



Additional documents

Ordinary Meeting of Council

Wednesday, 23 June 2021, 6.00pm

Table of Contents

Contents	Page	
PC2106-5	FIELD STREET, NO. 12 AND 14 AND LEWINGTON STREET, NO. 17 AND 19 (LOTS 6, 7, 51 AND 52) BEACONSFIELD – DEMOLITION OF FOUR SINGLE HOUSES (TG DA0530/20, DA0531/20, DA0532/20 AND DA0533/20)	1
FPOL2106-1	SWAN RIVER CROSSING ALIGNMENT	2
FPOL2106-1	SWAN RIVER CROSSING ALIGNMENT	5
FPOL2106-5	ADOPT COUNCIL CODE OF CONDUCT, DIVISION 3 COMPLAINT HANDLING POLICY	7
FPOL2106-8	SUSTAINABLE EVENTS POLICY REVIEW	9
C2106-1	ADOPTION OF THE ANNUAL BUDGET 2021/2022	10

PC2106-5 FIELD STREET, NO. 12 AND 14 AND LEWINGTON STREET, NO. 17 AND 19 (LOTS 6, 7, 51 AND 52) BEACONSFIELD – DEMOLITION OF FOUR SINGLE HOUSES (TG DA0530/20, DA0531/20, DA0532/20 AND DA0533/20)

Alternative recommendation submitted by Cr Andrew Sullivan

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of existing Single house and outbuildings at No. 14 (Lot 7) Field Street, Beaconsfield, as detailed on plans dated 4 December 2020, for the following reason:

- 1. The existing Single house is considered to be of some heritage significance and demolition is contrary to clause 4.14 of the City of Fremantle Local Planning Scheme No. 4, and clause 67(2)(k) and (l) of the *Deemed provisions* by virtue of being detrimental to the heritage significance of the place and the locality.**

Reason for change:

14 Field Street is a modest, timber framed house constructed in the early 1950's which shows the influence of residential styles popular in the immediate Post-War era. It is largely intact in its originally constructed form and contributes to the reasonably intact overall Post-War residential streetscape of Field Street. For these reasons it is considered to be of some heritage significance and therefore in accordance with clause 4.14 of the City's Local Planning Scheme the Council should not grant planning approval for demolition.

FPOL2106-1 SWAN RIVER CROSSING ALIGNMENT

Proposed amendment submitted by Cr Andrew Sullivan

Council

1. Provides the following general observations and feedback to the State Government and the Swan River Crossing Alliance:
 1. Reiterates the concern that the Swan River Crossings project was proposed to be an infrastructure replacement project only and within a constrained project area; and as such provides limited opportunity to deliver improved transport and land use planning outcomes for urban environments previously fragmented by incompatible regional transport networks.
 2. Welcomes the State Government's recent commitment to develop the Future of Fremantle Planning Strategy and requests that it include a regional transport network that supports the continual growth of the urban fabric of Fremantle;
 3. Agrees that based on the deteriorating serviceability of the Fremantle Traffic Bridge, it needs to be replaced as a matter of urgency and acknowledges that its replacement will be required in advance of the strategic planning direction to be established by the Future of Fremantle Planning Strategy;
 4. Notes that the proposal to duplicate the rail bridge to provide a dedicated freight line is one of numerous strategies that would improve freight logistics relative to the Inner Harbour but that the need to establish a dedicated freight crossing is not critically urgent or based on unacceptable safety concerns; and,
 5. Concludes that there is insufficient justification to warrant the immediate duplication of the rail bridge in advance of establishing the optimal regional transport network and land use plans as part of the Future of Fremantle Planning Strategy.
 6. Supports a bridge design that requires minimal or no interference with the riverbed and water flow in recognition of cultural concerns expressed by the Indigenous community.

- ~~1.2~~ ***Notwithstanding that the rail bridge duplication component of the project is considered premature***, provides the following summarised feedback to the Swan River Crossing Alliance on each of the four alignment options:
 - a. **OPTION 1** - is considered to be the preferred option out of the four and aligns most closely with previous feedback from the City to MRWA around optimising the heritage, public realm and place-making opportunities as well as keeping the overall impact of new infrastructure as far west as practicable.

- b. **OPTION 2** - demonstrates no clear community benefits over and above option 1 but **will likely may** result in major disruption to rail services in the future when the existing rail bridge needs replacing **and will limit the opportunity for double stacking of containers on rail.**
- c. **OPTION 3** - assessed with having little merit. It **is a complex solution driven by retaining part results in an outcome that sees part** of the old Traffic Bridge structure 'locked' between two new bridges, and moves new infrastructure and traffic impacts further east towards existing residents **and the Naval Stores complex.**
- d. **OPTION 4** - has some merit, having the potential to reduce the construction time by 12 months and open up possibilities for greater flexibility in bridge design. **Before this option gains City of Fremantle support, the City will need** *However, the option cannot be supported unless there* is evidence that the following matters are fully addressed:
- That the State Government resolves the fact that the existing traffic bridge structure is listed on the State Heritage Register and that its full demolition is *deemed* acceptable.
 - Traffic redistribution and local diversions during construction will be managed to tolerable levels of congestion—as indicated by transparent traffic modelling and education on travel behaviour change shared with the community through consultation.
 - Businesses along Queen Victoria Street (on both sides of the river) agree to the proposed traffic management plans **and/or are compensated for losses resulting from the significant reduction in passing traffic and business during the construction phase**—noting that there is likely to be a significant reduction in passing traffic during the construction phase.
 - The financial gains achieved with this quicker and simpler option are significant and measurable and will fund a noticeably better bridge design and improved place-making outcomes for the community.
- 2 3** Re-confirms that the 6 Principles adopted by Council on 24th June 2020 still remain applicable, and should guide the next phase of project design and expresses its desire to continue working with the State Government and its Alliance team on the Swan River Crossing project to achieve the best possible outcomes for the community.
- 3 4** Writes to the Hon. Rita Saffioti MLA, Minister for Transport, Planning and Ports to:
- **Welcomes the opportunity to continue to be involved in the design development process for the river crossings.**

- Thank the Government for re-opening the discussion with the community regarding multiple bridge alignment options;
- *Welcome the recent commitment to develop the Future of Fremantle Planning Strategy;*
- *Request the proposed upgrade of the rail network at the river crossing be postponed until it can be guided by integrated longer-term planning for the North Fremantle peninsula, including economic, land use, place and transport solutions developed as part of the Future of Fremantle Planning Strategy;*
- Request ~~Seek assurances that the City of Fremantle will~~ the City receive early engagement from the Government regarding *the establishment and governance framework of the Future of Fremantle planning study integrated longer-term planning for the North Fremantle peninsula, from economic, land use, place and transport perspectives.*

Reason for amendment:

To provide additional, more generalised feedback to the State and Swan River Crossings Alliance and to adjust the recommendation to take into account the recent announcement by the State Government in relation to the Future of Fremantle planning study. In addition, the amendment seeks to provide separate comments and feedback for the proposed rail bridge duplication component of the project culminating in a request to delay this part of the works until such time as it can be guided by the Future of Fremantle Planning study.

FPOL2106-1 SWAN RIVER CROSSING ALIGNMENT

Proposed amendment submitted by Cr Jenny Archibald

Council

1. Provides the following summarised feedback on each of the four alignment options:-
 - a. **OPTION 1 - is the preferred option out of the four because:**
 - it aligns most closely with previous feedback from the City to MRWA
 - it optimises the heritage, public realm and place-making opportunities
 - it keeps the overall impact of new infrastructure as far west as practicable
 - b. **OPTION 2 - demonstrates no clear community benefits over and above option 1 but may result in major disruption to rail services in the future when the existing rail bridge needs replacing;**
 - c. **OPTION 3 - assessed as having little merit:**
 - it results in an outcome that leaves part of the old Traffic Bridge structure 'locked' between two new bridges
 - it moves new infrastructure and traffic impacts further east towards existing residents
 - it compromises the Naval Stores complex.
 - d. **OPTION 4 - has some merit, in that:**
 - It potentially reduces construction time by 12 months
 - It opens possibilities for greater flexibility in bridge design

However, before this option could be fully supported, the following matters would need to be addressed:

- that the demolition of the existing the State Heritage Register listed traffic bridge, is deemed acceptable.
- Traffic redistribution and local diversions during construction **will can** be managed to acceptable levels of congestion – **as indicated by the and appropriate** community **through** consultation **is carried out;**

- Businesses along Queen Victoria Street (on both sides of the river) ~~agree to~~ **are consulted on** the proposed traffic management plans, **including forms of compensation for any loss of business due to** ~~– noting that there is likely to be a significant~~ reduction in passing traffic during ~~the~~ construction phase;
 - Any financial gains achieved with this **quicker and simpler** option will be ~~measured and~~ **fully costed**, clearly demonstrate a better bridge design and improved place-making outcomes for the community.
2. Re-confirms that the 6 Principles adopted by council on 24th June 2020 ~~still~~ remain applicable, and should guide the next phase of project design ~~and expresses its desire to continue working with the State Government and its Alliance team on the Swan River Crossing project to achieve the best possible outcomes for the community;~~
3. **Re- affirms Council’s desire to continue working with the State Government and its Alliance team on the Swan River Crossing project to achieve the best possible outcomes for the community.**
- 3 4. Writes to the Hon. Rita Saffioti MLA, Minister for Transport, Planning and Ports to:
- ~~The City w~~ **Welcome** the opportunity to continue to be involved in the design and development process **for the River Crossings Project;**
 - Thank the Government for re-opening the discussion with the community regarding multiple bridge alignment options;
 - ~~Seek assurances that the City of Fremantle will receive early engagement from the Government regarding integrated longer-term planning for the North Fremantle peninsula, from economic, land use, place and transport perspectives.~~
 - **Request confirmation as to why the rail bridge component is planned to be constructed simultaneously with the traffic bridge, ahead of the broader planning for the North Fremantle peninsula, suggesting that it may be beneficial to delay this component of the project until this strategic work is completed;**
 - **Request that the City of Fremantle receive early engagement from the Government regarding the establishment and governance framework of the Future Fremantle Planning Committee;**

Reason for amendment:

To ensure that our desire to work with the State Government is clearly stated, along with the feedback on the various options.

FPOL2106-5 ADOPT COUNCIL CODE OF CONDUCT, DIVISION 3 COMPLAINT HANDLING POLICY

Proposed Officer's amendment submitted by Manager Governance

ADDITIONAL OFFICER COMMENT

In part 3 of the draft policy it currently states that the City will appoint a panel of independent and appropriately qualified persons to be the City's investigators. It was anticipated that the City would put out an EOI to invite qualified applicants to form our own panel.

However, since this report was written WALGA have identified that as Local Governments are on the approved register of who can buy from a State Government Common Use Agreement (CUA) that CUA-HRS2015 would provide an appropriate process for appointing qualified and independent investigators.

The Department of Finance (Department) provided the following information on the current CUA in response to WALGA's enquiries regarding its suitability for purpose. The Department also advised that a new CUA is expected to be in place by 1 July 2021 and will include a category for HR investigation services that closely aligns with the Code of Conduct behavioural breach assessment task.

The Department's response follows:

1. **Are code of conduct/human resource (HR) investigation services going to be included on the new CUA?**
 - a. The new CUA will include a Category for HR investigation services. In the Request document that was sent out to market, the following information was provided with regard to the services provided by suppliers:

“Undertake a range of investigations including those that involve alleged, suspected and proven activities that may lead to criminal and civil prosecutions, and administrative decisions (e.g. disciplinary and misconduct issues). This may also include investigations leading to other administrative and workplace decisions (e.g. grievance and substandard performance issues).”
 - b. This category of services is designed to meet investigation requirements at the higher end of the spectrum of allegations and is not intended to be used for matters requiring informal interviews/analysis/recommendations. In the context of code of conduct violations, it would ultimately be up to the buying entity whether or not this category would be suitable for their requirements.

- c. Please note that the following services are deemed to be out of scope of the CUA:
 - i. Employee performance management strategies/plans/methods
 - ii. Compliance risk assessment relating to Public Sector Standards in HR Management

2. What if the work is out of scope or not under CUAHRS2015/2021?

- a. If you deem the work to be out of scope or outside of the CUA, and subject to any procurement policies/rules that apply to you (i.e. adopted Procurement Policy) you may still contact suppliers on the CUA for quotes.

AMENDED OFFICER RECOMMENDATION

Council adopt the Council Code of Conduct Division 3 Complaint Handling Policy, provided in attachment 1, with amendment to Part 3 as shown below:

Part 3 Considering Complaints

- 3.1 Council will ~~appoint a panel, of a minimum of 3~~ use the relevant State Government Common Use Agreement (in accordance with the City's procurement processes) to appoint independent persons, with relevant legal expertise and knowledge, who are not current or former employees or elected members of the City to be the City's investigators.**
- 3.2 The Chief Executive Officer may appoint an investigator from the panel to review and consider one or more Complaints of behaviour breach and to report on the outcome of any investigations to the Complaints Officer.**

Reason for amendment:

To establish a simple and transparent process for appointing investigators to provide independent reports that allow council to consider the outcome of complaints made under Division 3 of the Council Members, Committee Members and Candidates Code of Conduct.

FPOL2106-8 SUSTAINABLE EVENTS POLICY REVIEW

Proposed amendment submitted by Cr Rachel Pemberton

To add the following part 4 to the Committee Recommendation

4. Request the CEO to write to the Department of Water and Environmental Regulation to congratulate the WA Government on the decision to bring forward the phasing out of common single use plastics, and:
 - a) request information about how the state-wide ban will be implemented, monitored and enforced.

Reason for amendment:

The WA "Plan for Plastics" ban on single use plastics will supersede parts of the Sustainable Events Policy, and also make it easier for event organisers to comply.

The Plan for Plastics will also apply to all businesses and individuals in Fremantle, which will have greater impact on reducing single use plastics, but as we have seen from the implementation of the Sustainable Events Policy, may have its challenges.

Fremantle is one of a number of WA Councils that have adopted Sustainable Events Policies, therefore Local Governments may be able to provide helpful and practical support to the state-wide ban on single use plastics. Local Government is also responsible for waste collection, so will have a vital role to play and ability to monitor the impact of the ban over time.

C2106-1 ADOPTION OF THE ANNUAL BUDGET 2021/2022

Proposed Officer's amendment submitted by Manager Finance

ADDITIONAL OFFICER COMMENT

Two corrections are required to be made to Attachment 2 - Annual Fees and Charges 2021/2022 to this report:

1. The figure shown on page 3 of the attachment at Overdue Interest on Rate Assessments including Fees and Costs should read 7% not 8% as currently shown.

Rate Recovery Fees

Dishonoured Cheque Processing Fee	\$25.00	\$0.00	\$25.00	per occasion
Rates Overdue Special Payment Arrangement Fee	\$33.00	\$0.00	\$33.00	
Payable per assessment				
Recovery of External Legal Costs	Actual Costs			
i.e. – Solicitors costs for summons, solicitor costs for judgement, process server costs plus any additional external costs incurred in recovering overdue rates				
Rate Recovery Fees – Fee on Rejected Payments	\$25.00	\$0.00	\$25.00	
Dishonoured cheques, reversed credit card and other electronic payments, etc. Administration fee per transaction plus all Financial Institution Fees incurred				
Overdue Interest on Rate Assessments including Fees and Costs	Interest charged on overdue rates - 8% pa			

2. The figure shown on page 104 of the attachment at Penalty Interest on overdue Rubbish Charge for Non-Rateable Residential Properties Fees should read 7% not 11%

Miscellaneous

Rubbish Charge – Residential Non-Rateable Properties

Rubbish Charge for Residential Non-Rateable Properties – Levied via Rating System and all options applicable to rates payments apply	\$519.00	\$0.00	\$519.00	
Penalty Interest on overdue Rubbish Charge for Non-Rateable Residential Properties Fees	11% calculated on a daily basis will be charged on overdue fees			

OFFICER ADDITIONAL RECOMMENDATION

12. Amend Attachment 2 - Annual Fees and Charges 2021/2022 as follows:

- a. change the figure shown on page 3 of the attachment at “Overdue Interest on Rate Assessments including Fees and Costs” to read 7%
- b. change the figure shown on page 104 of the attachment at “Penalty Interest on overdue Rubbish Charge for Non-Rateable Residential Properties Fees” to read 7%

Reason for amendment:

To apply a Ministerial requirement that those figures not be greater than 7%.