on 4 May 2023 prior to advertising period)	<p>We, as rate payers, would be very cross if the rates increase dramatically this year, especially as you’ve just spent \$300,000 on the bike track which will be used by young people from many other councils.</p>

The proposed 2023/24 rating structure, nominated Rates in the Dollar and minimum payments which are recommended for consideration are as follows:

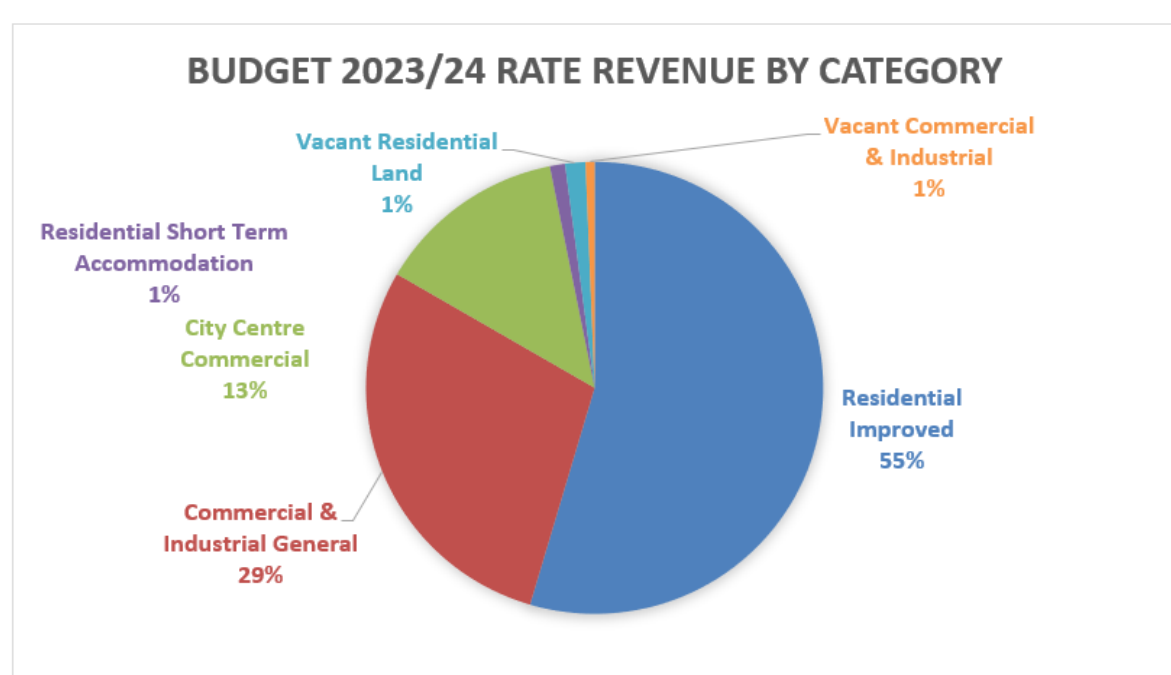
Differential Rate Category	Proposed Rate in the Dollar (\$)	Proposed Minimum Payment
Residential Improved	0.079212	1,649
Commercial & Industrial General	0.107416	1,649
City Centre Commercial	0.107416	1,649
Residential Short Term Accommodation	0.107378	1,649
Vacant Residential Land	0.136819	1,599
Vacant Commercial & Industrial	0.158423	1,649



The proposed 2023/24 specified area rates to be applied, increased by 9% on 2022/23, are provided in the table to follow:

Specified area rate	Purpose of the rate	Rate in the \$
CBD Security Levy	A safety and security strategy for a specified area of the Fremantle CBD.	\$0.001381
Leighton Maintenance	To fund the above normal costs associated with maintaining the higher standard of landscaping of the Leighton residential area.	\$0.005976

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



Alternative Rate Payment Options

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

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



Reserves

Each year, the City reviews the purposes of its existing reserves and whether new reserves are required as part of the budget process.

A change to the existing Renewable Energy Investment Reserve has been proposed as follows.

- Change of the name to: Sustainability Investment Reserve
- Change of purpose to: Invest in projects that promote positive sustainability and renewable energy related outcomes or projects and programs that support net zero outcomes or develop options for net zero. If no sustainability or renewable energy related projects can be identified, the fund will accumulate that year's contribution.

The budget for 2023/24 indicates that the closing position for reserves as at 30 June 2024 will be \$8.1M.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

1. Council notes the submissions received regarding the differential rates which were advertised for 21 business days from 11 May 2023;
2. Council adopts the following:
 - 2.1. Annual budget for the financial year ending 30 June 2024;
Pursuant to the provisions of Section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in Attachment 1 for the City of Fremantle for the 2023-24 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,461,363.
 - Statement of Cash Flows, showing cash at end of the year position of \$9,391,516.
 - Statement of Financial Activity showing an amount required to be raised from general rates of \$57,889,128.
 - Notes to and Forming Part of the Budget
 - Capital Budget Program of \$24,521,681 including carry forward projects of \$17,847,723.



- Transfers to/from Reserve Accounts as per note 9(a) of attachment 1

2.2. Differential Rates;

Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 Council impose the following differential general rates and minimum payments on Gross Rental Values for 2023-24 financial year:

Differential Rate Category	Proposed Rate in the Dollar (\$)	Proposed Minimum Payment
Residential Improved	0.079212	1,649
Commercial & Industrial General	0.107416	1,649
City Centre Commercial	0.107416	1,649
Residential Short Term Accommodation	0.107378	1,649
Vacant Residential Land	0.136819	1,599
Vacant Commercial & Industrial	0.158423	1,649

2.3. Concessions/waiver;

Pursuant to Section 6.47 of the Local Government Act 1995 Council adopts to grant rate concessions of \$157,689 to the properties identified and as prescribed in Note 2(f) of the proposed 2022-23 annual budget.

Concessions adopted are capped at \$10,000pa maximum per ratepayer in budget 2023/2024.

2.4. Instalments;

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

- Full payment:
Due date – Friday 1 September 2023
- Two (2) instalment option:
1st instalment due date – Friday 1 September 2023
2nd instalment due date – Friday 10 November 2023
- Four (4) instalment option:
1st instalment due date – Friday 1 September 2023
2nd instalment due date – Friday 10 November 2023
3rd instalment due date – Friday 12 January 2024
4th instalment due date – Friday 15 March 2024
- Twenty (20) fortnightly instalments (for direct debits only) option:
Commencing direct debit date – Friday 1 September 2023
Final payment direct debit date – Friday 7 June 2024



- e) Forty (40) weekly instalments (for direct debits only) option:
Commencing direct debit date – Friday 1 September 2023
Final payment direct debit date – Friday 7 June 2024

2.5. Administration Charge;

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge of \$40.20 fixed for the 4-instalment plan and an instalment administration charge of \$13.40 fixed for the 2-instalment plan where the owner has elected to pay rates and charges through the instalment options; being \$13.40 for each instalment after the initial instalment is paid.

2.6. Instalment Interest;

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

2.7. Penalty Interest;

Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates, charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable, the rate of interest that may be set by a local government in its 2023/24 annual budget may not exceed 11%.

2.8. Fees and Charges;

Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included within Proposed Fees and Charges Schedule for 2023-24 as per attachment 3.

2.9. Elected Members' Fees and Allowances for 2023-24;

Council adopt the following Elected Members' fees and allowances, in accordance with the Salaries and Allowances Tribunal determination dated 19 April 2023:

- a) Pursuant to Section 5.99 of the Local Government Act 1995, Council adopts the following annual attendance fee for payment of elected members in lieu of individual meeting attendance fees:
- Mayor \$49,435
 - Deputy Mayor \$32,960
 - Councillors \$32,960



- b) Pursuant to Section 5.99A of the Local Government Act 1995, Council adopts the following annual allowances for elected members:
- ICT Allowance \$3,500
- c) Pursuant to Section 5.98(5) of the Local Government Act 1995, Council adopts the following annual allowance, to be paid in addition to the annual meeting attendance fee:
- Mayor \$93,380
- d) Pursuant to Section 5.98A of the Local Government Act 1995, Council adopts the following annual allowance, to be paid in addition to the annual meeting allowance fee:
- Deputy Mayor \$23,345

2.10. Material Variance

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022-23 for reporting material variances shall be 10% together with minimum value of \$100,000.

2.11. Reserve Funds

Changes to the current renewable energy investment reserve as follows:

- a) Change the title of the reserve to the Sustainability Investment Reserve; and
- b) Change of purpose of the reserve to invest in projects that promote positive sustainability and renewable energy related outcomes or projects and programs that support net zero outcomes or develop options for net zero. If no sustainability or renewable energy related projects can be identified, the fund will accumulate that year's contribution.

2.12. Underground Power Service Charge

Pursuant to section 6.38 of the Local Government Act 1995, in 2022/23 the City imposed an Underground Power service charge for the Hilton Underground Power Project of \$1.26m, to be recovered in 2022/23 or alternatively over seven years from affected properties with no interest being payable in 2022-23.

Property owners who elected for a seven (7) year term, will incur the seven (7) year component of either a network charge, connection charge or both, with the maximum charge for each property being no greater than the charges specified in the table below.



Charge Type	Charge Amount in 22/23
Network Charge	\$38.56
Connection Charge	\$2,674.79
Total	\$2713.35

MINOR AMENDMENT

Moved: Cr Doug Thompson

Seconded: Cr Bryn Jones

Add the words “and in accordance with the provisions of Australian Accounting Standards” to 2.1 as follows:

- 2.1. Annual budget for the financial year ending 30 June 2024;**
Pursuant to the provisions of Section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996, and in accordance with the provisions of Australian Accounting Standards, the Council adopt the Municipal Fund Budget as contained in Attachment 1 for the City of Fremantle for the 2023-24 financial year which includes the following:
- **Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,461,363.**
 - **Statement of Cash Flows, showing cash at end of the year position of \$9,391,516.**
 - **Statement of Financial Activity showing an amount required to be raised from general rates of \$57,889,128.**
 - **Notes to and Forming Part of the Budget**
 - **Capital Budget Program of \$24,521,681 including carry forward projects of \$17,847,723.**
 - **Transfers to/from Reserve Accounts as per note 9(a) of attachment 1**

Amendment carried: 11/1

For

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

Against

Cr Marija Vujcic



AMENDMENT 1

Moved: Cr Ben Lawver

Seconded: Cr Adin Lang

To add an additional part to the Officer's Recommendation as follows:

2.13. Improving Parks;

Authorise the reallocation of an amount of \$500,000 from Destination Marketing account 100557.6823 associated with the delivery of the draft Destination Development Strategic Plan 2023-2027 to the most appropriate budget account for improving our parks, noting:

- a. The total budget allocated towards destination marketing related activities, inclusive of estimated staffing costs and operational expenditure is approximately \$850,000.
- b. The intent of the reallocation is to deliver currently unfunded projects of high strategic value with an emphasis on converting disused sumps into new accessible greenspaces.
- c. Any prioritisation for the creation of new parklands should include the following:
 - a. Equity of access (prioritise areas where residents do not currently have access to green spaces)
 - b. Making existing parks larger (including consideration if converting a sump would add significantly to an already existing greenspace.)
- d. The money is to remain quarantined until a further report on the most suitable parks related allocation of those funds is brought back to council for approval.

Lost: 2/10

For

Cr Ben Lawver, Cr Marija Vujcic

Against

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Geoff Graham, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Cr Rachel Pemberton left the meeting at 7:43pm and returned at 7:45pm prior to the vote on the following amendment.



AMENDMENT 2

Moved: Cr Ben Lawver

Seconded: Cr Marija Vujcic

Cr Ben Lawver withdrew the amendment at 7:46pm.

Cr Ben Lawver revoked the withdrawal at 7:47pm after information was provided by Director City Business in relation to differential rate.

To amend the proposed City Centre Commercial differential rate as follows:

2.2. Differential Rates;

Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 Council impose the following differential general rates and minimum payments on Gross Rental Values for 2023-24 financial year:

Differential Rate Category	Proposed Rate in the Dollar (\$)	Proposed Minimum Payment
Residential Improved	0.079212	1,649
Commercial & Industrial General	0.107416	1,649
City Centre Commercial	0.107416 0.114552	1,649
Residential Short Term Accommodation	0.107378	1,649
Vacant Residential Land	0.136819	1,599
Vacant Commercial & Industrial	0.158423	1,649

Lost: 2/10

For

Cr Ben Lawver, Cr Andrew Sullivan

Against

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome,
Cr Geoff Graham, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Rachel Pemberton, Cr Adin Lang**



COUNCIL DECISION ITEM C2306-1
(Amended officer's recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

1. Council notes the submissions received regarding the differential rates which were advertised for 21 business days from 11 May 2023;

2. Council adopts the following:

2.1. Annual budget for the financial year ending 30 June 2024; Pursuant to the provisions of Section 6.2 of the Local Government Act 1995, Part 3 of the Local Government (Financial Management) Regulations 1996, and in accordance with the provisions of Australian Accounting Standards, the Council adopt the Municipal Fund Budget as contained in Attachment 1 for the City of Fremantle for the 2023-24 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,461,363.**
- **Statement of Cash Flows, showing cash at end of the year position of \$9,391,516.**
- **Statement of Financial Activity showing an amount required to be raised from general rates of \$57,889,128.**
- **Notes to and Forming Part of the Budget**
- **Capital Budget Program of \$24,521,681 including carry forward projects of \$17,847,723.**
- **Transfers to/from Reserve Accounts as per note 9(a) of attachment 1**

2.2. Differential Rates;
Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 Council impose the following differential general rates and minimum payments on Gross Rental Values for 2023-24 financial year:

Differential Rate Category	Proposed Rate in the Dollar (\$)	Proposed Minimum Payment
Residential Improved	0.079212	1,649
Commercial & Industrial General	0.107416	1,649
City Centre Commercial	0.107416	1,649
Residential Short Term Accommodation	0.107378	1,649
Vacant Residential Land	0.136819	1,599
Vacant Commercial & Industrial	0.158423	1,649



2.3. Concessions/waiver;

Pursuant to Section 6.47 of the Local Government Act 1995 Council adopts to grant rate concessions of \$157,689 to the properties identified and as prescribed in Note 2(f) of the proposed 2022-23 annual budget.

Concessions adopted are capped at \$10,000pa maximum per ratepayer in budget 2023/2024.

2.4. Instalments;

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

- a) Full payment:
Due date – Friday 1 September 2023
- b) Two (2) instalment option:
1st instalment due date – Friday 1 September 2023
2nd instalment due date – Friday 10 November 2023
- c) Four (4) instalment option:
1st instalment due date – Friday 1 September 2023
2nd instalment due date – Friday 10 November 2023
3rd instalment due date – Friday 12 January 2024
4th instalment due date – Friday 15 March 2024
- d) Twenty (20) fortnightly instalments (for direct debits only) option:
Commencing direct debit date – Friday 1 September 2023
Final payment direct debit date – Friday 7 June 2024
- e) Forty (40) weekly instalments (for direct debits only) option:
Commencing direct debit date – Friday 1 September 2023
Final payment direct debit date – Friday 7 June 2024

2.5. Administration Charge;

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge of \$40.20 fixed for the 4-instalment plan and an instalment administration charge of \$13.40 fixed for the 2-instalment plan where the owner has elected to pay rates and charges through the instalment options; being \$13.40 for each instalment after the initial instalment is paid.

2.6. Instalment Interest;

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5%



where the owner has elected to pay rates and charges through an instalment option.

2.7. Penalty Interest;

Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates, charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable, the rate of interest that may be set by a local government in its 2023/24 annual budget may not exceed 11%.

2.8. Fees and Charges;

Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included within Proposed Fees and Charges Schedule for 2023-24 as per attachment 3.

2.9. Elected Members' Fees and Allowances for 2023-24;

Council adopt the following Elected Members' fees and allowances, in accordance with the Salaries and Allowances Tribunal determination dated 19 April 2023:

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

- | | |
|----------------|----------|
| • Mayor | \$49,435 |
| • Deputy Mayor | \$32,960 |
| • Councillors | \$32,960 |

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

- | | |
|-----------------|---------|
| • ICT Allowance | \$3,500 |
|-----------------|---------|

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

- | | |
|---------|----------|
| • Mayor | \$93,380 |
|---------|----------|

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

- | | |
|----------------|----------|
| • Deputy Mayor | \$23,345 |
|----------------|----------|

2.10. Material Variance



In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022-23 for reporting material variances shall be 10% together with minimum value of \$100,000.

2.11. Reserve Funds

Changes to the current renewable energy investment reserve as follows:

- a) Change the title of the reserve to the Sustainability Investment Reserve; and
- b) Change of purpose of the reserve to invest in projects that promote positive sustainability and renewable energy related outcomes or projects and programs that support net zero outcomes or develop options for net zero. If no sustainability or renewable energy related projects can be identified, the fund will accumulate that year's contribution.

2.12. Underground Power Service Charge

Pursuant to section 6.38 of the Local Government Act 1995, in 2022/23 the City imposed an Underground Power service charge for the Hilton Underground Power Project of \$1.26m, to be recovered in 2022/23 or alternatively over seven years from affected properties with no interest being payable in 2022-23.

Property owners who elected for a seven (7) year term, will incur the seven (7) year component of either a network charge, connection charge or both, with the maximum charge for each property being no greater than the charges specified in the table below.

Charge Type	Charge Amount in 22/23
Network Charge	\$38.56
Connection Charge	\$2,674.79
Total	\$2713.35

Carried: 11/1

For

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

Against

Cr Marija Vujcic



Cr Geoff Graham left the meeting at 8:00pm and was absent during discussion and voting C2306-2, C2306-4, C2306-5, C2306-3, and C2306-6.

ITEMS APPROVED "EN BLOC"

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

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

The following items be adopted en bloc as recommended:

C2306-2	ACCEPTANCE OF MINUTES AND CONSIDERATION OF MOTIONS FROM THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 6 JUNE 2023
C2306-4	STATEMENT OF INVESTMENTS – MAY 2023
C2306-5	SCHEDULE OF PAYMENTS – MAY 2023

Carried en bloc: 11/0

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



**C2306-2 ACCEPTANCE OF MINUTES AND CONSIDERATION OF MOTIONS
FROM THE ANNUAL GENERAL MEETING OF ELECTORS HELD
ON MONDAY 6 JUNE 2023**

Meeting date:	28 June 2023
Responsible officer:	A/Manager Governance
Decision making authority:	Council
Attachments:	1. Minutes of the Annual General Meeting held on 6 June 2023
Additional information:	Nil

SUMMARY

The purpose of this report is to receive the minutes of the Annual General Meeting of Electors (AGME) held on Monday 6 June 2023, and approve the recommended actions in response to the Motions carried at the meeting.

Questions raised at the meeting and officer responses are provided in the Minutes of the AGME, as shown in Attachment 1.

BACKGROUND

Local governments are required to hold a general meeting of electors once a year to receive the annual report and to give an opportunity to electors to move motions for Council to consider, and to ask questions on council matters.

The City of Fremantle 2020 AGME was held on Monday 6 June 2023, and four motions were carried at that meeting.

FINANCIAL IMPLICATIONS

There were no financial implications identified as a result of this report.

CONSULTATION

The date, time and location of the Annual General Meeting of Electors was advertised in the Fremantle Herald, on the City's public notice boards and on the City's official website for the 3 weeks preceding the meeting.

OFFICER COMMENT

The City of Fremantle 2021 AGME was held on 6 June 2022, approximately 27 members of the public attended, and four motions were moved at the meeting as follows:



1. Motion submitted by Ian Ker

That Council establish means of achieving more robust and ongoing engagement with, and understanding of the expectations and aspirations of, the Fremantle community, including, but not limited to:

1. Community Engagement Panel:

- **That provides a community voice to help guide decision making on major projects, plans and strategies and issues affecting the City.**
- **That reflects the City's demographic profile.**
- **Is constituted in a fair and transparent manner.**
- **That will be heard and facilitated in an impartial manner.**
- **That will be appropriately supported during the process and their participation valued.**
- **Council will give serious consideration to recommendations of the panel.**

2. Advisory Groups on important issues of ongoing concern, possibly similar to the Fremantle Youth Network, such as 'sustainability and environment', 'transport', 'universal access' and 'community safety'.

These to be in addition to existing My Say and other project-specific or issue-specific consultation opportunities and support of precinct groups.

The CEP and Advisory Groups will publish Minutes of meetings to further enhance community awareness.

Officer comment

Officers will review this matter and bring back a report to Council for consideration.

2. Motion submitted by Ian Ker

That Council provide more timely responses to questions raised by members of the public at Public Question time at Committee or Council Meetings than the current practice of including such responses in the agenda for the subsequent meeting.

Officer comment

This process has been reviewed, and responses to questions taken on notice will be provided in writing (via email) to members of public, as soon as practicable after the meeting, prior to the following Committee or Council meeting agenda being released. It should be noted, depending on the complexity of the questions



asked, officers may require additional time to respond, and this may coincide with the release of the relevant Agenda.

3. Motion proposed by Ian Ker

That the City of Fremantle improve the accessibility of the administration, over and above the current practice of providing only a single point of access for the whole Administration by phone or email, with the standard email response that 'your enquiry will be dealt with within 10 working days', which can result in unnecessary delays.

Opportunities might include such simple things as provision of a general email address and phone contact number for each functional area of the City:

- **Governance and communications**
- **Infrastructure and project delivery**
- **Planning, place and urban development**
- **Community development**
- **City business**

Officer comment

It is acknowledged that some improvement to how the city processes customer requests and enquiries may be beneficial. Officers will review current practices and provide a report recommending any opportunities for improvement

4. Motion proposed by Gina Blakemore

That City of Fremantle reinstate the Blue and Red CAT Buses back to 10 minutes in September 2023.

Officer comment

This matter was considered by Council at its meeting held 24 May 2023, and resolved the following:

Council:

1. *Having concluded a strategic review of the CAT service and its original intent, resolves to cease contributing financially to the service under the current funding arrangement maintaining the current service until the end of September 2023, and informs the PTA, noting that the proposed 2023-24 annual budget will require an adjustment to accommodate \$84,000 for the additional 3 months service.*
2. *Works with the PTA to seek to achieve: (a) the CAT service continuing on the basis of it being wholly or primarily funded by the WA government through the PTA and/or other funding partners, or, (b) the PTA replacing the CAT*



service with normal Transperth fare paying buses servicing the areas of South Fremantle within the current Blue CAT catchment, commensurate with other residential precincts across the City of Fremantle.

3. *Requests officers to initiate an Expression Of Interest (EOI), as detailed in this report, to investigate commercial opportunities for a 'hop on, hop off' bus service that responds to visitor demand, connects visitors to key city centre destinations and events, and integrates this with destination marketing.*
4. *Convenes a reference group to advocate to the PTA for service redesign to address the need for improved regular service buses in the South Fremantle area effective immediately. This Group would include community representatives.*

Officers are in the process of actioning the above decision of Council and no further action is recommended in relation to this motion.

A number of questions were asked at the meeting by electors and responses to these questions are provided in the Minutes of the AGME, provided in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2306-2 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Council:

- 1. Receive the minutes of the 2022 Annual General Meeting of Electors held on 6 June 2023, provided in Attachment 1.**
- 2. Acknowledge the motions carried at the 2022 Annual General Meeting of Electors, as outlined in this report.**
- 3. Approve the following recommendations relating to motions carried at the 2022 Annual General Meeting of Electors as follows:**

Motion 1: Note officers will review this matter and a report will be brought back to Council for consideration.

Motion 2: Accept the action taken by officers as outlined in this report.

Motion 3: Note officers will review this matter and a report will be brought back to Council for consideration.



Motion 4: Note the Council Decision dated 24 May 2023 in relation to the CAT bus service and no further action is required in relation to this motion.

Carried en bloc: 11/0

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



C2306-4 STATEMENT OF INVESTMENTS – MAY 2023

Meeting date: 28 June 2023
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Statement of Investments – May 2023

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 May 2023 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 31 May 2023, as provided in Attachment 1.

The investment report provides a snapshot of the City's investment portfolio and includes information as at 31 May 2023 in relation to:

- **Portfolio details;**
- **Portfolio credit framework;**
- **Portfolio liquidity;**
- **Portfolio fossil fuel summary;**
- **Interest income; and**
- **Investing activities.**

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle 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 into appropriately rated and liquid investments, until the City requires the money for operational expenditure.

The City seeks to ensure its financial investments consider the City's One Planet Fremantle Strategy. The City therefore seeks to limit investments in financial institutions which support, either directly or indirectly, fossil fuel companies, while balancing compliance with the Investment Policy, and achieving a suitable return on those investments.

FINANCIAL IMPLICATIONS

Investment interest earned year to date is \$1,396,268 against a YTD budget of \$1,060,130 and a full year amended budget of \$1,110,950. Interest earnings year to date are higher than budget, with \$153,518 being earned in May. The



Reserve Bank of Australia (RBA) board raised its cash rate 25 basis points to 4.1% on 6 June 2023 - the highest since April 2012. Current investment markets continue to offer attractive interest rates.

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 3.93% for the month of May 2023. The City's actual portfolio return in the last 12 months is 2.50%, which compares on par with the benchmark Bloomberg AusBond Bill Index reference rate of 2.64% (refer to Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

CONSULTATION

Nil

OFFICER COMMENT

The City's Investment Portfolio Manager has provided a comprehensive Investment Report for the month ending 31 May 2023 which can be viewed in the Attachment. A summary of the investment report is provided below.

1. Portfolio Details

As at 31 May 2023, the City's investment portfolio totalled \$40.90m. The market value of this investment was \$41.28m at that time, which takes into account accrued interest.

The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 7.40m
Term Deposits (> 3 months)	\$ 33.50m
TOTAL	\$ 40.90m

Of which:

Unrestricted cash	\$ 30.62m
Restricted cash (Reserve Funds)	\$ 10.28m



TOTAL	\$ 40.90m
-------	-----------

The current amount of \$30.62m held as unrestricted cash represents 35.75% of the total adopted budget for operating revenue (\$83.31m).

2. Portfolio Credit Framework

The City's Investment policy determines the maximum amount to be invested in any one Tier, or any one financial institution within a Tier, based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020, and the current adopted Counterparty Credit Framework is noted below.

Portfolio Credit Framework limits

The Portfolio Credit Framework limits prescribe the limit of investments that may be made within any Tier of financial institutions. The maximum allocation to be invested in each Tier, and the City's actual investment allocation in those Tiers as at 31 May 2023, is outlined below. It shows that the distribution of the City's investments across the four Tiers is compliant with the City's investment policy.

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	10,241,774.75	25.04%	100.00%	25.04%	74.96%	0.00%
Tier 2	21,162,162.34	51.74%	60.00%	86.23%	13.77%	0.00%
Tier 3	9,500,000.00	23.23%	35.00%	66.37%	33.63%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	40,903,937.09					
Values used in the above calculations exclude interest for term deposits and other simple interest securities.						

Within each Tier, the Counterparty Credit Framework limits prescribe the limit of investments that may be made with any one financial institution. The maximum percentage of investments to be held with any one financial institution, within a given Tier, are outlined below.



Counterparty credit framework

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

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

The City's funds invested as at 31 May 2023, relative to the Counterparty Credit Framework limits were as follows:



As highlighted in the chart above, the City's portfolio of investments as at 31 May 2023 is compliant with the City's investment policy.

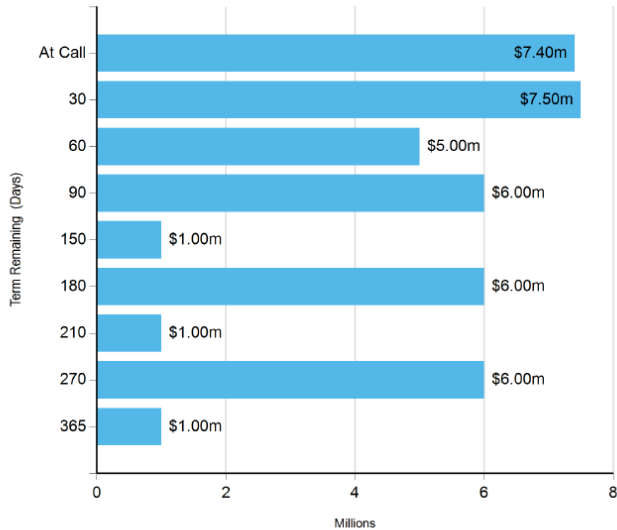
3. Portfolio Liquidity Indicator

The City's 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.

The below graph provides details on the maturity timing of the City's investment portfolio as at 31 May 2023. Currently, all investments will mature in one year or less.



Face Value by Term Remaining

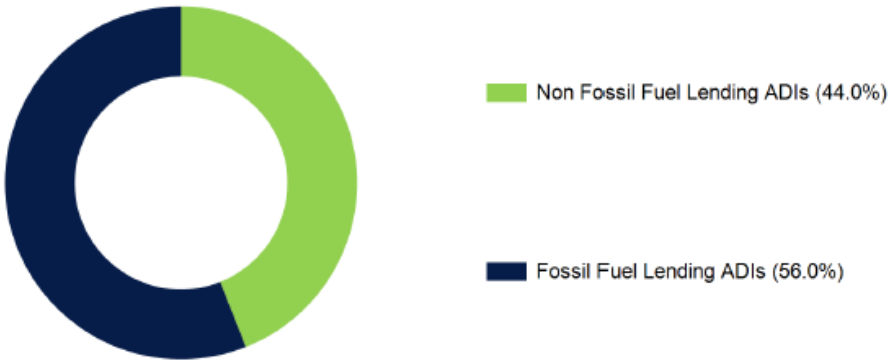


4. Portfolio Summary by Fossil Fuels Lending Authorised Deposit-Taking Institutions (ADIs)

To support the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to Tier 3 and Tier 4 categories, allowing greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase the percentage invested in “Green Investments”; being ADIs that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel Lending ADIs).

As at 31 May 2023, \$18m (44%) of the City’s portfolio was invested in “Green Investments”.

Fossil Fuel vs
Non Fossil Fuel
Lending ADI





Refer to Attachment 1 (Note 7) for details on which financial institutions these investments are held in.

Noting the intent of the policy, the City continues to monitor risk associated with current global economic conditions and the impact this may be having on the solvency of some banks, and subsequent security of the City's investments. As a result the City is currently prioritising higher rated banks (Tier 1 & 2) when it comes to investment activity. If a non-fossil fuel lender is providing competitive rates that will generate a suitable return, and fall within a tier 1 or 2 category, these lenders will be prioritised. Outside of this the City will continue to prioritise low risk investment activity across higher tier banks.

5. Interest Income for Matured Investments

Per Attachment 1 (Note 9), interest income earned during May 2023 from matured investments was \$173,841.

6. Investing Activities

In May 2023, four term deposits totalling \$11m matured and out of a total of \$6.0m were reinvested across 5 term deposits. \$1m from the matured AMP term deposit was redeemed on 28 April and received on 3rd May.

Full details of the institutions invested in, interest rates, number of days and maturity date for investments held as at 31 May 2023 are provided in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COUNCIL DECISION ITEM C2306-4 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Council receive the Investment Report for the month ending 31 May 2023, as provided in Attachment 1.

Carried en bloc: 11/0

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



C2306-5 SCHEDULE OF PAYMENTS – MAY 2023

Meeting date: 28 June 2023
Responsible officer: Procure to Pay Team Lead
Decision making authority: Council
Attachments: 1. Schedule of Payments and Listings
2. 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 30 May 2023, as required by the *Local Government (Financial Management) Regulations 1996*.

This report recommends that Council accept the list of payments made under delegated authority and accept the detailed transaction listing of Purchase Card expenditure.

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 May 2023, is provided within Attachments 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$8,680,365.28 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;*
 - (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 30 May 2023 by payment type:

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$ 6,047,829.24
Purchase card transactions	\$ 44,346.03
Salary / Wages / Superannuation	\$ 2,572,197.20
International Payments	\$ 15,992.81
Total	\$ 8,680,365.28

Attachment 1 provides a detailed listing of the payments by Cheque, EFT and Direct Debit, while Attachment 2 provides a detailed listing of Purchase Card transactions for the month ending 30 May 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2306-5
(Officer's recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$ 8,680,365.28 for the month ending 30 May 2023 including the Cheque /EFT/ Direct Debits as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, totalling \$44,346.03 for the month ending 30 May 2023, as contained within Attachment 2.**

Carried en bloc: 11/0

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



**C2306-3 ADOPTION OF CITY OF FREMANTLE CAT MANAGEMENT
AMENDMENT LOCAL LAW 2023**

Meeting date: 28 June 2023
Responsible officer: A/Manager Governance
Decision making authority: Council
Attachments: 1. Cat Management Amendment Local Law 2023

SUMMARY

This report is for council to consider the adoption of the City of Fremantle *Cat Management Amendment Local Law 2023*.

- 1. It is recommended that Council consider the submission received and adopt the City of Fremantle Cat Management Amendment Local Law 2023.**

The purpose and effect of the local law is as follows:

Purpose: To amend the *City of Fremantle Cat Management Local Law 2020* consistent with the undertakings provided to the Joint Standing Committee on Delegated Legislation, with inclusion of additional cat prohibited areas.

Effect: To amend schedule 3 of the City of Fremantle Cat Management Local Law 2020, to include all of the City's 'green' areas.

- 2. Cause the City of Fremantle Cat Management Amendment Local Law 2023 to be published in the Government Gazette and provide a local public notice stating the purpose and effect of the local law, when the local law will come into operation and that copies are available for public inspection.**
- 3. Authorise the Mayor and Chief Executive Officer to sign the adopted City of Fremantle Cat Management Amendment Local Law 2023, completed Explanatory Memorandum, and Statutory Procedures Checklist of the process used for the adoption of the local law.**

BACKGROUND

At the Finance, Policy, Operations and Legislation Committee held on 9 February 2022, Council resolved to give notice of its intention to make a City of Fremantle Cat Management Amendment Local Law 2022. The amendment local law was advertised for public comment on 19 February 2022.



At the Ordinary Council Meeting held on 22 June 2022, Council considered the submissions received and adopted the proposed amendment local law, with no further changes. Following the Council decision, a copy of the Explanatory Memorandum and supporting documentation relating to the amendment local law, was sent to the Minister for Local Government and the Joint Standing Committee for Delegated Legislation (JSCDL) for consideration.

The local law was published in the Western Australian Government Gazette on 1 July 2022, No. 97 at page 4035, and local public notice of the adoption of the local law was provided in the Fremantle Herald on 10 July 2022.

The Chair of Joint Standing Committee on Delegated Legislation (JSCDL) wrote to the City on 21 September 2022, advising of matters raised by the committee in response to the Cat Management Amendment Local Law 2022 and recommended an undertaking to delete clause 7.

This clause amended schedule 3 'Cat Prohibited Areas' to remove the current list of areas where cats are prohibited, and replaced it with the words '*All City of Fremantle owned and managed property*'.

The JSCDL rejected this part of the amendment local law and requested that clause 7 be deleted on the following grounds:

- inconsistency with Cat Act 2011.
- inconsistency with section 79(3)(f) of the Cat Act 2011, which requires a local law to specify places where cats are prohibited absolutely.
- clause 7 operates in a way that has an unintended effect on cat owners existing rights and interests.

A copy of the letter from the JSCDL, is provided in addition documents 1 under confidential cover, as it contains information that is consider confidential and privileged.

Council at its meeting on 26 October 2022, resolved to accept the undertaking provided by the JSCDL and requested officers to prepare an amendment to the Cat Management Local Law 2020, to amend the Cat Prohibited Areas in Schedule 3, to include all of the City's 'green' areas.

FINANCIAL IMPLICATIONS

No financial implications were identified as a result of this report.



LEGAL IMPLICATIONS

If Council resolves to initiate an amendment to the local law, the procedure is the same as it would be for making a new local law. As set out in Section 3.12 of the *Local Government Act 1995*, and summarised below:

- **Council initiate process** - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) *Local Government (Functions and General) Regulations 1996*
- **Public notice** – s3.12(3) of the Act
- **Notification to Minister** - s3.12(3)(b) of the Act
- **Considering Submissions** – s3.12(4) of the Act
- **Gazettal notice** – s3.12(5) of the Act
- **Public notice** – s3.12(6) of the Act
- **Explanatory Memoranda** – s3.12(7) of the Act
- **Commencement of local law** - s3.14 of the Act
- **Review by government (Joint Standing Committee on Delegated Legislation)** - s3.17 of the Act

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that for the purposes of Section 3.12 of the *Local Government Act 1995*, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

CONSULTATION

In accordance with Section 3.12(3) of the *Local Government Act 1995*, the City provided local public notice of the proposed City of Fremantle Cat Management Amendment Local Law 2023, inviting submissions for a period of no less than six weeks, ending Monday, 8 May 2023.

The community were invited to make a submission via the following methods:

- [My Say Freo](#) website
- email info@fremantle.wa.gov.au
- in person at the Walyalup Civic Centre, 151 High Street, Fremantle
- in writing and posted to PO Box 807, Fremantle WA 6959

At the closing date for receipt of public submissions on Monday 8 May 2023, one public submission on the proposed amendment local law had been received, as follows:



Cat Management Amendment Local Law 2023 submissions		
#	Suburb	<i>Note: Identifying information other than Suburb has been removed.</i>
1	FREMANTLE	Crude blanket restrictions without signification or any benefit to retention of wild life, and which merely serves to burden, and even persecute cat owners, are not acceptable. After almost two centuries of the presence of cats and the continuing existence of native and feral wildlife in Fremantle, any restriction should be targeted at locations where susceptible wild life is present rather than say crows or seagulls in artificial non natural environments such as sports grounds. Merely being a green area does not make a location, a location needing to be banned to cats in order to ensure the preservation of native wildlife. Flocking and non flocking birds, particularly non ferals, in the wide open spaces of ovals etc are hardly at risk from cats, nor are they rare and uncommon, let alone vanishing species. Feral rats and mice if present on the open spaces could be at risk but their removal is a good thing. All sports grounds, open extensive mown grass areas, and other open artificial areas should be removed from the proposed list.

OFFICER COMMENT

This amendment local law addresses the undertakings provided by the JSCDL and subsequently adopted by Council at its meeting in October 2022, and is intended to replace the following clause 7 from Cat Management Amendment Local Law 2022 (gazette on 1 July 2022):

7. Schedule 3 amended

~~(1)~~ Delete Schedule 3 and insert:

<p style="text-align: center;"><i>Schedule 3</i> CAT PROHIBITED AREAS</p>	
<p>Places where cats are prohibited – All City of Fremantle owned and managed property.</p>	[clause 2.1]

In response to the request by Council, the proposed amendment will reinstate the original list of "Cat Prohibited Areas" in schedule 3 of the local law and expands the schedule to include all of the City's 'green' areas. The following table shows



the expanded list of 'green' areas to be included as schedule 3 - cat prohibited areas. The orange shaded places indicate the current Cat Prohibited Areas.

Schedule 3 CAT PROHIBITED AREAS		
Places where cats are prohibited –		
[clause 2,1]		
#	Common Name	Location
1	Alfred Park	Alfred Rd, North Fremantle
2	Bathers Beach Reserve/ Arthur Head Reserve	Phillimore St, Fremantle
3	Beach Reserve	Beach St, Fremantle
4	Beacy Park	McCleery St, Beaconsfield
5	Booyeembara Park	80 Montreal St, Fremantle
6	Bruce Lee Reserve	South St, Beaconsfield
7	Burford Reserve 1	1 Burford Pl, North Fremantle
8	Burford Reserve 2	17 Burford Pl, North Fremantle
9	Cantonment Hill Reserve	Queen Victoria St, Fremantle
10	Collick Reserve	Collick St, Hilton
11	Coral Park	Coral St, South Fremantle
12	Cypress Hill	64 Harvest Rd, North Fremantle
13	Cypress Hill POS	6 Cypress Ln, North Fremantle
14	Davies Reserve	Amherst St, White Gum Valley
15	Davis Park	Edgar Ct, Beaconsfield
16	Douglas Park	Douglas St, Fremantle
17	Dublin PAW	The Cutting, North Fremantle
18	East Street Jetty	Beach St, Fremantle
19	Edmund Reserve	Edmund St, Fremantle
20	Edwards College Reserve	College Cnr, O'connor
21	Everybody's Park	Jackson St, North Fremantle
22	Florence Park	Marine Terrace, South Fremantle
23	Frank Gibson Park (G)	Forrest St, Fremantle
24	Fremantle Oval	Ellen St, Fremantle
25	Fremantle Park	4 Ellen St, Fremantle
26	Fremantle Primary School Park	19 Brennan St, Fremantle
27	Fremantle Public Golf Courses	Montreal St, Fremantle

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28	Gilbert Fraser Reserve	21 John St, North Fremantle
29	Gold Park	19 Francisco St, South Fremantle
30	Gordon Dedman Park	6 Thompson Rd, North Fremantle
31	Griffiths Park	Nicholas Cr, Hilton
32	Grigg Park	Snook Cr, Hilton
33	Harvey Beach	Harvest Rd, North Fremantle
34	Hicks Park	Hicks St, North Fremantle
35	Hilton Park	311 Carrington St, Beaconsfield
36	Hines Park	Hines Rd, O'Connor
37	Holland Park	Holland St, Fremantle
38	Hollis Park	South Beach Promenade, South Fremantle
39	Horrie Long Reserve	Forrest St, Fremantle
40	Jarvis Park	30 Jarvis St, O'Connor
41	Knutsford Reserve	Knutsford St, Fremantle
42	Leighton Beach	14 Leighton Beach Bvd, North Fremantle
43	Leighton Beach Reserve	Port Beach Road, North Fremantle
44	Leighton Park 1	1 Leighton Beach Bvd, North Fremantle
45	Leighton Park 2	25 Leighton Beach Bvd, North Fremantle
46	Lillydale Park	Dale St, South Fremantle
47	Lookout Park	12 College Cnr, O'connor
48	McCabe Park	16 Harvest Rd, North Fremantle
49	Mills and Wares Park	17 Jenkin St, South Fremantle
50	Minilya Park	10 Minilya Av, White Gum Valley
51	Monument Hill Memorial Reserve	249 High St, Fremantle
52	Moorni Boorn Park	32 Paget St, Hilton
53	Naylor Reserve	18 Naylor St, Beaconsfield
54	North Fremantle Foreshore Reserve	Johannah St, North Fremantle
55	Parmelia Park	50 Commercial St, South Fremantle
56	Peace Grove	311 Carrington St, Beaconsfield
57	Pensioner Guard Park	21 Pensioner Guard Rd, North Fremantle
58	Petterson Reserve	Petterson Ave, Samson
59	Phillimore Gardens	Phillimore St, Fremantle
60	Pioneer Reserve	1 Short St, Fremantle
61	Plane Tree Reserve	Bayleaf Rtt, O'connor

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62	Point Direction Reserve	431 Harvest Rd, North Fremantle
63	Port Beach reserve	Port Beach Road, North Fremantle
64	Prawn Bay	Johanna St, North Fremantle
65	Princess May Park	92 Adelaide St, Fremantle
66	Queens Square	High St, Fremantle
67	Railway Reserve	28 Phillimore St, Fremantle
68	Rocky Bay Reserve	Rule St, North Fremantle
69	Royal Fremantle Golf Course	359 High Street, Fremantle
70	Rule Park	36 Rule St, North Fremantle
71	S.E.W. Park	465 Thompson Rd, North Fremantle
72	Salentina Ridge POS	11 Moran St, Beaconsfield
73	Sardelic Park	30 Butterworth Pl, Beaconsfield
74	Signal Station Reserve	4 Burt St, Fremantle
75	Sir Frederick Samson Park	McCombe Av, Samson
76	Soroptimist Rose Garden	High St, Fremantle
77	Sorrell Park	483 Bruce St, North Fremantle
78	Sorrell Park	Doepel St, North Fremantle
79	Sorrell Park	482 Bruce St, North Fremantle
80	South Beach Reserve	Ocean Dr, South Fremantle
81	South Beach	Ocean Rd, South Fremantle
82	South Beach Promenade	South Beach Pde, South Fremantle
83	Stevens Reserve	1532 Stevens St, Fremantle
84	Tangney Reserve	Tangney Crescent, Samson
85	The Esplanade Reserve	45 Marine Tce, Fremantle
86	Tuckfield Oval	70 Tuckfield St, Fremantle
87	Tyrone Reserve	Tyrone St, North Fremantle
88	Un-named park	2 Nanine Av, White Gum Valley
89	Valley Park	26 Mulberry Farm Lane, White Gum Valley
90	Virginia Ryan Park	Watkins St, Fremantle
91	Walyalup Koort	3 Adelaide St, Fremantle
92	War Memorial Park	Harvest Rd, North Fremantle
93	Westmeath Park	Westmeath St, North Fremantle
94	Wilson Park	South Tce, South Fremantle



It is recommended that Council consider the submission received and adopted the proposed City of Fremantle Cat Management Amendment Local Law 2023, as provided in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM C2306-3 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

- 1. Considers the submission received during the consultation period for the proposed City of Fremantle Cat Management Amendment Local Law 2023.**
- 2. Adopt the City of Fremantle Cat Management Amendment Local Law 2023, as shown in Attachment 1.**

The purpose and effect of which is as follows:

Purpose: To amend the *City of Fremantle Cat Management Local Law 2020* consistent with the undertakings provided to the Joint Standing Committee on Delegated Legislation, with inclusion of additional cat prohibited areas.

Effect: To amend schedule 3 of the City of Fremantle Cat Management Local Law 2020, to include all of the City's 'green' areas.

- 3. Cause the City of Fremantle Cat Management Amendment Local Law 2023 to be published in the Government Gazette and provide a local public notice stating the purpose and effect of the local law, when the local law will come into operation and that copies are available for public inspection.**
- 4. Authorise the Mayor and Chief Executive Officer to sign the adopted City of Fremantle Cat Management Amendment Local Law 2023, completed Explanatory Memorandum, and Statutory Procedures Checklist of the process used for the adoption of the local law.**

Carried: 10/1

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For

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

Against

Cr Marija Vujcic



C2306-6 MONTHLY FINANCIAL REPORT - MAY 2023

Meeting date: 28 June 2023
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Monthly Financial Report – May 2023

SUMMARY

The monthly financial report for the period ending 31 May 2023 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

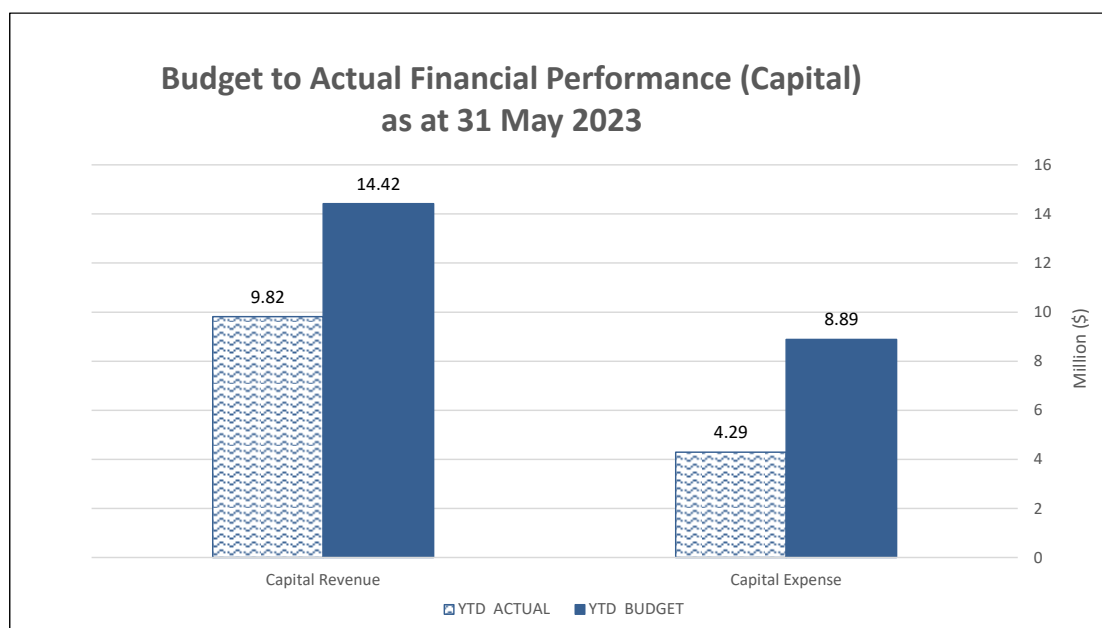
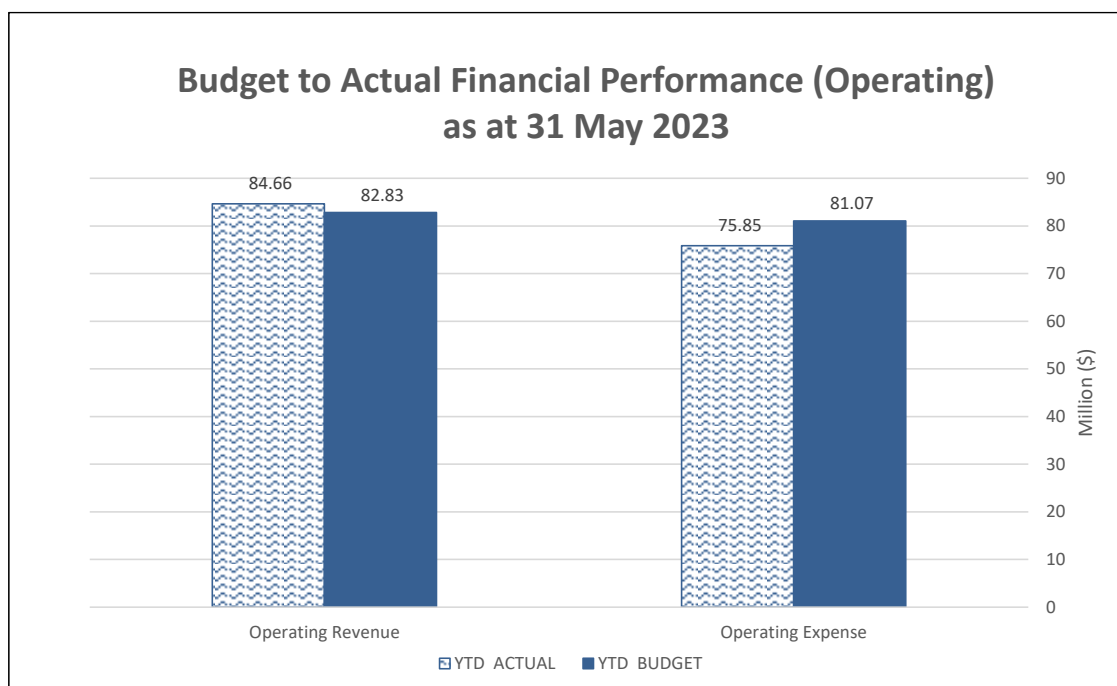
This report provides an analysis of financial performance up to May 2023 based on the following statements:

- **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.**

This financial report for the period ended 31 May 2023 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums, also including carry forward adjustments and mid-year budget amendments.

BACKGROUND

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 31 May 2023.



RATE SETTING STATEMENT – BY NATURE AND TYPE FOR THE PERIOD TO 31 May 2023

Below is a summary of the year-to-date Rate Setting Statement, by Nature and Type, to 31 May 2023. The detailed Statement can be found in the attached Financial Report.



Description	YTD Amended Budget	YTD Actual	Variance	Variance
	\$M	\$M	\$M	%
Opening Surplus	14.40	10.57	(3.83)	(26.55%)
Operating				
General Rate Revenue	53.19	53.22	0.03	0.05%
Revenue (Exc. Rates)	29.64	31.44	1.80	6.07%
Expenses	(81.07)	(75.85)	5.22	6.44%
Non-Cash Adj.	10.41	9.64	(0.77)	
	12.17	18.45	6.28	51.60%
Investing				
Capital Revenue	8.89	4.29	(4.60)	(51.76%)
Capital Expenses	(14.42)	(9.82)	4.60	31.92%
	(5.53)	(5.53)	0.00	0.00%
Financing				
Repayment Loans & Leases	(2.34)	(2.35)	(0.01)	0.60%
Reserve Transfers	(1.48)	(3.90)	(2.42)	163.38%
	(3.82)	(6.25)	(2.43)	63.70%
Closing Surplus/(Deficit)	17.22	17.24	0.02	0.13%

STATEMENT OF COMPREHENSIVE INCOME – BY NATURE AND TYPE FOR THE PERIOD TO 31 May 2023

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Adopted Budget as follows:

Description	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Operating Income				
Rates (including Annual Levy)	53,375,534	53,401,344	25,810	0.05%
Service Charges	758,804	1,199,155	440,351	58.03%
Op. Grants, Subsidies & Contributions	3,154,268	2,448,084	(706,184)	(22.39%)
Fees and Charges	22,257,437	23,696,137	1,438,700	6.46%
Interest Earnings	1,517,130	1,814,378	297,248	19.59%
Reimbursement Income	1,081,997	1,337,645	255,648	23.63%
Other Income	689,221	757,895	68,674	9.96%



Total	82,834,391	84,654,638	1,820,247	2.20%
Operating Expenses				
Employee Costs	(37,747,940)	(35,415,955)	2,331,985	6.18%
Employee costs - Agency Labour	(1,517,920)	(1,597,555)	(79,635)	(5.25%)
Materials and Contracts	(26,410,088)	(23,920,902)	2,489,186	9.43%
Depreciation – Non-Curr. Assets	(10,410,260)	(10,664,129)	(253,869)	(2.44%)
Interest Expenses	(480,781)	(467,030)	13,751	2.86%
Utility Charges	(1,774,106)	(1,629,445)	144,661	8.15%
Insurance Expenses	(973,722)	(911,385)	62,337	6.40%
Other Expenditure	(1,759,321)	(1,236,274)	523,047	29.73%
Total	(81,074,138)	(75,842,675)	5,231,463	6.45%

Further explanation of material variances can be found under Officer's Comments below.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER'S COMMENT

Summary of financial performance

As at the end of May 2023, the City continues to perform well financially with a closing funding surplus of \$17.24m, over the year to date amended budget by \$22,564.

There is an additional operating surplus of \$6.25m for the period ended 31 May 2023, however this is offset by audit related adjustments of \$3.82m relating to carry forward funds from the 2021-22 FY. The Net surplus attributable to



operating activities is therefore \$2.43m. Capital expenditure is underspent by \$4.60m and as such some projects will be carried forward to the 2023/24FY.

Recognised capital revenue is lower than budgeted by \$4.6m. According to the accounting standard AASB 15 Revenue from Contracts with Customers, grants income can only be recognised as revenue to the extent of the contract obligation being fulfilled and matched to the cost incurred. As such, between the grants being received and associated costs being incurred the unspent grants are recorded as a contract liability. As at 31 May 2023, the City has derecognised \$5.03m in unspent capital grants and \$0.44m in unspent operating grants. These unspent grants were transferred from the revenue account to the contract liability account.

Interest income remains higher than budget due to increasing interest rates generating strong investment returns. However, the City continues to monitor risk associated with global economic conditions and the impact this may be having on the solvency of some banks, resulting in the City tending to prioritise higher rated banks when it comes to investment activity.

Overall parking revenue continues to be the primary contributor to increased fees and charges revenue. Underspend in salary and wages are due to vacant positions. Expenditure on materials & contracts has fallen behind budget mainly due to cost savings and timing difference in receipt of invoices.

In summary, year to date, as at the end of May 2023, the current surplus exceeds the YTD amended budget by \$22,564. This is mainly due to favourable variances against the year-to-date budget in the following areas:

- Increased Service Charge revenue of \$440k;
- Increased Fees and Charges revenue of \$1.44m;
- Increased Interest Earnings of \$297k;
- Budget variance in operating expenditure of \$5.22m; and
- Budget variance in capital expenditure of \$4.6m.

These favourable variances were offset by:

- Below-budget carry forward funds from the 2021-22 financial year of \$3.82m compared to the amended budget;
- Below-budget Reserve Transfers (Capital and operating) of \$2.42m;
- Below-budget Capital Grants and Subsidies/ Contributions for the development of Assets of \$4.6m; and
- Below-budget Operating Grants Income of \$706k.



Accounting methods

The City manages its finances in line with the requirements of the Local Government Act 1995, associated regulations and Australian accounting standards.

The City carries out accounting on both an accrual basis and a cash basis.

Accrual accounting requires accounting transactions to be recognised and recorded when they occur, regardless of whether payment/receipt has been made at that time, in accordance with the Australian Accounting standards.

The City accounts for Rates, Service Charges, Interest income on term deposits, Insurance expenses and Interest expenses on borrowings (loans) & leases on an accrual basis.

The remainder of income and expenditure items are recognised and recorded at the period they are encountered.




Explanation of Material Variances & YTD Performance

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 the 2022-23 financial year for reporting material variances as 10% together with the minimum value of \$100,000 (Refer Item C2201-1 from Council meeting on 20 July 2022).

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

Building on the favourable opening surplus for the year, the following items explain the City's major variances in operating performance for this financial year, as highlighted in the year-to-date Rate Setting Statement as at 31 May 2023:





Description	Variance Amount (\$)	Comment
Net current assets at start of financial year - surplus/(deficit)	(3,822,299)	 (27%)
Major Variances:		
Carry forward funds from the 2021-22 financial year	(3,822,299)	The operating results for 30 June 2022 have been adjusted by \$4,243,000 due to the adjustment of Assets Held for Sale. The City has properties held for sale with a value of \$4,243,000. The adjustment excluded the properties from net current assets as they were reassessed to be restricted assets. The sale proceeds will be transferred to a reserve account once they are sold, which have been budgeted in 2022/23 financial year. The closing balance of net current assets is therefore reduced by \$4,243,000.
Service Charges (Underground Power)	440,351	 58%
Major Variances:		
300244 - P-12019 Design and construct - Hilton - Underground power	440,351	A service charge of \$1.2m for underground power was levied in 2022/23FY as the work was carried out in this financial year. The \$440k is to be received in the next 6 years as the City agreed to offer a 7-year interest free payback period.
Operating Grants, Subsidies and Contributions	(706,184)	 (22%)
100406 - Operate Fremantle arts centre	(418,683)	Timing Variance – A \$360k grant is due to be received from DLGSC. Unfavourable variance - \$58k as sponsorship was not received as budgeted.






Description	Variance Amount (\$)	Comment
200821 - P12157 - Program - Reveal Aboriginal Artist 2023	(29,150)	Accounting variance - The variance is an unspent grant. The project is expected to be carried forward to the 23/24FY.
200819 - P-12156 Local Government Partnership Fund	(47,553)	Accounting variance - Grants of \$96,934 were received from Department of Communities (\$50,000 budgeted) and minor expenditure incurred. Contract is finalised and partial payment will occur in this financial year. The project is to be carried forward to 23/24FY.
200466 - P-11708 Plan-Coastal monitoring	(43,500)	Timing variance – Grants to be received in this financial year.
200150 - P-11980 Design and construct - Western Power Streetlight LED	(37,508)	Timing variance – Grants to be received in this financial year.
Interest Income	297,248	▲ 20%
Major Variances:		
100527 - Receive investment income - Unrestricted Funds	297,248	Favourable variance - Investment interest earned is higher than budgeted. Current investment markets continue to offer attractive interest rates.
Reimbursement Income	255,648	▲ 24%
Major Variances:		
100691 Containers for Change	54,163	Favourable variance - More income received from containers for change program.
100599 Operating recycling facility	32,076	Favourable variance - More income received from recycling centre OP shop.
Coordinate debt recovery of rates and accounts receivable	29,822	Timing variance - \$46K expenditure paid to date and \$40k reimbursement income received to date.
Lease Old Girls School 1 Parry Street Fremantle Education Ce	26,702	Favourable variance - Includes charges for 22-23 insurance \$12k, plus \$12k invoiced in arrears for 21-22 recoverable charges.





Description	Variance Amount (\$)	Comment
100686 Administer Long Service Leave Transfers	37,291	Favourable variance - Received \$37,291 of long service leave entitlement for staff transferred from other councils.
Other Expenditure	523,047	 30%
Major Variances:		
Support South Fremantle Football Club	275,000	Timing variance - sponsorship arrears will be paid on signing of agreement between CoF and South Fremantle Football Club.
Allocate community development funding	35,098	Timing variance - 2 nd round of grants have now been awarded. Payments should be paid before end of financial year.
100528 - Allocate arts development funding	30,800	Timing variance - The second round of funding opened in March and is to be awarded later in this financial year.
Train and develop elected members	49,073	Favourable variance - Actual training and development expenses were lower than anticipated.
Support the mayor and councillors	58,103	Favourable variance - actual sponsorship expenses were lower than anticipated.
Capital Grants and Subsidies/Contributions for the development of Assets	(4,601,243)	 52%
300157 - P-11882 Design and construct - Fremantle Golf Course	(4,108,709)	Accounting variance - Unspent grants to be carried forward to 23/24 FY as tender negotiations are ongoing.
300251 - P-12027 Design and construct - Griffiths Park - Upgrade	(247,000)	Timing variance - Grants from federal government to be received in this financial year.
300337 - P-12095 Resurface - MRRG - Lefroy Rd EB/WB	(135,165)	Accounting variance - the variance is related to unspent grants which is expected to be spent in this financial year. The project has been delayed due to the weather events.
300316 - P-12127 Design and construct - Hilton Bowling Club - Green	(105,799)	Accounting variance - Unspent grants to be carried forward to 23/24 FY.




Description	Variance Amount (\$)	Comment
Capital Expense - Purchase Community Land & Buildings	1,940,722	 40%
Major Variances:		
300119 - P-11842 Design and construct-Westgate Mall courtyard	176,504	Timing Variance - RFQ being developed, waiting on approval from business owners. The project is expected to be carried forward to 23/24FY.
300218 - P-11992 Design & construct-South Beach-Changerooms	178,144	Timing Variance - Year to date invoicing lower than forecast due to extended schematic design phase including consultation with the Working Group.
300309 - P-10223 Design and construct - Arts Centre - Roof	295,704	Timing Variance - Delays on site due to weather, and structural works requirements identified once the asbestos was removed and access to the roof void obtained.
300121 - P-11843 Design and construct- Markets Building Services	900,000	Timing Variance - This project has been delayed, which is expected to be carried forward to 23/24FY.
Capital Expense - Purchase Infrastructure - Roads	280,846	 24%
Major Variances:		
300337 - P-12095 Resurface - MRRG - Lefroy Rd EB/WB	168,405	Timing Variance - The project has been delayed due to the weather events.
300303 - P-12085 Design and construct - Paget St - Streetscape	40,000	Timing Variance - The project's progress has been hindered by the developer's completion of their scope, which is expected to be carried forward to 23/24FY.
Capital Expense - Purchase Infrastructure - Drainage	220,313	 54%
Major Variances:		



Description	Variance Amount (\$)	Comment
300349 - P-12140 Drainage – Port Beach carpark	120,000	Timing Variance - Project behind schedule, currently in procurement with works anticipated in July 2023.
300319 - P-12114 Design and construct - Notre Dame - Drainage	47,545	Timing Variance - Project to be undertaken to synchronise with university non-teaching week.
300295 - P-12119 Drainage - Jenkin and Daly St	31,746	Timing Variance - The project has been delayed due to the weather events, which is expected to be carried forward to 23/24FY.
Capital Expense - Purchase Infrastructure - Paths	102,784	 55%
Major Variances:		
300317 - P-12117 Footpath - Hampton Rd	42,054	Favourable variance - Project Completed. Awaiting contractor to send through correct invoice.
300351 - P-12141 - Install - Walyalup Koort - Shade sail	19,866	Timing Variance - Contract awarded, building approval received with installation commenced in late May 2023.
300225 - P-12000 Program - Doepel St - Trees	19,660	Timing variance – project is expected to be completed in this financial year.
300263 - P-12049 Footpath - Duffield Ave	16,602	Favourable variance - Project completed with savings.
Capital Expense - Purchase Infrastructure - Parks	1,327,648	 36%
Major Variances:		
P-10077 Program-Parks-Infrastructure	193,688	Timing variance - various infrastructure renewal projects are in the design and procurement phases and have experienced delays due to resource availability. This is likely to carry forward to the 23/24 FY.
P-12096 Design and construct - Pioneer Park - Bore	206,400	Timing variance - project is in procurement phase and works are due to commence in June.



Description	Variance Amount (\$)	Comment
300288 - P-12130 Parking - Leighton Beach	48,952	Timing Variance – works have commenced on site and will be completed this Financial Year.
300262 - P-12048 Design and construct - Paddy Troy Mall - Lighting	37,452	Timing Variance - The project has been split in to two phases. Phase one is complete. Phase two is being undertaken as nightworks in order to minimise business disruption and is programmed for construction in May-June 23.
P-12125 Install - William, Henderson & Queen St - Lighting	92,095	Timing Variance - Awaiting quote from Western Power. The project is expected to be carried forward to 23/24FY.
300297 - P-12116 Install - William St – Trees	81,973	Timing Variance - Semi-mature trees ordered and selected. Civil design progressing with civil team delivering in July 2023.
300291 - P-12123 Design and construct - Leighton Reserve - Playground	100,000	Timing Variance - Community Consultation finalised, head Contractor under procurement and completion programmed for October 2023.
300335 - P-12097 Design and construct - South Beach - Bore	58,400	Timing Variance - Additional assessment required of the water in this part of the aquifer for irrigation purposes. Consultant has been engaged with bore construction works on hold pending the outcome of these findings.
300332 - P-12100 Design and construct - Dick Lawrence - Irrigation	250,000	Timing variance – design phase was prolonged to ensure works align with planned Hilton Park Master Plan project.
300316 - P-12127 Design and construct - Hilton Bowling Club - Green	148,799	Timing Variance – Contract awarded, works commence on site in May 23 after lead time for materials.
Capital Expense - Purchase Furniture and Fittings	321,265	 83%
Major Variances:		
300353 - P-12159 Tenancy Fitout	100,000	Timing Variance - No further expenditure expected in 22/23FY while



Description	Variance Amount (\$)	Comment
		tender process is underway. To be carried forward to 23/24FY.
300256 - P-12036 Purchase - Parking licence plate recognition cameras	180,000	Timing Variance - No expenditure in 22/23FY. To be carried forward to 23/24FY.
Capital Expense - Purchase Infrastructure - Other	410,959	▲ 11%
300162 - P-11878 - Design and construct - Walyalup Koort – Public Artwork	79,449	Timing Variance - Project delayed and extension/roll forward due to feasibility report of artwork concept and site currently being completed. This project is to be carried forward to 23-24FY.
300110 - P-11823 Design and construct-Port Beach coastal adaptation	118,984	Timing Variance – sand nourishment works complete, awaiting invoice.
300310 - P-12138 Design and construct - John St Riverwall Replacment	136,552	Contract awarded. On-site works re-scheduled until September 23 to avoid storm surges and adverse weather risk over winter.
Reserve Transfers	(2,419,161)	▼ 44%
Major Variances:		
Transfer from Reserve (Restricted) – Capital	(1,098,485)	Timing variance: variance is primarily attributed to an underspend on capital works, therefore, the required funding from Reserves is less than budgeted year to date.
Transfer to Reserve (Restricted) – Capital	(1,267,845)	Timing variance: variance is mainly due to \$1m of transfer to Hilton Reserve ahead of budget.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2306-6
(Officer's recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Andrew Sullivan

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 31 May 2023.

Carried: 10/1

For

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

Against

Cr Marija Vujcic



11.2 Finance, Policy, Operations and Legislation Committee 14 June 2023

Cr Geoff Graham returned to the meeting at 8:12pm.

FPOL2306-5 NARROW STREETS – SAFE ACCESS POLICY

Meeting date:	14 June 2023
Responsible officer:	Principal Assets Engineering and Infrastructure Management
Decision making authority:	Council
Attachments:	Attachment 1– Narrow Streets - Safe Access Policy (Draft) Attachment 2– Narrow Streets Safe Access Administration Policy (updated)

SUMMARY

This report introduces a draft proposal for a 'Narrow Streets Safe Access Policy', which policy has been developed to provide safe and equitable use and access to streetscapes and roads on narrow streets.

The report seeks Council endorsement to progress to a period of community engagement with the proposed new policy, prior to reporting back to Council for final approval and adoption.

BACKGROUND

The following Notice of Motion was submitted at the Finance, Policy, Operations and Legislation meeting of 10 May 2023 by Cr Pemberton:



COMMITTEE RECOMMENDATION ITEM FPOL2305-8
(Elected member motion)

Moved: Cr Rachel Pemberton

Seconded: Cr Frank Mofflin

That Council:

- 1. Request officers to provide a report and recommendations to the June FPOL outlining opportunities to improve pedestrian safety and amenity, specifically in small local streets where there is:**
 - no footpath currently**
 - no space or opportunity for footpaths**
 - or car parking in narrow streets that frequently obstructs footpaths**

Carried: 7/0

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

Officers initially reviewed the motion in the context of the impending update of the City's Traffic Calming Policy but concluded that given the specific nature of the issues arising, it was felt more appropriate and effective to address the issues raised through the development of a separate Policy approach.

The new Narrow Streets and Safe Access policy seeks to ensure safe and equitable access and use of local streets that are narrow (typically less than 7.0 metres in width).

The policy also assists Council to meet the legal obligations for road management. Importantly, the policy provides a way to create a safer road environment for the community.

More than 100 kilometres of the City's road network has a width of less than 7.0 metres. Given the age of the City's streets, they were originally constructed to facilitate minimal vehicle usage and currently do not have services which a normal suburban street would have – driveways, large verges, dual footpaths etc. This has meant that many of these narrow streets are clustered with parked vehicles which present many safety and access concerns, these include:

1. Blocking of emergency vehicles
2. Obstructing footpaths / pedestrian safety issues
3. Blocking driver vision
4. Obstructing parks, waste and cleansing services
5. Poor street legibility for pedestrians and vehicles



The City is therefore proposing this policy (and guidance through an administrative policy) to ensure that emergency vehicles, pedestrians, City services and residents have safe improved clarity and access to streetscapes and roads without obstruction.

OFFICERS COMMENT

The City of Fremantle is rich in heritage and enjoys a wide variety of building styles, age and residential configurations – this by its very nature can present challenges and potential conflict with increasing vehicle usage impacting pedestrian access ways and safety.

In addition to this, increased housing density around historic areas, on-street parking has also increased and is forecast to continue to increase. It is also noted that the current rental crisis has caused an increase in share-house rental arrangements. This has caused an increase in on-street parking. To be proactive in light of future development and the rental crisis, this Policy will ensure that appropriate access and safety on narrow streets is maintained for emergency vehicles, pedestrians and City services.

Given that the City has in its remit more than 100 kilometres of narrow streets, a priority matrix has been established as follows:

- Road width
- Pedestrian Safety
- Road length
- The number of properties fronting the street
- Availability of off-street parking
- Footpath quality
- Traffic volumes
- Other issues such as adjacent land use and density

It is to be noted that some narrow streets will have the correct road treatments and configurations already that enable sufficient access to end users.

If a street is deemed as requiring intervention, some of the treatments for consideration could include the creation of a 'shared zone', landscaping, streetscapes / artwork, single sided parking, straddled parking, signage and lines.

The primary objective of such treatments is to maintain 3 metres of space being left between a parked vehicles and ensure a safe accessible shared use environment. This to maximise safe access.

Where the road width and or parking arrangements are impacted by the implementation of this policy officers must actively engage with affected residents



to discuss and consider suitable treatments that ensure that streets are safe for the community whilst balancing functionality and accessibility.

These treatments may include single sided parking, footpath renewals, signs, lines, streetscapes and greenery.

It is important to note that the City itself is not authorised to change road traffic markings or traffic signage; this is the responsibility of Main Roads WA (MRWA). To effect a change in respect to these areas the City must engage with MRWA and seek approval. Also noting that should MRWA approve a proposal, they would deliver the works. The data in which the Narrow Street Safe Access Administration Policy stipulates for collection will aid in a robust business case to MRWA for their consideration.

FINANCIAL IMPLICATIONS

Where works or initiatives are of a lower value, it is anticipated that costs would be accommodated through Engineering's operational budget provision. Larger value or more significant works would be captured as part of the City's capital works forward planning and considered as part of the annual budget process.

LEGAL IMPLICATIONS

Any works in the road reserve will be subject to the Western Australian Road Traffic Code 2000.

CONSULTATION

This is a new draft policy that has been developed as a result of issues raised through community and Elected Member feedback over a period of time.

Subject to Council endorsement, it is proposed to advertise the Narrow Street Safe Access Policy and seek community feedback prior to submitting for endorsement and adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.



COMMITTEE RECOMMENDATION ITEM FPOL2306-5
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

- 1. Endorse the proposed draft Narrow Street Safe Access Policy as detailed in Attachment 1 for the purposes of Community engagement.**
- 2. Request the community feedback received be brought back to Council for consideration, prior to final adoption of the policy.**

Carried: 6/0

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

ADDITIONAL OFFICERS COMMENT

In response to feedback received at the Committee meeting, further amendments have been made to the Narrow Street Safe Access Administration Policy as shown in Attachment 2 of the Council Agenda. The proposed amendments incorporate descriptions and photos of the various narrow street treatments that the City may consider and the application of the administration policy using two examples.

COUNCIL DECISION ITEM FPOL2306-5
(Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Rachel Pemberton

Council:

- 1. Endorse the proposed draft Narrow Street Safe Access Policy as detailed in Attachment 2 for the purposes of Community engagement.**
- 2. Request the community feedback received be brought back to Council for consideration, prior to final adoption of the policy.**

Carried: 10/2

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Geoff Graham, Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Su Groome, Cr Andrew Sullivan



FPOL2306-10 PROPOSED LEASE FOR 13 SOUTH TERRACE, FREMANTLE

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Attachments: Nil
Confidential Attachments: 1. EOI submission

SUMMARY

The purpose of this report is to seek Council approval for the proposed Lease terms that have been negotiated with an applicant for 13 South Terrace, Fremantle.

This report recommends that Council approve a Lease between the City of Fremantle and Dolce Dreams Pty Ltd (as trustee for the Cosimo Trust).

BACKGROUND

The property at 13 South Terrace within the Evan Davies Building is currently vacant.

Following the departure of the previous tenant, and in accordance with section 3.58 of the Local Government Act 1995, an initial Expression of Interest (EOI) process was undertaken in January 2023 seeking applications from hospitality operators to lease the space.

This property has been advertised across multiple platforms from 19 January 2023 to when the EOI closed on 1 March 2023.

The City received a submission from Dolce Dreams Pty Ltd which meets the selection criteria associated with the EOI. The applicant proposes a café in the 218m² tenancy on the Cappuccino Strip.

Agreed lease terms are now being presented to council for approval.

FINANCIAL IMPLICATIONS

The proposed rent for the premises is \$87,200 per annum + GST. This is calculated at a rate of \$400 per m² per annum + GST.

Outgoings for the property have been estimated at \$10,930.80 for the first year. This equates to approx. \$910.90/month.



The requested Lease term is fifteen (15) years. The first term is five years, with two further terms of five years at mutual agreement of both parties (5+5+5). The Lease will also include a bank guarantee equivalent to 4 months' rent.

Rent reviews will occur annually based on Consumer Price Index (CPI) with market rent reviews to occur at years 5 and 10 throughout the lease term.

The prospective tenant is estimating the value of the initial fit out to be in the vicinity of \$500,000. At year 5, the applicant will undertake a further refurbishment of the premises.

The contribution from the City requested by the prospective tenant for the Lease includes a capital contribution of \$150,000 (ex GST) towards the lessee fit out.

Payment of the fit-out contribution will be subject to a Fit-out Contribution Agreement which will include the milestone works and the proposed contribution and will form part of the future Lease agreement.

Milestone payment amounts are still subject to the lessee finalising a detailed design, to be approved by the City.

Ownership of any works delivered via the \$150,000 fit-out contribution will be retained by the City at the conclusion of the Lease.

The proposed contribution from the City has been budgeted for in the FY23/24 budget.

Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The remaining 50% will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.

Officers forecast that the net income for the term of the Lease (not including rates) after factoring in the incentive contribution, has been estimated to be in the vicinity of \$1,158,000 over the total 15-year term.

LEGAL IMPLICATIONS

Two documents are required to be finalised as part of the proposed Lease.

1. Lease: The Lease must comply with the requirements of Section 3.58 of the Local Government Act 1995. Officers will ensure that this occurs.
2. Fit-out Contribution Agreement: The negotiated terms of this Lease include a payment made by the City towards the lessee's fit out. The Fit-out



Contribution Agreement will outline the agreed terms of how and when payments are made to the lessee for the fit-out contribution amount.

CONSULTATION

The property was marketed via the following methods;

- An open EOI process
- City's website and various media channels
- Advertisement in the West Australian and Fremantle Herald
- Direct approach to potential candidates and use of Economic Development database.

OFFICER COMMENT

Dolce Dreams Pty Ltd operate a number of San Churro franchise stores across the metropolitan area, including the existing Fremantle store. Dolce Dreams Pty Ltd are proposing the relocation of the existing Fremantle store to the 13 South Terrace site.

San Churro Fremantle was first established in 2008 and has since been a popular destination in the Fremantle community.

San Churro Fremantle currently trades 7 days a week, from 10am to 10pm Sunday to Thursday and 10am to 11pm Friday and Saturday. Since Dolce Dreams Pty Ltd took over in 2015, the store has been open every day of the year, excluding Christmas Day.

Trade will still remain at 7 days a week and is likely to open earlier at 9am to capitalise on the morning trade on the Cappuccino Strip.

The applicant has indicated the new premises will become a vibrant location with a great atmosphere and an active outside alfresco area where customers can enjoy memorable dining experiences.

The applicant has qualifications in business, management and leadership; extensive industry knowledge and expertise and have been highly successful with a number of business ventures.

The applicant has also been actively involved in the franchise network, serving on the Franchise Representative Council for five years, participating in the product development workshops, and being a guest speaker at the Franchise Conference for San Churro.

The applicant has been recognised with the following awards:

- San Churro Rookie Store of the year 2015 (Cockburn)



- San Churro Franchise store of the year 2016 (Cockburn)
- San Churro Operation Titan of the year 2019 (Fremantle)
- San Churro Brand Champion of the year 2022 (Carousel)
- Dolce Dreams Pty Ltd owner has also been nominated by the Franchise Council of Australia, as Multi Franchisee finalist 2017

The applicant is proposing to undertake a significant investment into the compliance and fit out works and pending Council approval and the schedule of works, is aiming for a December 2023 opening date.

The following weighted selection criteria was used to assess expressions of interest for the hospitality premises.

1. Council Criteria and Overview of Business (Weighting 30%)
 - a. The business must;
 - i. Pay market rent.
 - ii. Be a business that is considered a “destination” in itself.
 - iii. Be open on both Saturday and Sundays.
 - iv. Present an active frontage to the surrounding public areas.
 - b. Desirable
 - i. 12 – 16 hours per day operation
 - ii. Seven days per week trading, with a minimum of six days per week.
 - c. Environmental Considerations
 - i. Waste Management
 - ii. Water consumption
 - iii. Energy consumption
 - iv. Materials utilised in plant operation, cleaning and general operations
 - v. Management, assessment and implementation of environmental initiatives
2. Experience and personnel (Weighting 20%)
3. Design, fit out and concept (Weighting 20%)
4. Marketing (Weighting 10%)
5. Financials and financial sustainability (Weighting 20%)

The premises has been previously operated as a café and includes kitchen facilities with cold and dry storage with a total area of approximately 218m².

Officers have determined that the proposed tenant is suitable, meets the selection criteria and will complement the existing offering within the Evan Davies Building



and the Cappuccino Strip.

The essential terms to follow have been agreed upon between the City and Dolce Dreams Pty Ltd, subject to council approval.

Land Description	<p>Land:</p> <p>Known as 13 South Terrace, Fremantle and being land more particularly described as Lots 871 and 1388 on Deposited Plan 40767 Certificate of Title Volume 1118 Folio 562</p> <p>Building: Evan Davies Building</p> <p>Premises: 13 South Terrace – Hospitality (218m²) as outlined in the plan annexed as Annexure 1.</p>
Premises	13 South Terrace, Fremantle
Lessor	City of Fremantle
Lessee	Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)
Bank Guarantee	4 months' rent Bank Guarantee or Bond required.
Site Area	218m ²
Lease Commencement Date	TBA
First Term	5 Years
Second Term	5 Years
Third Term	5 Years
Annual Rent	\$87,200 per annum + GST (\$400 per m ² per annum)
Rent Review	<p>Rent will increase by CPI annually on the anniversary of Lease Commencement Date.</p> <p>A market rent review will occur at years 5 and 10 during the Term.</p>
Incentives/contributions	Lessor to provide an incentive contribution of \$150,000 to the Lessee to contribute towards the proposed fit out of the property.



Variable Outgoings/Outgoings	<p>A recurring monthly variable outgoing charge of \$910.90 will form part of the lease, with invoices to be audited and reconciled annually.</p> <p>Variable outgoings will include but not be limited to;</p> <ul style="list-style-type: none"> • Water use • Building services • Electricity • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges <p>Variable outgoings are estimated at approximately \$50 per m2 per annum.</p>
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Hospitality
Special Conditions	<p>1. Lessee's Fit Out</p> <p>Fit out must occur within 60 days from receipt of planning approval.</p> <p>2. Lessee's Works</p> <p>(1) Lessee's works definition;</p> <ul style="list-style-type: none"> (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises. <p>(2) The Lessee must not undertake works unless;</p> <ul style="list-style-type: none"> (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works and certified quantity surveyor (QS) estimate.



	<p>Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.</p> <p>(b) Planning approval under the local planning scheme (if applicable) and;</p> <p>(c) A building permit under the <i>Building Act 2011</i>(if applicable).</p> <p>(3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <p>(a) an application for planning consent;</p> <p>(b) an application for a building permit;</p> <p>(c) obtaining any other statutory approval required, including Water Corporation approval where necessary;</p> <p>(d) construction or installation of the Lessee's Works; and</p> <p>(e) Installation or upgrade of any services.</p> <p>(4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(5) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost.</p>
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	<p>3. Assignment or Sub Letting</p> <p>(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:</p> <ul style="list-style-type: none"> (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. <p>4. State of Emergency Clause</p> <p>The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.</p> <p>5. Use of Confidential Information</p> <p>"Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease.</p> <ul style="list-style-type: none"> (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: <ul style="list-style-type: none"> (i) is generally available in the public domain except where such availability is
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	<p>as a result of a breach of this agreement; or</p> <p>(ii) is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order.</p> <p>(c) The obligations imposed will survive the termination of the Lease.</p> <p>6. Parties to act in good faith</p> <p>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</p> <p>7. Maintenance Schedule</p> <p>A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement.</p> <p>8. End of Lease</p> <p>At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.</p> <p>9. Car Bays</p> <p>Three car bays at the back of the premises will be included for the Lessee's exclusive use at no additional cost.</p> <p>10. Payment Schedule</p> <p>Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The 50% balance will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.</p>
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Premises	
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VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL2306-10 **(Officer's and Committee recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council authorise the Chief Executive Officer to enter into a lease with *Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)* for the property at 13 South Terrace, Fremantle based on the following essential terms.

Land Description	<p><i>Land:</i></p> <p><i>Known as 13 South Terrace, Fremantle and being land more particularly described as Lots 871 and 1388 on Deposited Plan 40767 Certificate of Title Volume 1118 Folio 562</i></p> <p><i>Building: Evan Davies Building</i></p> <p><i>Premises: 13 South Terrace – Hospitality (218m²) as outlined in the plan annexed as Annexure 1.</i></p>
Premises	13 South Terrace, Fremantle
Lessor	City of Fremantle



Lessee	<i>Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)</i>
Bank Guarantee	<i>4 months' rent Bank Guarantee or Bond required.</i>
Site Area	<i>218m2</i>
Lease Commencement Date	<i>TBA</i>
First Term	<i>5 Years</i>
Second Term	<i>5 Years</i>
Third Term	<i>5 Years</i>
Annual Rent	<i>\$87,200 per annum + GST (\$400 per m2 per annum)</i>
Rent Review	<i>Rent will increase by CPI annually on the Lease Commencement Date.</i> <i>A market rent review will occur at years 5 and 10 during the Term.</i>
Incentives/contributions	<i>Lessor to provide a capital contribution of \$150,000 to the Lessee to contribute towards the proposed fit out of the property.</i>
Variable Outgoings/Outgoings	<i>A recurring monthly variable outgoing charge of \$910.90 will form part of the lease, with invoices to be audited and reconciled annually.</i> <i>Variable outgoings will include but not be limited to;</i> <ul style="list-style-type: none"> <i>• Water use</i> <i>• Building services</i> <i>• Electricity</i> <i>• Council Rates</i> <i>• Emergency Service Levy</i> <i>• Land Tax</i> <i>• Statutory fees and charges</i> <i>Variable outgoings are estimated at approximately \$50 per m2 per annum.</i>



Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Hospitality
Special Conditions	<p>1. Lessee's Fit Out</p> <p>Fit out must occur within 60 days from receipt of planning approval.</p> <p>2. Lessee's Works</p> <p>(1) Lessee's works definition;</p> <p>(a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out).</p> <p>(b) The excavation or demolition of any part of the Premises;</p> <p>(c) The removal, sale or disposal of any materials from the Premises.</p> <p>(2) The Lessee must not undertake works unless;</p> <p>(a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works and certified quantity surveyor (QS) estimate. Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.</p> <p>(b) Planning approval under the local planning scheme (if applicable) and;</p> <p>(c) A building permit under the Building Act 2011(if applicable).</p>



	<p>(3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <ul style="list-style-type: none"> (a) an application for planning consent; (b) an application for a building permit; (c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. <p>(4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(5) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost.</p> <p>3. Assignment or Sub Letting</p> <p>(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:</p> <ul style="list-style-type: none"> (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the
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financial and premises operations obligations under the Lease.

- (b) All accounts are paid in full up until the date of the assignment or sub lease.***
- (c) The Lessee pays all costs associated with an assignment or sublease.***
- (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST.***

4. State of Emergency Clause

The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.

5. Use of Confidential Information

"Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease.

- (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease.***
- (b) The obligations of confidentiality in paragraph (a) will not apply to information which:***
 - (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or***
 - (ii) is required to be disclosed by an applicable law, including but not limited to the Local Government Act 1995 or Freedom of Information Act 1992, or by court order.***



(c) The obligations imposed will survive the termination of the Lease.

6. Parties to act in good faith

Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.

7. Maintenance Schedule

A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement.

8. End of Lease

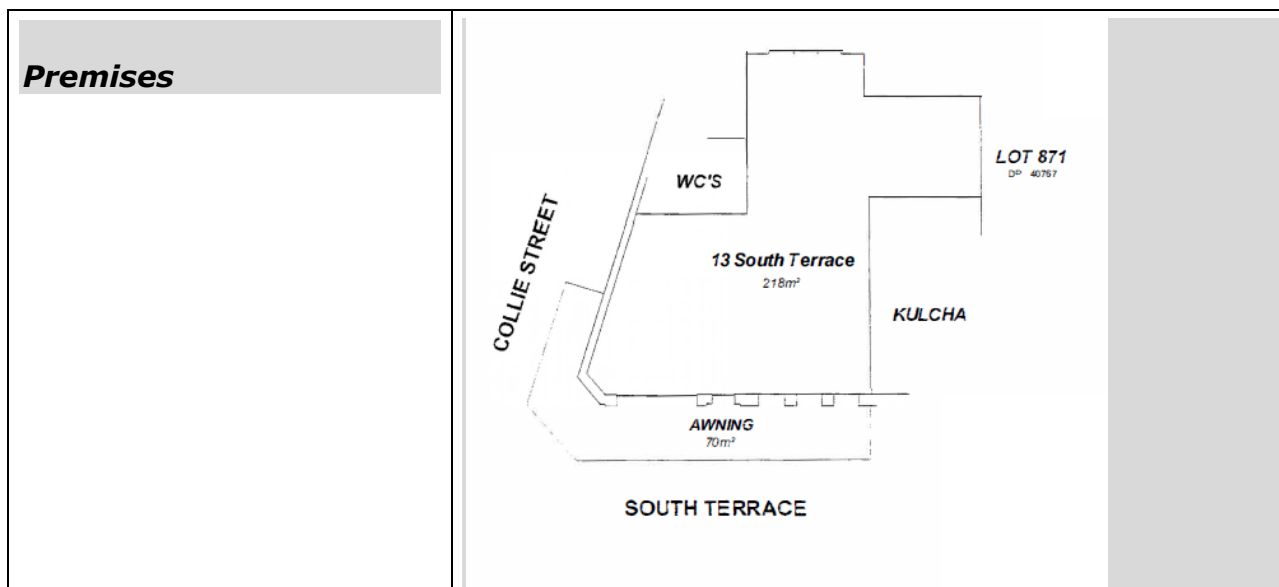
At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.

9. Car Bays

Three car bays at the back of the premises will be included for the Lessee's exclusive use at no additional cost.

10. Payment Schedule

Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The 50% balance will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.



Carried: 11/1

For

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

Against

Cr Marija Vujcic



FPOL2306-12 CORPORATE ENERGY PLAN UPDATE

Meeting date: 14 June 2023
Responsible officer: Manager Facilities and Environmental Management
Decision making authority: Council
Attachments: 1. Corporate Energy Plan Update June 2023

SUMMARY

In 2017, Council committed to a Corporate Energy Action Plan. This report provides an update on the status of the Corporate Energy Action Plan and also provides additional commentary on the use of fossil fuels in the context of electrification, and summary position in respect to reducing greenhouse gas emissions.

The report recommends that Council receive the report and request officers provide a further update in respect to progress once the sustainability working group has developed a list of initiatives and projects.

BACKGROUND

At the November Finance, Policy, Operations and Legislation Committee meeting a Notice of Motion – To Electrify Everything by 2025 was submitted by Cr Pemberton. The amended recommendation following Council was as follows:

Council:

1. *Notes that the Corporate Energy Plan, adopted in 2017 proposed an achievable pathway for the City of Fremantle to move to running all corporate operations on 100% renewable electricity prior to 2025.*
2. *Council requests that by June 2023 officers:*
 - a. *Provide a progress report on the Corporate Energy plan and clarify the status of the implementation of the Energy Plan. The report to include:*
 - i. *Undertaking an energy audit to identify the council's current use of fossil fuels within operations and propose costed strategies to "electrify everything" by 2025.*
 - ii. *Investigation of practical options to encourage and incentivise households and businesses in the City of Fremantle to phase out gas and electrify properties, operations, and transport.*
 - b. *Provide an annual report to Council that details progress and updates in respect to the Corporate Energy Plan*
3. *With respect to its ongoing commitment to responsibly reduce greenhouse gas emissions (directly and indirectly generated) resulting from its*



operations and to manage potential impacts from climate change, Council request staff to provide a report including:

- i. A review of the effectiveness of its activities and commitments to date.*
- ii. An assessment of existing and new opportunities for further reduction in GHG output, including their cost and comparative effectiveness.*
- iii. An assessment of our ability as a local authority to manage potential climate induced impacts, including the capacity of our existing infrastructure and recommendations on improvements that may be required.*
- iv. A review of opportunities within the planning framework to encourage a smaller GHG footprint of proposed developments, including the benefits of life cycle assessments.*

OFFICER COMMENT

Energy Plan

The City commissioned a consortium of Josh Byrne & Associates, InfraNomics and Merz Consulting to prepare a Corporate Energy Plan that outlined the most appropriate management actions to provide 100% renewable energy to power all corporate buildings by 2025. This Plan was formally adopted by Council in September 2017.

The plan was divided into 11 Actions which contained from 1 to 10 sub-actions in them. The following table identifies the total number of sub-actions and the number that were completed by the end of FY 2021 / 2022.

TABLE 1 - SUMMARY ACTIONS TABLE

Actions	Total No.	No. Complete (achieved)	No. Closed (not achievable)
Action 1 - Energy Data Reform and Annual Energy Report	4	1	0
Action 2 - Energy Plan Status Update	1	0	0
Action 3 - Energy Portfolio	4	1	3
Action 4 - Fremantle Leisure Centre - Energy Systems	2	0	0



Action 5 - Energy Efficient Buildings	4	1	0
Action 6 - Street and Park Lighting Upgrades	2	1	0
Action 7 - Voltage Optimisation	2	0	2
Action 8 - City Owned Photovoltaic Systems	1	0	0
Action 9 - Local Renewable Energy Supply	2	1	1
Action 10 - Gas Accounts	1	1	0
Action 11 - Sustainable Corporate Transport	10	1	0
Total:	33	7	6

The following section of the report provides detail on each of these actions and a commentary on their current status.

1. Energy Data Capture Reform and Annual Energy Report		
Recommendations	Update Comment	Status
Identify an account manager and administrative support for energy data management.	The City's previous sustainability technical officer had established the base data in the previous Greensense software system. Whilst the data is available, this system is no longer available to the City. It is anticipated that subject to successful recruitment of a new technical sustainability officer a new software system can be evaluated and procured.	Ongoing
Create cross reference aligning the account numbers and the City assets.	The account naming convention has been updated in Greensense to align with the City naming. In addition to this the sustainability technical officer has surveyed, assessed, and updated all meter locations for the city's relevant infrastructure assets.	Complete
Review how energy data, and energy cost data, is compiled by the City Finance Department.	The work orders system has been updated and utility accounts have been aligned to buildings and budgets.	Ongoing



	No progress has been made to establish a formal procedure and suitable administrative capacity to manage this as an embedded operation / corporate function.	
Other providers exist who could potentially provide the required service. engagement.	Additional suppliers have been investigated and trialled. All systems have pros and cons. The systems that appear to have significant advantages are also more expensive. There will also be quite significant set up costs which will need additional budget approval which has been requested with a PID. The situation continues to be monitored.	Ongoing

2. Energy Plan Status Update		
RECOMMENDATIONS	UPDATE COMMENT	STATUS
Create an Energy Plan Status Update report for the period of the Plan to 2025. Issue this as an appendix to the Annual Energy Report.	The 2018/19 was the last report issued, the City has not had the capacity to assess, update and submit subsequent reports.	Ongoing

3. Energy portfolio		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Resolve with Synergy and Western Power whether the City Electricity accounts can be amalgamated and treated as a single, contestable portfolio.	Synergy indicated that they are open to some form of amalgamation of accounts, but they will be creating a custom tariff with larger network charges which will not provide any economic value.	Closed
Resolve with Synergy whether 'netting-off' between sites can be enabled, and whether Western power will discount the network charges to make this attractive. Network usage charge behind the Knutsford transformer could be as low as a few cents per kWh.	See above.	Closed
Resolve with Western Power whether PV systems on City facilities can be pre-approved en-masse.	Western Power have rejected the proposal on the basis that they need to review each installation on a case-by-case basis to ensure all safety and	Closed



	technical aspects of the installation are satisfied. However, this part of the process is generally fairly fast.	
Solar PV suppliers are often able to provide financing solutions and these need to be considered to ensure the best use of the CoF available cash reserves.	This is typically not required but will be considered should circumstances change.	Complete

4.Fremantle Leisure Centre – Energy Systems		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Apply to connect the existing FLC PV system. Engage an experienced PV contractor to assist.	Western Power do not object to the PV connection but because of the Cogen (also producing electricity) WP would not approve the two systems to run concurrently. The previous sustainability technical officer devised an arrangement where, as a compromised solution, the cogen and PV system could alternate subject to suitable tariff efficiency. Unfortunately, over recent years 50% of the PV system had failed; due to this and the age and functionality of the inverters - the remaining section of the PV system was not refitted when the roof was replaced. A further review of the systems at the FLC is planned to take place as a priority once the new sustainability technical officer commences.	Ongoing
Complete a full audit of the last year of operation of the geothermal/cogen system to determine performance, and assess the real value of the system.	All systems have been reviewed and the cogen system has been recommissioned successfully. This includes the installation of additional safety measures to protect the system from future problems. The systems was handed over to the management team for operational maintenance. Since this time the cogen has had some recurring maintenance issues, the system	Ongoing



	continues to be actively monitored. The system will be reviewed (as above).	
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5. Energy Efficient Buildings		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Add energy auditing to the Building Audit process.	Budgets have been proposed to include regular energy audits by the Assets team – subject to approval, these can commence in FY 2023/2024.	Ongoing
Create an Energy Check process from tradespeople on City sites.	This has been implemented with the mechanical contractor.	Complete
Develop building type energy consumption benchmarks with WALGA and others.	The City continues to liaise with WALGA and other suitable LG's – however, at this point in time there are no suitable benchmarks available.	Ongoing
Develop a game layer for different facilities to compete on energy performance, incentivised by a share of the savings or similar. Competition between LGAs could also be supported by WALGA.	See above.	Ongoing

6. STREET PARKING AND LIGHTING		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Trial LED street lights (e.g. current Market St upgrade) and adaptive lighting, and report internally on lessons learned to inform a larger roll-out as more LED options enter the Western Power catalogue in the next year.	LEDs successfully installed at locations through the City. LED lights will continue to be installed as updates are required.	Complete
Once Western Power releases their updated catalogue of LED light options, Synergy can finalise their costs. Once this occurs then a complete replacement program of all lights with LEDs is recommended. The costs, payback period and financing can only be completed	Western Power have released LED street light options. Officers have reviewed opportunities in respect to this and subsequently developed a 5-year plan with budget costs – this has been developed through a PID for budget consideration. which has not yet been approved.	Ongoing



once the Synergy charges are finalised.	<i>(The proposed program is expected to cost approximately \$2.5 million over 5 years and will provide a full return on investment after the 10th year from commencement of the plan.)</i>	
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7. Voltage Optimisation		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
VO should be considered for the new administration building as part of the base design.	Not an effective way to reduce power consumption on a new building given the wide spread use of LED lighting, VSDs and solar panels.	Closed
Providers should be contacted to review other buildings for VO viability.	Not generally cost effective given the use of LED lighting and VSDs on motors. Quotes on implementing voltage optimisation indicate that this would cost approximately \$40,000 but would have a payback period of around 10 years or more.	Closed

8.City Owned Photovoltaics		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Install Maximum Size Photovoltaic (PV) Systems on City Buildings.	<p>Options for install budgets to be raised for budgets for both economic and maximum size scenarios. See the Solar Program.</p> <p>PVs had been installed on all viable sites. Remaining \$31k budget quarantined until other sites are identified. Opportunities will be investigated to install PVS at the Arts Centre when the asbestos roof is completed.</p> <p>Officers propose to review the options available as battery technology becomes more affordable.</p>	Ongoing



9. Local renewable Energy Supply		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Obtain a range of quotes from green energy suppliers to set price benchmarks, including Green power from Synergy, Green power Connect from Alinta.	Green energy is included in the current contestable energy contract.	Complete
Negotiate a supply arrangement with a local green energy project that can be enabled by the City's account.	Epuron withdrew from the solar farm project located in South Fremantle and alternative suppliers have not been found.	Closed

10. Gas Accounts		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Review the gas accounts. If the accounts are no longer needed then disconnect and save money on connection fees.	Gas accounts have been reviewed and records updated.	Complete

11. Sustainable Corporate Transport		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Incentivise alternative transport choices	No electric motor scooters have been purchased for officer transport and an electric Ute and pool car are being trialled.	Ongoing
Set targets for fleet emissions intensity.	Baseline figures will be determined based on asset utilisation tracking and overall fuel consumption – this will be made possible from audit activities and GPS tracking devices to be installed in 2023/2024.	Ongoing
Create a regular reporting schedule so that progress towards the target can be tracked.	This has been added to the One Planet annual report.	Ongoing
Enable electric vehicles through charging points and carpark design.	4 chargers added to CP16 now transferred – there are now 2 at Marine Terrace and 2 at the Synagogue car park. A review of the suitability / provision of EV charging points in public car	Ongoing



	parks will be presented to Council for consideration.	
Identify vehicle types that are suitable to be procured as electric vehicles over the coming years.	All but 4WD vehicle types are now suitable as EVs. Subject to budget availability, EV fleet transition will be phased in over the next 10 year, based on the current long term plant replacement program cycle.	Ongoing
Identify opportunities to reduce vehicle size	To be considered as a part of the Fleet review due for completion this financial year.	Ongoing
Enable route efficiency	GPS tracking equipment was installed on garbage trucks and routes have been revised and updated to improve efficiency.	Complete
Consider bio-fuels, particularly bio-diesel for heavier vehicles.	Biodiesel has been trailed in the past. This will be investigated again to determine whether this can be continued long term.	Ongoing
Identify opportunities to incentivise lower emission choices through the novated lease / salary sacrifice system.	To be investigated further.	Ongoing
Replace older fleet with newer more efficient fleet as a method of reducing on-going emissions.	Included in the Fleet Review.	Ongoing

The corporate Energy Plan (attached) provides detail on each of these actions and a commentary on their current status.

The report in respect to the energy plan that was submitted by officers in 2017 acknowledged that the actions provided a well thought out and sound basis by which the City as an organisation may reach 100% renewable energy use by 2025.

The report did also highlight that there are a number of critical factors that must be in place to enable successful implementation of individual actions. These include (but are not limited to) officer time, capacity and experience to reconcile energy data and accounts, finance to fund any upfront capital costs and cooperation from utility companies (e.g. Synergy and Western Power).

Unfortunately, the City has been unable to progress as many of the items as intended:

- Over the last 2/3 years the City has not had the officer time and capacity to



actively progress initiatives. There are still important staff vacancies in these areas.

- Whilst sustainability budget proposals are included in the 10-year financial plan, funding approvals, as part of the annual budget process, has not been at the required levels to make significant progress.
- Limited officer time has also meant minimal progress has been made through consultation with key Utilities.

Going forward however, officers are hopeful that through recruitment, there will be an opportunity to develop some more positive momentum in this area.

Of the remaining outstanding actions officers would anticipate key opportunities that will deliver significant improvements relate to the Fremantle Art Centre, Fremantle Leisure Centre, corporate transport, and street lighting upgrades and would propose to prioritise actions in these areas accordingly.

Energy Audit

In response to the Notice of Motion requesting an Energy Audit, officers have reviewed all the City's sites and identified those which utilise natural gas. The findings confirm that there are 20 gas contracts managed by the City (see table 2) and 25 gas services at other City sites (see table 3).

Fossil Fuels

Site	Use
Fremantle Leisure Centre	Cogen, pool heating and hot water
Walyalup Civic Centre	Heating
Fremantle Art Centre	Cooking and hot water
Ken Allen Clubroom	Cooking
North Fremantle Community Hall	Cooking
Arthur Head Cottages, 9 Captains Lane	Cooking
Arthur Head Cottages, 10 Captains Lane	Cooking
Arthur Head Cottages, 11 Captains Lane	Cooking
Arthur Head Cottages, 12 Mrs Trivetts	Cooking
The Meeting Place	Cooking
Fremantle Park Clubrooms	Hot water
Bruce Lee Clubroom	Hot water
Hazel Orme Kindy	Hot water
Plane Tree Reserve	Barbeque
Horrie Long Reserve	Barbeque



S.E.W park	Barbeque
Valley Park, 92 Nannine Ave	Barbeque
Samson Park	Barbeque
South Beach Reserve	Barbeque
Alfred Park	Barbeque

Table 2. City Gas supply contracts

Site	Use
South Beach Café	Cooking and hot water
Orange Box Café	Cooking and hot water
The Kiosk, 123 Beach St	Cooking and hot water
Old Fire Station/ Backpackers	Cooking and hot water
Beerporium	Cooking
Dome	Cooking and hot water
Ben & Jerry's	Cooking and hot water
Betty's Burgers	Cooking and hot water
Ginos	Cooking and hot water
Clancy's Fish Pub	Cooking and hot water
Stevens reserve Clubroom	Cooking and hot water
Stevens reserve Caretakers Residence	Cooking and hot water
Fremantle Park Combined Clubs	Cooking and hot water
DADAA	Cooking
Moore's Building	Cooking and hot water
Gil Fraser Buildings	Cooking and hot water
Fremantle Oval Buildings	Hot water and Barbeque
Hilton Park Bowling Club	Cooking
Nth Freo Bowling Club	Hot water and possible cooking
Hilton Park Upper Club	Hot water
Ken Allen Field	Cooking
PCYC	Hot water
Meerilinga	Hotwater
Weybridge After School	Hot water
Laidlaw Day Care Centre	Hot water

Table 3. Other City sites with Gas supplies

Should Council elect to progress to a targeted transition from gas to electrical equipment several factors will need to be considered, these include:

- Life expectancy of existing equipment – embedded energy
- Availability of a suitable electrical supply for alternative equipment
- Performance and operation of alternative electrical equipment



- Budget
- Disruption to operations

Special consideration would be required if looking at transition from gas to electricity on tenant's commercial kitchens – these would require investigation of the suitability of the electrical infrastructure at each site. Negotiation, and agreement with the individual tenants may be necessary as there would likely be a requirement for them to purchase induction cooking equipment.

Transition from gas to electricity for Fremantle Leisure Centre, Walyalup Civic Centre and the commercial kitchen at Fremantle Arts Centre would require a full investigation to determine feasible options.

Easier options for transition to electrical equipment would include;

- Solar hot water packages with electrical immersion heater backup.
- Electrically operated barbeques
- Review of cooking equipment in smaller buildings (Arthurs Head Cottages)

Taking the above considerations into account, officers would consider an appropriate response to be:

- a. Adopting a principle of excluding gas supplies and equipment from new building projects.
- b. Considering replacement of all gas operated equipment as it approaches end of life.
- c. Identifying and removing gas equipment which is no longer required.
- d. Liaising with tenants to explore options for the replacement of gas fired equipment.

Options to encourage and incentivise households and businesses in the City of Fremantle to phase out gas and electrify properties, operations, and transport.

Officers will explore and consider suitable initiatives, options and incentives as part of the renewed Sustainability Working Group which has representation from all directorates and meets every 2 months.

Officers will provide an annual update of the Corporate Energy Plan to Council. In addition to this, it is anticipated that subject to resources, capacity and funding the City will provide a more proactive approach to progressing initiatives and projects going forward.

In response to part 3 of the Notice of Motion as amended at Council in November 2022:



Ongoing commitment to responsibly reducing greenhouse gas emissions

Greenhouse gas emission reduction opportunities

The Strategic Planning and City Design team intend to prepare a Carbon Emission Reduction Strategy in consultation with the City that identifies key initiatives to cut or eliminate carbon emissions across all sources and scopes of the City's operations. This is part of a recommended transition in climate change mitigation to 'Net Zero', aligning with both State and Federal policy and legislated Net Zero targets. In particular, to support Australia's commitments under the legally binding Paris Climate Agreement 2016 formed at the UN Climate Change Conference of Parties (COP21). The Carbon Emission Reduction Strategy (CERS) would calculate net present savings, costings, and carbon emission abatement of each initiative to determine the impact of investment and recommend priorities for action. (Note: This is a significant piece of work which is currently not budgeted for and not represented in the Corporate Business Plan.)

In light of the recent Intergovernmental Panel on Climate Change (IPCC) reports of further global warming increases, the new Strategy will find innovative solutions towards eliminating our carbon footprint.

CERS must improve on the previous *Low Carbon City Plan 2011-2015* which contained a target of 40% reduction of emissions by 2020 (which was not achieved). CERS must also integrate with the *Corporate Energy Plan 2017* and assist with achieving its 2025 targets where possible. There will be costs involved in greenhouse gas emissions action but also inherent costs for inaction.

Climate risk assessment

The City's *Climate Change Adaptation Plan 2019* assessed the primary, secondary, tertiary and quaternary impacts of climate change across the City. This addressed sea level rise, increased temperatures, decreased rainfall, and increased storm intensity. The plan recommended adaptation actions to be carried out to address the climate risks, and outlined actions that had already been undertaken. This assessment was carried out at a strategic level based on national modelled information, and is not at a fine scale to specifically address the risk and adaptive capacity of our existing local infrastructure, urban form and community. However, the strategy has not yet been updated to include data from the Cockburn Sound Coastal Alliance project which may identify finer-scaled risks to be used in determining appropriate responses. A full Climate Risk Assessment has not yet been carried out to evaluate threats to assets, both natural and physical. This piece of work could be carried out as part of a Climate Risk and Resilience Project.

GHG Reduction Opportunities within the Planning Framework

The Local Planning Policy (LPP) 2.13 Sustainable Buildings Design Requirements addresses greenhouse emission assessments of large-scale mixed use or



commercial developments requiring planning approval. It contains requirements for developments with a Gross Lettable Area (GLA) greater than 1,000m² to achieve a minimum of 4 Star Green Star Green Building Council of Australia (GBCA) rating or equivalent. This policy was adopted in 2011 and is now out of step with current GBCA requirements regarding national net zero emission reduction commitments. A net zero building is now 5 Stars (not 4 Stars) which is considered Australian Excellence. This change was put into effect in late 2020. A carbon positive building is 6 Stars.

It is recommended that LPP 2.13 be revised to update the clauses to reflect minimum carbon emission building performance and current rating tools. Furthermore, the policy refers to a One Planet Living (OPL) Action Plan being an acceptable equivalent to assess a development. The OPL principle of Zero Carbon Energy has a broad goal of “making buildings and manufacturing energy-efficient and supplying all energy with renewables”. However, it does not contain minimum energy performance benchmarks or standards, which is the level of detail needed for decision making at the building design scale. This results in inconsistency in its application, especially like for like developments.

Life Cycle Analysis (LCA) considers the whole of life environmental impact of a building and incorporates measures to reduce this impact. LCA can be used for developments requiring planning approval to reduce the embodied carbon emissions as part of responsible environment sustainable design (ESD) requirements. This could be utilised in the LPP 2.13 review along with other tools such as the National Australian Built Environment Rating System (NABERS). The successful application of ESD tools can help influence enhancements in the National Construction Code (NCC). Opportunities for an LCA component in assessing development proposals is to be reviewed by the Strategic Planning and City Design team and may be recommended as a trial for use within the Statutory Planning Development Approvals unit. A project business case would need to be prepared outlining requirements, scope, implications, and benefits, and engagement with internal stakeholders.

The Local Planning Policy 2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule encourages the inclusion of ESD features in new residential developments. Higher densities may be achieved if energy efficiency measures are incorporated to reduce the buildings carbon emissions. For instance, the use of 3kW photovoltaic solar panels, or constructed to achieve a Nationwide House Energy Rating Scheme (NatHERS) accredited energy efficiency star rating that measures thermal efficiency, specifically heating and cooling.

A more thorough Sustainability Appraisal of existing planning policies with Council’s Local Planning Scheme (LPS) No.4 could be carried out to review opportunities to reduce new development greenhouse gas emissions. This should be benchmarked against other Councils and State planning policies.



It is anticipated that a report titled 'Towards Net Zero – Sustainability and Climate Change Action' will be submitted in the July round of Council meeting and will address this area more comprehensively.

FINANCIAL IMPLICATIONS

The majority of the initiatives and projects referenced in this report will be dependent on resources, capacity and suitable funding. Whilst many of these are current captured (albeit individually) in the 10-year financial plan it is acknowledged that a review of the initiatives and projects needs to take place. It is anticipated that this will take place through the sustainability working group.

In anticipation of this, officers have started to look at increased financial provision for future initiatives and projects through the development of an Energy/Sustainability Reserve.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The City through the sustainability working group will engage and consult with stakeholders – inc utilities and tenants etc as part of a process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE RECOMMENDATION FPOL2306-12 **(Officer's Recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

- 1. Receive the report providing an update on the Corporate Energy Plan.**
- 2. Note the current position in respect to gas services and request officers consider the following principles when appropriate opportunities arise:**



- a. **Excluding gas supplies and equipment from new building projects.**
 - b. **The replacement of all gas operated equipment, with electrical equipment as it approaches end of life.**
 - c. **Identify and remove gas equipment which is no longer required.**
 - d. **At the appropriate time, liaise with tenants to explore options for the replacement of gas fired equipment with electrical equipment.**
3. **Request officers provide a further update in respect to progress once the 2023/24 budget is confirmed and the sustainability working group has developed a list of initiatives and projects.**

Carried: 5/1

For
Cr Jenny Archibald, Cr Fedele Camarda, Cr Rachel Pemberton
Cr Doug Thompson, Cr Frank Mofflin

Against
Cr Marija Vujcic

ADDITIONAL OFFICERS COMMENT

Further to this item being considered at the FPOL Committee, the following questions were submitted for clarification, a number of the issues raised are also addressed in table 1 below:

The responses to the questions are as follows:

1. Why are there city properties in the list that are not part of the WALGA contestable agreement?
Response: The contestable energy contract is limited to sites that use more than 50MWh per year, all our applicable sites are included in the contract.
2. Which ones could be added to it?
Response: No more properties are eligible to be added.
3. Obviously, we may not be the account holder for some properties – which ones are they?
Response:
The city isn't responsible for all electrical consumption across its building portfolio; several tenanted properties are subject to separate tenants for utilities. These are detail in table below.



4. Which properties could have solar installed, that are not currently using it?

Response:

Until we have suitable battery technology/affordability only City sites with daytime electrical load will benefit from the installation of solar, these do need further investigation but could likely include:

- Fremantle Arts Centre 40kW, (awaiting new roof but staff reservations about aesthetics)
- Arts Centre Ceramic Shed 5kW, (presently inconsistent use)
- Knutsford St Depot 22kW, (Uncertainty of tenure)
- Dog Pound 3kW
- South Beach Reserve 3kW
- Dick Lawrence Reserve 3kW

5. What is the total % of energy consumption for buildings and facilities (not fleet) currently powered by renewables (based on energy consumption as well as number of properties)?

Response:

Officers do not have capacity, technology, or information to be able to determine this at this stage. It is hoped that given time, we will be able to develop our capacity in this space.

6. Why is there no mention or reference of Heat Pumps – is this technology being used anywhere? Is it on the staff's radar?

Response:

Officers are aware of the potential benefits of heat pumps, this technology is certainly part of the considerations when addressing requirements.

The City has a water-to-water heat pump on the geothermal plant at the Leisure Centre. Air to air heat pumps include air conditioning (reverse cycle) systems and the City has a number of these.

Air to water heat pumps are considered, especially if solar power is available however, they do not suit all applications. Heat pumps tend to be much slower to charge a tank of water and once discharged (say in commercial kitchen use) they take a while to reheat – this can discount them from the evaluation process.

7. Why was gas used, and not heat pumps for WCC heating?

Response:

All technology was assessed during the design process – gas fired water heating for the air-conditioning was deemed as the more effective and efficient at the time, (it is acknowledged that the Councils intent to formally move away from using gas was probably not clearly understood or articulated prior to this.)



In respect to potential short-term improvements, officers have reviewed options to transfer remaining managed sites to renewable electricity supplies (in addition to the contestable sites).

A standard natural electrical power option is available from Synergy for the City's non contestable metered supplies, the current charge rate for the renewable energy is an additional 5.465c/kWh charged on the current peak and non-peak rates.

It is estimated that to transfer these sites to 'natural' (renewable) power tariff there would an annual increase of approx. \$55,608 per annum, this would be subject to a budget approval.

Street lighting is not included in these assessments, this will be subject to further assessment and discussion.

Minutes – Ordinary Meeting of Council
28 June 2023



Table A (updated summary)

Property	Contestable Green Energy Contract	Solar Panels (Cogen- Geothermal)	Gas service to site
City utility accounts			
Esplanade Reserve	Included		
70 Parry St leased building	Included	Yes	Yes
Hilton Community Centre	Included	Yes	
City Works Depot, 81 Knutsford Street	Included		
Samson Recreation Centre	Included		
Moore's Cafe & Art Gallery	Included	Yes	
Walyalup Civic Centre and Town Hall	Included	Yes	Yes
Ken Allen Field Clubrooms	Included	Yes	Yes
Fremantle Leisure Centre	Included	Cogen/ geo	Yes
Fremantle Malls IT server room (Leased to CoF)	Included		
Fremantle, Fremantle Arts Centre and Museum	Included		Yes
Moore's building (tenant consumption on charged)	Included		
Hilton Park Bowling Club (Club's consumption on charged)	Included		Yes
Mens Shed (Club's consumption on charged)		Yes	
Arthur Head Reserve, 12 Mrs Trivett Place, Fremantle			Yes
Arthur Head Reserve, 14 Mrs Trivett Place, Fremantle			
Arthur Head Reserve, 9 Captain's Lane, Fremantle			Yes
Arthur Head Reserve, 10 Captains Lane, Fremantle			Yes
Arthur Head Reserve, 11 Captains Lane, Fremantle			Yes
Arthur Head Reserve 13 Mrs Trivett Place, Fremantle			
Arthur Head Reserve Toilets			
Arthur Head Reserve Round House			
Arthur Head Reserve, 15 Mrs Trivett Place, Fremantle			
Beach St Public Toilets, 123 Beach Street, Fremantle			
Horrie Long Reserve Public Toilets, 21 Forrest Street, Fremantle			
Gilbert Fraser Reserve Public Toilets			
Gilbert Fraser Reserve Grandstand/Toilet			
Port Beach Public Toilets & Changerooms			
Bruce Lee Reserve Clubrooms			Yes
Bruce Lee Reserve Public Toilets			
North Fremantle Community Hall			Yes
Beach St Public Toilets			
Booyeembara Park Public Toilet			
South Beach Changerooms			
Samson Park Public Toilets			
14 Parry Street, Fremantle			
Dick Lawrence Oval Clubrooms		Yes	Yes
Fremantle Oval (Adjacent Toilet Block)			
Fremantle Oval Victoria Pavilion			
Fremantle Park Clubrooms			Yes
Dick Lawrence Oval Public Toilets, 15			
The Meeting Place, 245 South Terrace		Yes	Yes
Parmelia Park Public Toilets,			
Fremantle Dog Pound, 35 Forsyth Street			
Sullivan Hall, 2-4 Nannine Ave			
2 Jones Street, O'Connor			
Leighton Beach Public Toilets & Changerooms			
Arthur Head Reserve J Shed Studios (Port authority supply)			
Citywide Barbeques			Yes
Citywide Bore pumps			
Non City utility accounts			
Clancy's Fish Pub		Yes	Yes
Fremantle, Educational Facility		Yes	
DADAA (Old Boys School)			Yes
Apac Community Revegetation Nursery		Yes	
Fremantle Public Golf Course Clubhouse			
Gilbert Fraser Reserve Clubrooms		Yes	Yes
Gilbert Fraser Reserve Caretakers			
Fremantle Oval Clubhouse and Grandstand		Yes	
Hilton Community Centre		Yes	Yes
South Beach Cafe		No	Yes
Arthur Head Reserve Kidogo Arthouse		No	
Old weigh bridge, 2 Phillimore Street		No	
Port Beach Surf Club Lookout		No	
Hilton Park PrePrimary, 85 Rennie Crescent		No	
North Fremantle Bowling Club		No	Yes
Fremantle Markets, Henderson Street		No	
Hilton Park Clubhouse		No	Yes
Hilton Park Middle Oval building		No	
Frank Gibson Park Netball Club		Yes	
Fremantle Sports and Community Facility		Yes	Yes
Weybridge Day Care Centre, 4 Forrest Street		No	Yes
Old Fire Station Backpackers		No	
Union Stores, 41-47 High Street		No	
Notre Dame University Medical School		No	
Evan Davies Building, 13 South Terrace		Yes	Yes
Hazel Orme Community Kindergarten		No	Yes
Fremantle Community Day Care 12 Laidlow St		No	Yes
Stevens Reserve Changerooms & Shed		Yes	Yes
Stevens Reserve Curators Residence		No	Yes
Victoria Hall, 179 High Street		Yes	
Cantonment Hill Reserve Naval Stores		No	
Cantonment Hill Reserve Signal Station		No	
Fremantle Public Golf Course Maintenance Shed		No	
The Kiosk, 123 Beach St		Yes	Yes
Leighton Beach Kiosk		No	Yes



COUNCIL DECISION ITEM FPOL2306-12
(Committee Recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Rachel Pemberton

Council:

1. Receive the report providing an update on the Corporate Energy Plan.
2. Note the current position in respect to gas services and request officers consider the following principles when appropriate opportunities arise:
 - a. Excluding gas supplies and equipment from new building projects.
 - b. The replacement of all gas operated equipment, with electrical equipment as it approaches end of life.
 - c. Identify and remove gas equipment which is no longer required.
 - d. At the appropriate time, liaise with tenants to explore options for the replacement of gas fired equipment with electrical equipment.
3. Request officers provide a further update in respect to progress once the 2023/24 budget is confirmed and the sustainability working group has developed a list of initiatives and projects.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Jenny Archibald

To provide an alternative to Councillor Rachel Pemberton's proposed amendment for FPOL 2306-12, as follows:

- 4. Request officers include consideration of the following as part of the report on the Sustainability Framework which will be brought to the July 2023 FPOL meeting:**
 - a. development of a project inception document (PID) for the following projects, including consideration of allocation of funds from the Renewable Energy/Sustainability Reserve:***
 - i. Carbon Emission Reduction Strategy (CERS),***
 - ii. Climate Risk Framework, and***
 - iii. the update to LPP2.13***
 - b. transfer of city properties currently not using renewable energy to natural (renewable) power – estimated at an increased utility cost of \$55,608. This may be funded by allocating \$55,608 from the Sustainability Investment***



Reserve allocation to the appropriate operational utilities budget.

Amendment carried: 11/1

For

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

Against

Cr Marija Vujcic

Reason for amendment:

That the Sustainability Framework has been informally discussed by elected members at an IEM and the report requested by Council will be submitted to the July 2023 meeting of FPOL. It would be appropriate that all issues relating to how the Council approaches the substantial task of GHG emission reduction and reaching Net Zero by 2050 are considered as a whole. From this, decisions can then be taken on specific early outcomes (such as migrating to use of renewable energy across the organisation) and longer term outcomes which will require appropriate budget decisions, allocation of reserve funds and integrated planning.

COUNCIL DECISION ITEM FPOL2306-12
(Amended committee recommendation)

Moved: Cr Rachel Pemberton

Seconded: Cr Jenny Archibald

Council:

- 1. Receive the report providing an update on the Corporate Energy Plan.**
- 2. Note the current position in respect to gas services and request officers consider the following principles when appropriate opportunities arise:**
 - a. Excluding gas supplies and equipment from new building projects.**
 - b. The replacement of all gas operated equipment, with electrical equipment as it approaches end of life.**
 - c. Identify and remove gas equipment which is no longer required.**
 - d. At the appropriate time, liaise with tenants to explore options for the replacement of gas fired equipment with electrical equipment.**



3. Request officers provide a further update in respect to progress once the 2023/24 budget is confirmed and the sustainability working group has developed a list of initiatives and projects.
4. Request officers include consideration of the following as part of the report on the Sustainability Framework which will be brought to the July 2023 FPOL meeting:
 - a. *development of a project inception document (PID) for the following projects, including consideration of allocation of funds from the Renewable Energy/Sustainability Reserve:*
 - i. *Carbon Emission Reduction Strategy (CERS),*
 - ii. *Climate Risk Framework, and*
 - iii. *the update to LPP2.13*
 - b. *transfer of city properties currently not using renewable energy to natural (renewable) power – estimated at an increased utility cost of \$55,608. This may be funded by allocating \$55,608 from the Sustainability Investment Reserve allocation to the appropriate operational utilities budget.*

Carried: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



11.3 Audit and Risk Management Committee 19 June 2023

ARMC2306-7 FINANCIAL MANAGEMENT REVIEW REPORT – JUNE 2023

Meeting date:	19 June 2023
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Financial Management Review Report

SUMMARY

City of Fremantle engaged Paxon Business and Financial Services Pty Ltd to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures in accordance with Regulations 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The City received the Financial Management Review dated 26 April 2023 (Attachments 1) and this is now presented to the Audit and Risk Management Committee.

This report recommends that Council receive the Financial Management Review June 2023, as shown in Attachments 1 of this item.

BACKGROUND

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

The last Financial Management Review was finalised in June 2020 and reported to the Audit and Risk Management Committee on 11 August 2020.

FINANCIAL IMPLICATIONS

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



LEGAL IMPLICATIONS

The financial management responsibilities of the Chief Executive Officer are established under Regulation 5 of the *Local Government (Financial Management) Regulations 1996* which states:

(1) Efficient systems and procedures are to be established by the CEO of a local government -

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

In addition, the Chief Executive Officer is to:

(2) The CEO is to -

- (a) ensure that the resources of the local government are effectively and efficiently managed;*
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.*

CONSULTATION

Nil

OFFICER COMMENT

To comply with the requirements of the regulations, Paxon Business and Financial Services Pty Ltd were commissioned by the Chief Executive Officer to undertake the review and report on Council's financial management systems and procedures.



The review incorporated the following financial management areas in line with the requirements outlined under Regulation 5(1) of the Local Government (Financial Management) Regulations 1996: This reviews the appropriateness and effectiveness of the financial management systems and procedures of the City, which should be reviewed regularly (not less than once in every three financial years) and includes:

- a) For the proper collection of all money owing to the City
- b) For the safe custody and security of all money collected or held
- c) For the proper maintenance and security of financial records (whether maintained in written form or by electronic or other means or process)
- d) To ensure proper accounting for municipal or trust
 - (i) Revenue received or receivable
 - (ii) Expenses paid or payable, and
 - (iii) Assets and liabilities.
- e) To ensure proper authorisation for the incurring of liabilities and the making of payments
- f) For the maintenance of payroll, stock control and costing records, and
- g) To assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

There were ten (10) findings and proposed recommendations across the above areas. Of these five (5) were rated as high risk, three (3) were rated as medium risk and the remaining two (2) were rated low risk.

Overall, apart from the matters raised as findings below, they concluded that the financial management systems in place within the City were found to be generally sound and were considered to be satisfactory management control processes.

Below is a summary of the findings:

INDEX OF FINDINGS	RISK RATING		
	High	Medium	Low
1. Invoice dates precede the purchase order date	<input type="checkbox"/>		
2. Procurement testing	<input type="checkbox"/>		
3. No formal acquittal process over credit cards	<input type="checkbox"/>		
4. Cash for containers (depot) cash handling	<input type="checkbox"/>		
5. Delay in actioning audit items (Audit log)	<input type="checkbox"/>		
6. Risk register		<input type="checkbox"/>	
7. Delegation		<input type="checkbox"/>	
8. Formal central money collection and safeguarding procedure		<input type="checkbox"/>	
9. Finance team task calendar			<input type="checkbox"/>
10. Bank reconciliation reports			<input type="checkbox"/>



The attached report from Paxon provides a detailed explanation of each of the findings, the implications, and their recommendations. The City has responded to each finding as management comments.

It should be noted that following further clarifications with Paxon, item 5.10 in the attached index of findings has since been withdrawn by the auditor and therefore does not appear in the Audit action register. Hence, the detailed audit findings section 5 in the attached report only shows 9 findings. The City is working with Paxon to amend the index of findings contained on page four of the attachment.

The following recommendations that have already been actioned since the final Regulation 5 audit report was provided by the auditor:

3. No Formal Acquittal Process Over Credit Cards

4. Cash for Containers (Depot) cash handling

For the remaining items, progress is underway with an expected completion date no later than December 2023. Progress monitoring of these recommendations will be report as part of the Audit Action Update reporting to future Audit and Risk Committee meetings.

Specific reference to the findings in the attached report has been provided in the Audit Action register associated with item ARMC2306-03.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the Financial Management Review June 2023, as shown in Attachment 1 of this item.

COMMITTEE DECISION ITEM ARMC2306-7

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

The item be referred to the Ordinary Meeting of Council for officers to prepare an amendment to the recommendation to acknowledge repeat findings, and accept audit actions and completion dates.

Carried: 4/0

**Cr Su Groome, Cr Andrew Sullivan,
Cr Fedele Camarda, Cr Frank Mofflin**



COUNCIL DECISION ITEM ARMC2306-7
(Alternative officer's recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Su Groome

Council:

- 1. Receive the Financial Management Review June 2023, as shown in Attachment 1 of this item.**
- 2. *Note the auditor's report (attachment 1) contains repeat findings captured and addressed in the Audit Actions update report of this agenda (ARMC2306-3).***
- 3. *Accept the proposed audit actions and completion dates as outlined in the audit action report provided in this agenda (ARMC2306-3).***
- 4. *Request officers provide information in the audit action report outlining causes, implications and expected new completion date, if an existing completion date is likely to be exceeded.***

Carried: 12/0

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

Reason for amendment:

The above alternative recommendation is provided to address the Audit and Risk Management Committee request for an amendment to the recommendation to acknowledge repeat findings and accept audit actions and completion dates.



13. Motions of which previous notice has been given

C2306-7 NOTICE OF MOTION – FREMANTLE MARKETS BUSINESS CASE – CR MARIJA VUJCIC

Meeting date:	28 June 2023
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Attachments:	Nil
Confidential attachments:	1. Legal advice related to the officer's comment

ELECTED MEMBER SUMMARY

At the FPOL Committee meeting on the 10 May, I stated that; "it is my view that the recommendation before us is seriously compromised under the Local Government Act of 1996".

This is one of the most important decisions of my term as an elected member. To further assist me in making this decision I instructed Glen Mcleod from Glen Mcleod Legal to provide me with legal advice on Sections 3.58, 3.59, 5.41, 5.92 of the Local Government Act and the Leasing of City Property in a competitive manner Policy.

Does the Committee Recommendation meet the requirements of the Local Government Act of 1996? Sections 5.41 & 5.92?

36. No matter what the process, the City Council should have been advised of the possible proposal put forward by Tim Foster to the CEO in 2022.
37. There are two relevant sections of the LG Act relating to the provision of information to Council. The first is section 5.41, which concerns the functions of the CEO. That section relevantly provides that one of the CEO's functions is to 'ensure that advice and information is available to the Council so that informed decisions can be made'.
38. The second relevant provision is section 5.92, which concerns access to information by Council and committee members. That section relevantly provides that 'A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law'.
39. The information held by the CEO of another proposal for the leasing of the Property should have been provided to the Council for the FPOL Meeting. It is difficult to see how this information would not have assisted in the making of the decision for the disposal process and endorsement of the Business Plan.

The GTL Enterprise proposal was not provided to elected members even though meetings and discussions occurred during April/May 2022. GTL Enterprise PL



formalised their proposal in writing and emailed it to the CEO, Glen Dougal in May 2022.

At the Informal Electors Meeting on the 27 March, Matt Hammond provided information on the Fremantle Markets Lease renewal. The presentation highlighted reasons why the current operator should get another 20 year lease. There was no mention of the GTL Enterprise proposal. There is strong legal advice that states that Sections 5.41 and 5.92 were not adhered to.

Has the City met compliance with the local public notice given for the disposal?

26. It does not appear that local public notice has been given on this disposal. The City's 'Disposal of Property' public notice was last updated on 13 February 2023 and does not include the Property. It is also unclear whether a public notice of the Proposal was given in any of the ways prescribed in regulation 3A of the LG(A) Regulations. The Proposal was before the FPOL Committee at the FPOL Meeting, which was open to the public and where submissions were made by community members, including Mr Foster, but that does not meet the requirements for 'local public notice'.

It would appear that "local public notice" was not met.

Does the Leasing of City Property in a competitive manner policy apply to this item.

27. We also note that the Scenario 3 disposition process refers to the City disposing of the Property in accordance with the Policy, which purports to set out a process for the competitive leasing (or disposal) of property owned by the City.
28. It is questionable whether the City ought to rely on Policy. That is because the Policy is expressed to apply in circumstances where the lease term is nearing its conclusion and it is established that a tenant is pay full commercial market rate or above. Relevantly, clause 1.1. of the Policy provides as follows:

Approaching the conclusion of lease terms (between 6-12 months prior to expiry of lease), interested parties will be given an opportunity to compete in an open and competitive manner to lease investment properties, except for the following circumstances:

- (a) A property is leased to a tenant that:
 - (i) is paying full commercial market rate or above, and
 - (ii) adds significant value to Fremantle's overall tenancy mix and appeal for visitors (e.g. Gino's)...

29. In this instance the Current Lease term still has more than three years left. On the information available, it is also not clear that the tenant is paying full commercial market rate or above.

It would appear that the Policy does not apply to this item.



Legal Conclusion

44. If the City were to dispose of the Property in accordance with Scenario 3 and without observing the disposition requirements in section 3.58(3) or otherwise satisfying the exemption requirements for a major land transaction under section 3.59, then such its decision could be susceptible to challenge by way of judicial review in the Supreme Court.
45. In making its decision, the Council should be provided with all relevant information, such as any alternative proposals or lease enquiries that have been made for the Fremantle Markets.
46. As Tim Foster's proposal was neither revealed to Council nor, it would seem, properly investigated, Council will be running a significant risk that decisions on the matter will be invalid and susceptible to judicial review in the Supreme Court. This applies whatever the disposal path pursued.

Questions to the CEO

On the 31st May, I emailed a request for additional information and for responses to questions:

1. Copy of the city's legal advice on the item
2. The powerpoint presentation provided by Matt Hammond at the IEM meeting on the business case for the Fremantle Markets
3. A response to the following questions raised at the FPOL committee meeting 10 May:
 - a) Mayor Fitzhardinge did you know about the GTL Investment proposal?
 - b) Mr Dougal, why did you not present the proposal to elected members?
 - c) Mr Hammond, why did you not present the proposal to elected members?

Responses to the questions/information from CEO

The legal advice sought as part of the FPOL item to council re Markets Business Plan was to review and ensure the draft plan met the requirements of the Local Government Act 1995. Any changes suggested by our solicitor were included in the draft Plan presented to council with the item.

Attached is the original presentation of the IEM discussion on the way forward with the Markets essential works and options for moving forward. I advise that this is not a public document as is not intended for external use so cannot be provided to third parties outside of council.

I also provide the original resolution from council from 10 April, 2020, seeking officers to negotiate with the current tenant.



COUNCIL DECISION ITEM C2006-9
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council;

- 1. Approve implementation of the essential works for the Fremantle Markets based on the attached Fremantle Markets Revitalisation Works (2019) schedule of works as an opportunity with the current COVID-19 shut down of the business, subject to part 2 below.**
- 2. Authorise the Chief Executive Officer to negotiate with Fremantle Markets Pty Ltd (FMPL) the terms of a possible lease term extension for the current lease (dated 10 March 2008) for the property known as the 'Fremantle Markets' (Lots 1376, 1380 and 1693 South Terrace, Fremantle) based on the following criteria;**
 - a. Any extension be based on the delivery of the items noted as essential works in the schedule of works provided within the Markets Revitalisation Plan, as provided in attachment 1 of this item (10 June, 2020);**
 - b. A minimum contribution by the tenant of the value of the essential works identified in (a) above;**
 - c. Any term extension to be based on requirements of Local Government Act, 1995; and**
 - d. Negotiated proposed terms to be brought back to council for further consideration.**

Carried: 12/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic,

During discussion on the options officers have raised that there have been third party interest in the markets in the past.

In my view, the responses are unsatisfactory.

Conclusion

The legal advice provided by Glen McLeod from McLeod's Legal is compelling and needs to be addressed by the Mayor and CEO.



There is sufficient legal advice that points to Sections 5.42, 5.92, 3.58(3) and 3.59 of the Local Government Act not being compliant in the Fremantle Markets Business Case process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

ELECTED MEMBER MOTION

That the Council suspends the Fremantle Markets Business Case process until the City can demonstrate to the ratepayers and residents and to elected members that the actions of the City are legal and compliant with the Local Government Act.

OFFICER COMMENT

The Fremantle Markets (building) is currently leased to Fremantle Markets Pty Ltd (FMPL). The lease commenced on the 10/06/2008 and is due to conclude on the 31/10/2026.

During the term of the current lease the City has been in discussion with FMPL regarding investment in to works to the building. This has included discussion regarding a contribution from FMPL towards the works. FMPL has requested a renewal of the current lease in return for them making a financial contribution towards the proposed works.

Following these discussions, at the Ordinary Meeting of Council on 10 June 2020 (item C2006-9) Council made the following resolution:



COUNCIL DECISION ITEM C2006-9
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council;

- 1. Approve implementation of the essential works for the Fremantle Markets based on the attached Fremantle Markets Revitalisation Works (2019) schedule of works as an opportunity with the current COVID-19 shut down of the business, subject to part 2 below.**
- 2. Authorise the Chief Executive Officer to negotiate with Fremantle Markets Pty Ltd (FMPL) the terms of a possible lease term extension for the current lease (dated 10 March 2008) for the property known as the 'Fremantle Markets' (Lots 1376, 1380 and 1693 South Terrace, Fremantle) based on the following criteria;**
 - a. Any extension be based on the delivery of the items noted as essential works in the schedule of works provided within the Markets Revitalisation Plan, as provided in attachment 1 of this item (10 June, 2020);**
 - b. A minimum contribution by the tenant of the value of the essential works identified in (a) above;**
 - c. Any term extension to be based on requirements of Local Government Act, 1995; and**
 - d. Negotiated proposed terms to be brought back to council for further consideration.**

Carried: 12/1

For
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against
Cr Marija Vujcic,

In response to the resolution, officers carried out the following:

- Officers confirmed with FMPL that:
 - Any extension to their existing lease term would be subject to the delivery of the essential works as agreed upon in the same resolution, and that a financial contribution would be required from them to deliver the essential works.
 - Any extension to their lease term would be subject to adhering to the requirements of the Local Government Act 1995.
- As requested by Council in the resolution, officers negotiated proposed terms with FMPL and brought them back to council in May 2023 for further consideration.

Based on the proposed terms and the nature of the disposal that is to be considered, The Local Government Act 1995 requires a certain process to be followed before a disposal can be carried out, noting that currently no disposal has been agreed to.



Under section 3.59 of the Local Government Act, before a Local Government enters into a Major Land Transaction it must prepare a business plan and is to give state-wide public notice inviting public submissions on the proposal.

As defined in the act, a major land transaction is considered to be one that has a value of more than \$10 million or 10% of the Local Governments operating expenditure. The proposed terms being presented to council in this case met the requirements of being considered as a major land transaction, and therefore section 3.59 was the applicable process.

As such prior to commencing a disposal process, in May 2023 officers sought approval from council to advertise a business plan in accordance with section 3.59 of the Local Government Act. Before seeking council approval on the advertising of the business plan, officers sought external independent legal advice on the structure and content of the business plan. All feedback and changes provided via the independent legal advice were incorporated in full, into the draft business plan that was presented to council for approval.

Council approved the advertising of the business plan at the Ordinary Meeting of Council in May 2023. As such officers have now given state-wide notice of the business plan inviting public submissions. The deadline for submissions is the 14 July 2023, which was determined based on the timeframe requirements set within section 3.59 of the local government act.

Upon the completion of the current process, officers will present any submissions received to council for consideration. Upon receiving the submissions council will be able to decide whether they wish to authorise officers to commence with a disposal in accordance with the requirements of the local government act.

With respect to the presentation of unsolicited proposals regarding the disposal of Fremantle Markets, officers in the first instance have been working to carry out the correct process as required under the local government act, in order to conclude required actions outlined in the resolution of council in June of 2020 (item C2006-9) prior to consideration of unsolicited proposals received outside of council approved processes.

Following the concerns raised and receipt of the legal advice sought by Cr Vujcic, officers again sought independent legal advice on the matter. A summary of the legal advice sought by the City has been provided to follow:

- The legal advice tabled by Cr Vujcic acknowledges that there are exemptions from the need for a disposal of property to comply with s.3.58 of the LG Act, and one of those is where the process relating to a major land transaction is followed under s.3.59, and the disposal then occurs within 6 months after the advertising of the business plan. That is the process that is correctly occurring in this case.



- It also acknowledges that at this stage, the Council has only resolved to "endorse" the draft business plan for the purposes of advertising under s.3.59, setting out the details of a proposed disposition to FMPL. In accordance with s.3.59 no decision has, or can, be made to dispose of the property until after the advertising of the business plan and consideration of any submissions.
- The advertising of the business plan provides an opportunity for any person to make a submission on the disposal being proposed in the business plan. This would address any concerns raised in the letter tabled by Cr Vujcic as to whether the Council has been or, more appropriately, will be fully informed of any proposal before making a decision on whether or not to proceed with a renewal of the existing lease with FMPL.
- The timing of the business plan, some years prior to the expiry of the lease, facilitates and encourages alternative proposals because it allows sufficient time for the Council to consider any such proposals, without the expiry of the existing lease defining a timeline. In particular, the timing allows for the prospect that Council could decide not to enter into the disposal with FMPL after considering submissions in response to the business plan – and then advertise a new business plan relating to any other submissions received via the business plan process, as they would be required to do.

Legal advice sought by the City in response to Cr Vujcic's concerns as outlined in this notice of motion and legal advice, is provided in Attachment 1 of the Confidential Attachments for consideration by council. The legal advice in Attachment 1 demonstrates that the actions of the City are legal and compliant with the Local Government Act.

COUNCIL DECISION ITEM C2306-7
(Elected Member motion)

Moved: Cr Marija Vujcic

Seconded: Cr Adin Lang

That the Council suspends the Fremantle Markets Business Case process until the City can demonstrate to the ratepayers and residents and to elected members that the actions of the City are legal and compliant with the Local Government Act.

Lost: 1/11

For

Cr Marija Vujcic

Against

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



14. Urgent business

Nil

15. Late items

C2306-8 RESOURCE RECOVERY GROUP – REVIEW OF DELIVERY MODEL

Meeting date: 28 June 2023
Responsible officer: Director Infrastructure
Decision making authority: Council
Attachments: Nil.
Confidential Attachment: 1. Financial Summary Table

SUMMARY

This report provides an overview in respect to the Resource Recovery Group and seeks support for a review of the current service delivery model and associated projects as a result of some of the current challenges faced by the remaining participants.

This report recommends that Council:

- 1. Acknowledge the positive outcomes the current Resource Recovery Group Regional Council have provided for Members in achieving the waste targets and compliance with the State Government’s Waste Avoidance and Resource Recovery Strategy (2030).**
- 2. Subject to the agreement of the City of Melville, work with the Participants to undertake a review of the future of the Resource Recovery Group and the associated projects following the notification and future uncertainty created by the Town of East Fremantle’s withdrawal from the Resource Recovery Group.**
- 3. Work with the Participants and the Resource Recovery Group to review the service delivery model, with the scope of the review to include, but not limited to:**
 - a. Consideration of options for a modified Resource Recovery Group or an alternative to the Resource Recovery Group, to ensure:**
 - i. Alignment with the Waste Hierarchy**



- ii. The achievement of the waste strategy outcomes and maintaining the Food Organic Garden Organic (FOGO) service, the Materials Recovery Facility (MRF), the Green Waste Facility (GWF) and the transition to Waste to Energy (WtE) for residual waste.**
 - iii. A more cost effective and financially sustainable solution.**
 - b. Options to work cooperatively with the City of Canning to maintain the current Regional Resource Recovery Centre facility in Canning Vale as a strategic waste management precinct.**
 - c. The consideration of the implications of a restructure or changed service model, and how a transition to a new model might work.**
- 4. Meet with State Government representatives and departments and key stakeholders on options and support for maintaining the Canning Vale Regional Resource Recovery Centre as a strategic waste precinct of State significance.**

BACKGROUND

The City of Fremantle is a member of the Resource Recovery Group, formerly the Southern Metropolitan Regional Council.

The City of Canning, City of Cockburn, Town of East Fremantle, City of Fremantle, City of Kwinana, City of Melville, and the City of Rockingham initially formed a Regional Local Government in 1991 named the 'South West Metropolitan Regional Waste Management Council'.

The aim of the Council was to work collaboratively through a regional approach to waste management, with the aim of reducing waste to landfill and providing an environmentally sustainable waste management solution for the community and its member Councils.

An Establishment Agreement was subsequently developed between the participants and approved by the minister for Local Government in April 1998; under the Establishment Agreement the Regional Local Government was renamed the Southern Metropolitan Regional Council.

In 2021, the Southern Metropolitan Regional Council (SMRC) changed its name to the Resource Recovery Group (RRG) to reflect its diversifying business and expanding customer base.



The RRG's main operations are run from the 'Regional Resource Recovery Centre' (RRRC) at Canning Vale. This site is leased from the City of Canning. The lease was established in 2000, for a period of 30 years and includes two x10-year extension options; if the extensions are exercised the lease will expire in 2050.

The initial investment for the RRRC facility at Canning Vale was funded through a Project Loan; the loan repayments have continued to be made by the respective members (including those that have withdrawn). The loan balances will be fully repaid on 30 June 2023.

In 2004 the RRG purchased an office facility at 9 Aldous Place in Booragoon. The purchase value was \$1.8m, which was funded via an interest only loan. The remaining members have recently resolved to extend this loan provision, which is now based on a part principal and interest basis.

A fundamental aspect of the RRG's past success and waste avoidance performance levels, has been the provision of its Materials Recovery Facility (MRF) and the Waste Composting Facility (WCF).

As a result of the transition to Food Organics Garden Organics (FOGO) in 2019, the WCF was closed in November 2019.

The RRG currently provides the following services for its members:

- (FOGO)
 - *Licensed capacity of 109,200 tonnes pa.*
- (MRF)
 - *Licensed capacity of 120,000 tonnes pa.*
- Green Waste facility (GWF)
 - *Licensed capacity of 50,000 tonnes pa.*
- Waste Audit Facility
- Education Services

Since 1991 several of the original members of the RRG have withdrawn, through the formal withdrawal provision of the Establishment Agreement; the latest being the City of Cockburn in June 2019.

The remaining Council members include:

- Town of East Fremantle
- City of Fremantle
- City of Melville



The respective percentages of the remaining members (for 2022/23) is listed as follows:

Participants	Population	%
East Fremantle	7,893	5.51%
Fremantle	31,901	22.27%
Melville	103,459	72.22%
Total	145,253	100%

At a Council meeting on Tuesday 20 June 2023, the Town of East Fremantle resolved to withdraw from the RRG passing the following resolution:

Council Resolution

OFFICER RECOMMENDATION:

That Council

- (1) resolve to provide formal notice of withdrawal to the Resource Recovery Group (RRG - formerly SMRC) in accordance with section 11.1 of the Establish Agreement (1997) to end its membership (participation) within the regional local government.**
- (2) acknowledges that in accordance with clause 11.2 the withdrawal will become effective from 1 July 2024.**
- (3) instruct the Chief Executive Officer to secure full waste services or alternatively, should the Town's motion give effect to the orderly wind up of the RRG, to continue to work with the member Councils to seek waste services as an alliance.**

FINANCIAL IMPLICATIONS

No financial or budget impacts are anticipated as a result of decision to review the RRG service model.

A financial summary of current service fees and contributions paid by City of Fremantle to RRG are provided in the financial summary table (confidential attachment 1) for reference.

LEGAL IMPLICATIONS

The review will require legal advice in respect to options and to support the direction of any proposed change and / or delivery model change for the process going forward.



CONSULTATION

For the proposed review, engagement with the following stakeholders will be appropriate and necessary:

- Western Australia State government
- The RRG and its staff
- The RRG members and other potential prospective regional partners – these would include but are not limited to, the City of Melville, Town of East Fremantle, City of Canning, potential / other Local Government customers to the RRRC.

The City remains in active and constructive discussion with the RRG and both the City of Melville and the Town of East Fremantle. The City of Melville are aware of this report and the City of Fremantle's proposal to review RRG's service delivery model.

OFFICER COMMENT

The City of Fremantle's membership of the RRG has allowed the City to provide waste management and resource recovery services to the Community, that are aligned with best practice environmental management standards. The City of Fremantle's recycling rates have been consistently among the best in the state, and substantial improvement has been sustained with the introduction of the three-bin FOGO waste management system.

This membership is directly aligned with the Environmental Responsibility strategic focus area of the Community Strategic Plan 2015-2025, which represents the City's commitment to work with the community to develop environmentally sustainable solutions for the benefit of current and future generations.

The major outcome, as mentioned in the City of Fremantle's Community Strategic Plan 2015-2025, has entailed working with the community to reduce waste and reuse whenever possible. The infrastructure and services provided by the Resource Recovery Group have represented a substantial contribution to the delivery of this outcome and the overall objectives of the implementation of the City's waste management plan.

As mentioned above, from its 7 original members (City of Fremantle, City of Cockburn, City of Melville, City of Rockingham, Town of Kwinana, City of Canning, Town of East Fremantle), only 3 remain – City of Fremantle, Town of East Fremantle and City of Melville. This reduction has put pressure on the remaining 3 members and is resulting in increased shared costs and risks/liability.



On 20 June 2023 the Town of East Fremantle Council has decided to give notice of withdrawal from RRG, effective 1 July 2024; subsequently, under the current model, the only RRG remaining members after this date would be the City of Fremantle and the City of Melville. It is now becoming increasingly apparent that this has created an untenable situation with the current model from a cost effectiveness and financially sustainability point of view.

While it is acknowledged that RRG has provided valuable collective capacity for materials recycling and organic waste recovery and that it has played a pivotal role in the delivery of these services and meeting relevant strategic targets for the region and, indeed, the whole State, regarding resource recovery; the loss of capacity and volumes through members leaving the RRG means that remaining in this arrangement represents a substantial financial liability for the City of Fremantle going forward.

The following operations undertaken at RRG's Canning Vale Regional Resource Recovery Centre have been central to the City of Fremantle's and the regional objectives over the last few years:

- Material recovery facility (MRF) for processing of recyclables
- Composting facility and processing of FOGO materials and green waste

The City's remaining general waste and the refuse fraction from the operation of recycling and composting services, is currently disposed of at the Henderson landfill site (operated by City of Cockburn).

Other than the RRG, there are two other operators in the market that have waste management and resource recovery capabilities:

- Veolia operates a material recovery facility in Bibra Lake and a composting facility at their North Bannister site.
- Cleanaway operates a material recovery facility in South Guildford.

Options for review

Given the City's intention to maintain existing levels of service in the recycling and FOGO processing space, current options for review are considered as follows:

- Option 1: Remain with RRG and accept any liabilities resulting therefrom.
- Option 2: Withdraw from the RRG and go to market to secure recycling and FOGO processing capacity going forward.
- Option 3: Change the RRG with a view to create a new service model to maintain current capabilities by working with partner Councils to secure and maintain the operation of the Canning Vale



Regional Resource Recovery Centre site under an alternative delivery model, while reducing current costs and prospective future liabilities.

Option 1 has increasingly looked a less viable proposition and, given the proposed withdrawal of the Town of East Fremantle, now looks highly uncertain. There is an increased prospective liability with only two remaining members.

Therefore, Option 1 is thought to present an increased financial risk to the City of Fremantle.

Concerning Option 2, this would be a viable option in principle, due to the fact that City of Fremantle's waste outputs (tonnes of recyclables and FOGO materials) that will need to be processed, are not significant, comparing to other councils, and could be easily accommodated by existing private operators. No significant issues would be expected to arise if the City were to procure private capacity to deal with current and future tonnes, and no net cost increase would be expected from that option.

Option 3 would entail either a 'lightened' RRG model or an alternative RRG model that would serve as an efficient and effective vehicle to achieve the City's targets in line with the state's waste authority, whilst keeping the costs within reasonable limits, reducing liabilities and retaining the Canning Vale Facility as a regional waste management facility.

Risks / Consequences

It should be noted that any of the options that mean moving away from the current arrangement will introduce several potential risks that will need to be reviewed and considered; these may include:

- Loss of current site (Canning Vale Resource Recovery Centre)
- Inability to maintain FOGO and recycling processing capacity at current levels or to current standards
- Reduced recovery rates (increased reliance on landfill disposal)
- Becoming susceptible to market conditions (costs and capacity)
- Potential increased collection / transfer costs (FOGO / Recycling / Greens)
- Negative reputational damage for Councils and State Government if RRRC facility closes
- Reduced regional waste education outcomes
- Additional resources required by Participants to manage waste management contracts in-house



Summary

In assessing the current situation and noting the potential options and the risks, officers have concluded that a review of the service delivery model is timely and appropriate. It would be proposed to focus on the following:

- a) Maintaining current resource recovery levels (FOGO and MRF operations)
- b) Securing ongoing operation of the current Canning Vale Resource Recovery Centre site
- c) Provide for suitable collaboration with current participants and neighbouring councils, still acting as a collective in the pursuit of relevant community goals
- d) Transition to future waste to energy technology for general waste and refuse-derived materials.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2306-8 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:

- 1. Acknowledge the positive outcomes the current Resource Recovery Group Regional Council have provided for Members in achieving the waste targets and compliance with the State Government's Waste Avoidance and Resource Recovery Strategy (2030).**
- 2. Subject to the agreement of the City of Melville, work with the Participants to undertake a review of the future of the Resource Recovery Group and the associated projects following the notification and future uncertainty created by the Town of East Fremantle's withdrawal from the Resource Recovery Group.**
- 3. Work with the Participants and the Resource Recovery Group to review the service delivery model, with the scope of the review to include, but not limited to:**
 - a. Consideration of options for a modified Resource Recovery Group or an alternative to the Resource Recovery Group, to ensure:**
 - i. Alignment with the Waste Hierarchy**
 - ii. The achievement of the waste strategy outcomes and maintaining the Food Organic Garden Organic (FOGO) service,**



the Materials Recovery Facility (MRF), the Green Waste Facility (GWF) and the transition to Waste to Energy (WtE) for residual waste.

iii. A more cost effective and financially sustainable solution.

b. Options to work cooperatively with the City of Canning to maintain the current Regional Resource Recovery Centre facility in Canning Vale as a strategic waste management precinct.

c. The consideration of the implications of a restructure or changed service model, and how a transition to a new model might work.

4. Meet with State Government representatives and departments and key stakeholders on options and support for maintaining the Canning Vale Regional Resource Recovery Centre as a strategic waste precinct of State significance.

Carried: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Su Groome

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

Carried: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

At 8:42pm members of the public were requested to vacate the meeting.



16. Confidential business

FPOL2306-14 CONFIDENTIAL - EXPRESSIONS OF INTEREST – LEASE OF THE FREMANTLE PUBLIC GOLF COURSE

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development and Marketing
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Confidential Attachment – EOI Submission 1 2. Confidential Attachment - EOI Submission 2

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:

- (2)(e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person.

Where the trade secret or information is held by, or is about, a person other than local government.

COUNCIL DECISION ITEM FPOL2306-14 **(Amended committee's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Authorise the Chief Executive Officer to commence lease negotiations with the preferred applicant from the Expression of Interest process for a maximum period of three months. Should a set of essential terms be agreed on by both parties they will be brought back to Council for approval.**



2. *Prioritise consideration of the following outcomes as part of the negotiation process:*

- a. Ensure the public golf course remains affordable, accessible and welcoming for all.***
- b. Require any new facility to include reception areas, social spaces, food and beverage facilities and amenities that are accessible to, and meet the needs of, all golf course users and the wider community, including the existing clubs.***
- c. Agree on planning and management strategies to mitigate potential impacts of night-time uses on residential properties on Montreal Street, noting the strategic planning framework provides for increased residential density in the precinct.***
- d. Ensure that any activities that encroach into Booyeembarra Park are community and / or recreational in nature and accessible by the community.***
- e. Provide a clear demonstration of how parking demand will be met.***
- f. Establish clear performance indicators and make good provisions for the golf course infrastructure to form part of any proposed lease.***

3. Should an agreement with the preferred applicant not be reached within the three-month timeframe, Council authorise the Chief Executive Officer to commence negotiations with the next most suitable applicant identified in the Expression of Interest process.

4. Notes the proposal is yet to incorporate a bookable community space as currently proposed by the City in the existing golf club-community building design, and requests the Chief Executive Officer identify options for the provision of an appropriate community facility including consideration of options at either the existing site, or another suitable site.

Carried: 12/0

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



AMRC2306-8 CONFIDENTIAL – WRITE-OFF OUTSTANDING DEBT

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Confidential Attachments: 1. Valuation Assessment

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:

- (3)(e) a matter that if disclosed, would reveal –
 - (iv) a trade secret; or
 - (v) information that has a commercial value to a person; or
 - (vi) information about the business, professional, commercial or financial affairs of a person.

Where the trade secret or information is held by, or is about, a person other than local government.

COUNCIL DECISION ITEM ARMC2306-8
(Alternative officer's recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council approve the write-off of the total debt owed by Debtor Number 2092821 of \$58,557.00, subject to:

- a. Any assets belonging to Debtor Number 2092821 that remain within the leased area being removed from council property at no cost to the City.***
- b. Agreeing to a deed of surrender for the current lease associated with the property.***

Carried: 12/0

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



COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Andrew Sullivan

That the meeting come out from behind closed doors.

Carried: 12/0

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

17. Closure

The Presiding Member declared the meeting closed at 8:54pm.