



Minutes

Strategic Planning and Transport Committee

Wednesday, 20 November 2019, 6.00pm

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STRATEGIC PLANNING AND TRANSPORT COMMITTEE

Minutes of the Strategic Planning and Transport Committee Meeting
held in the North Fremantle Community Hall
on **20 November 2019** at 6.00 pm.

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

The Acting Chief Executive Officer, Paul Garbett declared the meeting open at 6.04 pm.

2.1. ATTENDANCE

Cr Andrew Sullivan	Deputy Mayor
Cr Geoff Graham	Beaconsfield Ward
Cr Bryn Jones	North Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward
Cr Marija Vujcic	South Ward
Cr Su Groome	East Ward
Cr Jenny Archibald	<i>(observing only)</i>
Cr Doug Thompson	<i>(observing only)</i>
Mr Paul Garbett	Director Strategic Planning and Projects/Acting Chief Executive Officer
Ms Phillida Rodic	Manager Strategic Planning
Ms Georgia Scott	Senior Project Officer -Sustainability
Ms Michelle Gibson	Meeting Support Officer

There were approximately 3 members of the public and no members of the press in attendance.

2.2. APOLOGIES

Nil

2.3. LEAVE OF ABSENCE

Dr Brad Pettitt Mayor

3.1 ELECTION OF COMMITTEE PRESIDING MEMBER

At 6.05 pm, the Acting Chief Executive Officer, Mr Paul Garbett called for nominations for the position of Presiding Member of the Strategic Planning and Transport Committee.

A nomination was received from Cr Sam Wainwright

At 6.06pm Cr Sam Wainwright was elected unopposed as Presiding Member of the Strategic Planning and Transport Committee for the term of two years, to expire following the next ordinary Council elections.

At 6.06pm Cr Sam Wainwright assumed the chair.

3.2 ELECTION OF COMMITTEE DEPUTY PRESIDING MEMBER

At 6.07pm the Presiding Member, Cr Sam Wainwright called for nominations for Deputy Presiding Member of the Strategic Planning and Transport Committee.

A nomination was received from Cr Adin Lang

At 6.07pm Cr Adin Lang was elected unopposed as Deputy Presiding Member of the Strategic Planning and Transport Committee for the term of two years, to expire following the next ordinary Council elections.

4. DISCLOSURES OF INTERESTS

Nil

5. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

The following member of the public spoke in relation to item SPT1911-1

Garnett Hall

7. PETITIONS

Nil

8. DEPUTATIONS

Nil

8.1 SPECIAL DEPUTATIONS

Nil

8.2 PRESENTATIONS

Nil

9. CONFIRMATION OF MINUTES

Note that the minutes of the Strategic Planning and Transport Committee meeting held on 18 September 2019 were confirmed at the Ordinary Meeting of Council held on 16 October 2019.

Carried: 7/0

**Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Su Groome, Cr Adin Lang, Cr Marija Vujcic**

10. ELECTED MEMBER COMMUNICATION

Nil

11. REPORTS AND RECOMMENDATIONS

11.1 COMMITTEE DELEGATION

SPT1911-1 POTENTIAL SCHEME AMENDMENT - 59 ELLEN STREET FREMANTLE - PRELIMINARY ENGAGEMENT & INITIATION

Meeting Date:	20 November 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Committee
Agenda Attachments:	Nil
Additional information:	1. Schedule of Submissions – Preliminary Consultation 2. Site Photos

SUMMARY

The City has received a request to consider an ‘additional use’ of Veterinary Hospital for a property at No. 59 Ellen Street, Fremantle which has previously operated as a medical centre. The property is currently zoned Residential under Local Planning Scheme No. 4 (LPS4) which precludes this use.

At its meeting on 21 August 2019, the Strategic Planning and Transport Committee resolved to undertake preliminary community consultation on the idea of applying additional use rights to the site for Veterinary Clinic, Veterinary Hospital, Consulting Rooms, Medical Centre and Office. The previous use of the site, its current configuration and its location were noted as reasons to explore the idea of a scheme amendment.

The City undertook preliminary community consultation on the amendment proposal between September and October 2019. A total of 19 submissions were received, all of which expressed support for or no objection to the amendment.

This report considers the outcomes of the preliminary consultation and recommends that Council formally initiate a ‘standard’ amendment to LPS4 to allow for the above-mentioned additional uses on the site.

BACKGROUND

The subject site is located immediately to the south of Fremantle Park, on the corner of Ellen Street and Ord Street, Fremantle. It is currently zoned Residential with a density of R35, and contains a vacated Single house which was most recently used as a Medical Centre (known as *Ellen Health*). The Medical Centre use was able to operate under the non-conforming use rights of LPS4; however these have now lapsed meaning the site has returned to the base Residential zoning with a limited number of permissible uses.

Earlier this year, the City was approached by a prospective purchaser of the property wishing to use it to establish a local veterinary hospital, a use which is not permissible within a Residential zone. This was considered by the Strategic Planning and Transport Committee on 21 August 2019 (refer Item 1908-1). As noted in that report, the building on the site is recognised as having heritage significance under the City’s Local Heritage

Survey, and the site is also heritage-listed under LPS4. Further, the property also contains two line-marked hardstand areas for car parking, which were associated with the previous medical use. There are two access points for these car parks, via Ellen Street and Ord Street.

The Strategic Planning and Transport Committee resolved to commence preliminary community consultation on the idea of applying ‘additional uses’ to the site of Veterinary Clinic, Veterinary Hospital, Consulting Rooms, Medical Centre and Office (refer Item1908-1). Officers recommended other complimentary additional uses to Veterinary Hospital to ensure a degree of flexibility for future changes in land use, and acknowledging the previous medical practice which operated from the site. If gazetted, these additional uses would be listed under Schedule 2 of the LPS4 text alongside any relevant conditions (to be determined).

This report considers the outcomes of the preliminary consultation, and discusses the subsequent process forward.

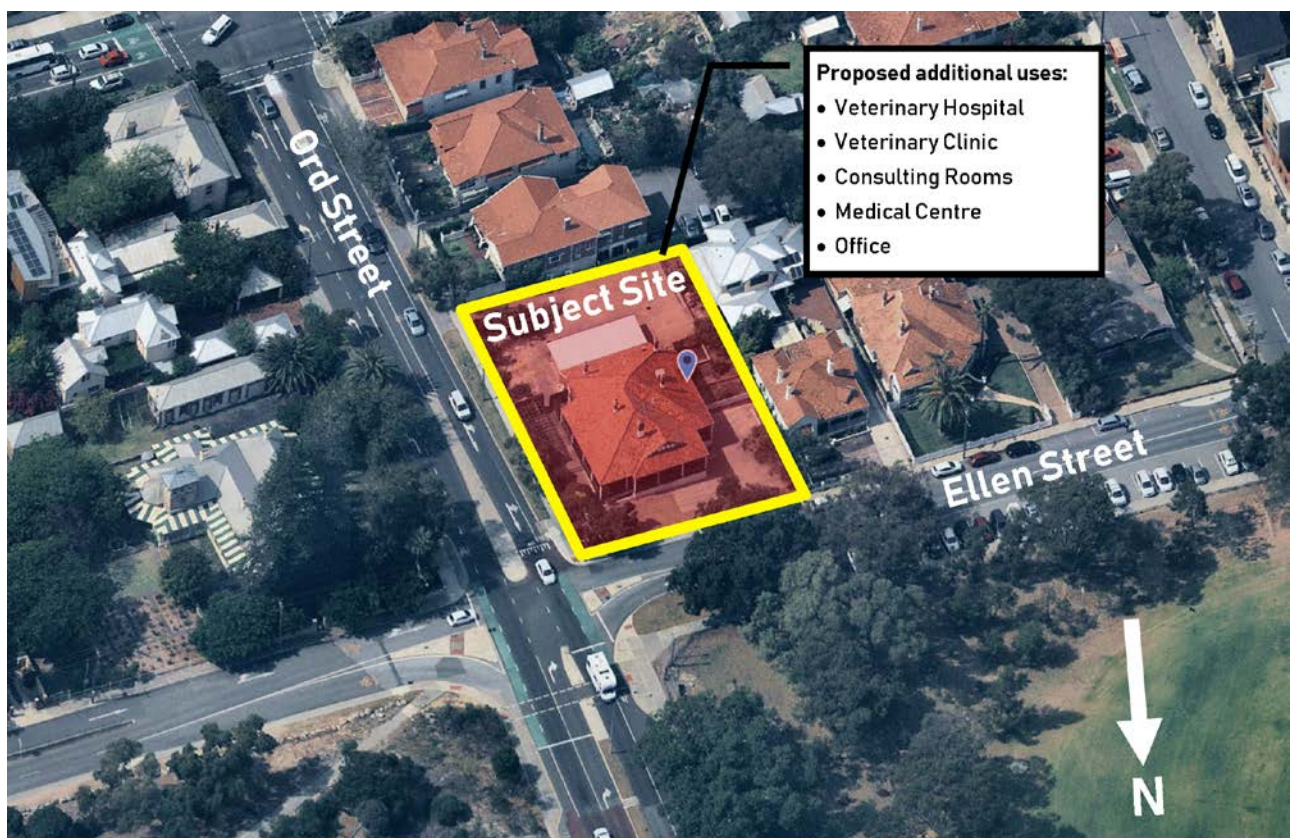


Figure 1: Location of subject site and additional uses proposed

The proponent is intending to operate a Home Business veterinary practice from the premises as an interim measure, whilst the City considers the scheme amendment proposal; the Home Business use was approved on 7 October 2019 (DA0290/19). Its approval was subject to certain conditions regarding hours of operation, the area of the business and number of staff employed to align with the restrictions associated with a Home Business.

OFFICER COMMENT

Outcomes of Consultation

The City undertook preliminary community consultation on the proposed amendment in accordance with Local Planning Policy 1.3 between 13 September 2019 – 11 October 2019.

A total of 19 submissions were received, as outlined in the Schedule of Submissions provided as Additional Information. The vast majority expressed support for the proposal.

A summary of the key comments made in submissions is as follows:

- The idea of a veterinary practice is welcomed within central Fremantle as there is currently no service of this nature available in the local area.
- The location of a clinic in close proximity to established residential areas will be of benefit to local residents.
- There is ample parking on the site for clients of the practice.
- A business operating from the building will improve the amenity of the street.
- The clinic will provide an opportunity for the existing house to be restored.

Only one point of concern was expressed: that the veterinary clinic may increase the number of dogs utilising Fremantle Park, and might exacerbate an existing safety concern for younger children who use the playground particularly if dogs are off-lead; the submitter recommended that the children's playground be fenced to mitigate this concern.

Officer Comment on Outcomes of Consultation

As detailed in the previous officer report from August 2019, the proponent cited a number of points in their initial request to justify the need for a scheme amendment on the subject site. One of the key items raised was in respect to the previous medical use occupying the site and the fact that the proposed veterinary hospital would operate in a very similar fashion, particularly in terms of the number of staff employed and the practice operating hours. Also noted were the minimal physical changes required to the existing property, with the existence of 16 on-site car parking bays and only minor works required to the existing heritage-listed single house to facilitate the additional use. It was also stated that there was a current lack of veterinary clinics within close proximity to the Fremantle City Centre and that a business on this site would suitably address the demand for this service.

Submissions received during consultation have indicated a high level of support for the idea of amending the scheme to support additional uses on the site. Comments received have reiterated many of the points raised by the proponent in their initial justification, and many have made positive reference to the convenience of the previous medical centre use on the site (Ellen Health). A number of submissions, including from the Fremantle Chamber of Commerce, indicated a strong desire for additional services, such as veterinary clinics, to be located within close proximity to the Fremantle City Centre. Activation of the currently vacated building is also strongly desired, particularly by those submitters who reside in close proximity to the subject site.

The previous report on this amendment discussed some of the strategic implications of this proposal. It is reiterated that spot re-zonings of this nature are by-and-large not supported by the City, given these can undermine a more strategic approach to planning by considering proposals in isolation. The rationale for supporting this proposal documented in the previous report is, however, maintained (as an ‘on balance’ recommendation), and is now reinforced by a (relatively) high level of public support. Taking these factors into account, initiation of a formal scheme amendment for the site is recommended. Once initiated, and assessed by the EPA, a further round of statutory community consultation will be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

With regards to the concern raised in one submission regarding the potential increase in dog usage arising from the proposal, this is noted but considered unlikely to be marked. The concern has, however, been referred to the City’s Parks team for consideration in future management and upgrade of Fremantle Park.

FINANCIAL IMPLICATIONS

An application fee (in accordance with the Council’s adopted Schedule of Fees and Charges) applies to proponent-led scheme amendments. This represents revenue to the City intended to cover the administrative costs of dealing with the scheme amendment request.

LEGAL IMPLICATIONS

The scheme amendment process is provided for in the *Planning and Development Act 2005* and regulated through the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Preliminary consultation on the scheme amendment was undertaken in accordance with Local Planning Policy 1.3 between 13 September and 11 October 2019. A total of 19 submissions were received, the vast majority expressed support for the proposal.

Should Council formally initiate an amendment to the scheme, further consultation will be required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM SPT 1911-1
(Officers recommendation)

Moved: Cr Adin Lang

Seconded: Cr Bryn Jones

The Strategic Planning and Transport Committee, acting under Delegation 1.1:

1. Note the submissions received during the consultation on the potential scheme amendment provisions.
2. In accordance with section 75 of the *Planning and Development Act 2005*, resolve to amend Local Planning Scheme No. 4 by inserting the following into *Schedule 2 – Additional Uses* of the scheme text, as follows:

No.	Description of Land	Additional Use	Conditions
3	59 (Lot 5 on Plan 4320 Certificate of Title 1700/129) Ellen Street, Fremantle	Veterinary Clinic, Veterinary Hospital, Consulting Rooms, or Medical Centre	A maximum of 10 animals to be kept on site overnight, and to be supervised at all times by a vet or nurse.

3. In accordance with regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determine that Amendment No. 81 is a standard amendment for the following reasons:-
 - a. It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - b. It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
4. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.
5. In accordance with section 81 of the *Planning and Development Act 2005* submit Amendment No. 81 to the Environmental Protection Authority for determination of whether an environmental review is required.
6. Subject to the Environmental Protection Authority determining that an environmental review is not required, and in accordance with regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertise Amendment No. 81 for public comment in accordance with the applicable provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3 Public Notification of Planning Proposals.

Carried: 7/0

Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Su Groome, Cr Adin Land, Cr Marija Vujcic

**SPT1911-2 CLIMATE CHANGE IN WESTERN AUSTRALIA ISSUES PAPER -
PROPOSED SUBMISISON**

Meeting date:	20 November 2019
Responsible officer:	Manager Strategic Planning
Decision making authority:	Strategic Planning and Transport Committee
Agenda attachments:	1. Proposed Climate Change Issues in Western Australia Paper Submission 2. Proposed Extended Response to Climate Change in Western Australia Issues Paper
Additional information:	1. Climate Change in Western Australia Issues Paper

SUMMARY

The state government has released a Climate Change in Western Australia Issues Paper and invited public comment on this.

The purpose of this report is to establish the basis of the City's response to the Issues Paper, drawing on the direction established through its One Planet Strategy and subsidiary documents and policy directions, and the Climate Change Policy Statement and draft submission prepared by the Western Australian Local Government Association. Key points include:

1. Acknowledgement that climate change represents one of the most crucial issues affecting the community and future generations.
2. Local governments and local communities have been active in seeking to address the matter.
3. Leadership and the establishment of clear targets and supporting policy direction from state (and federal) governments are vital to advance a coordinated and effective effort to mitigate climate change. This should include identification of sectors generating most emissions and, therefore, where greatest gains could be made.

The need for ongoing research and the use of robust evidence basis for policy directions and initiatives is also proposed.

This report recommends that Council note the release of the Issues Paper for public and endorse Attachments 1 and 2 as the basis of its submission on the document.

BACKGROUND

The state government has released a Climate Change in Western Australia Issues Paper, as part of a request for submissions that will inform the development of the state government's Climate Policy.

Environmental responsibility and addressing climate change represent strategic objectives of Council's, as outlined in the Strategic Community Plan, the One Planet

Strategy, the Climate Change Adaption Plan and the recent declaration of climate emergency (refer Item C1905-1).

The purpose of this report is to consider the issues paper and determine the City's response.

Draft responses have been prepared in both the format sought by the Department of Water and Environmental Regulation, and in an extended response which seeks to address the matter more coherently from a metropolitan local government perspective (refer attachments 1 and 2).

Consultation on the issues paper closes on 27 November 2019.

OFFICER COMMENT

The issues paper is relatively brief with input sought on the challenges and how the state might best respond to climate change within different spheres / activities.

Fundamental components of the City's proposed response are that:

1. Climate change represents one of the most crucial issues affecting the community and future generations.
2. Local governments and local communities have been active in seeking to address the matter.
3. Leadership and the establishment of clear targets and supporting policy direction from state (and federal) governments are vital to advance a coordinated and effective effort to mitigate climate change. This should include clear identification of sectors generating most emissions and, therefore, where greatest gains could be made.
4. Policy directions, initiatives and strategies should be based on robust information and take an evidence-based approach in response.

Key issues for Fremantle proposed to be flagged in the submission include:

1. The need to address regulatory issues that limit the ability of local government authorities to purchase renewable energy.
2. The need to resolve infrastructure issues that limit the current capacity of the grid to support renewable energy uptake.
3. The need for the state to establish clear and robust renewable energy targets and a coherent approach to shifting the grid to renewable energy.
4. The need for greater investment to transition mobility away from car dependence, to support the use of public transport, walking, cycling and other sustainable transport modes, and to establish sustainable mode share targets to guide this.
5. The need to more effectively address the heat island effect by supporting the conservation and expansion of urban tree canopy.
6. The need for greater support for vulnerable people, such as those experiencing mobility disabilities, ill-health or limited access to shelter, who are at greater risk during and after extreme weather events, fire and natural disasters.
7. The need to be more proactive to address the risks of coastal erosion and inundation due to sea level rise and increased severity and frequency of storms.
8. The desirability of amending the Local Government Act to clarify liability in relation to climate-related events as flagged by WAGLA.

9. Greater support for conservation of remnant vegetation.
10. Stronger more effective promotion of sustainable and energy efficient development, including urban design and construction standards.

The proposed submissions seek to draw on the conclusions the City has reached in developing its strategic response to this matter through the One Planet Strategy and subsidiary documents and policies, and the policy statement and draft submission prepared by the Western Australian Local Government Association.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil. The report proposes a submission on a state government document available for public consultation. The submission draws on the direction established by Council through its strategic documents which have been prepared in consultation with the community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council note the release of the Climate Change Issues Paper for public comment by the state government and endorse Attachments 1 and 2 as the basis of its submission on the document.

COMMITTEE RECOMMENDATION ITEM SPT 1911-2 **(Amended Officers recommendation)**

Moved: Cr Su Groome

Seconded: Cr Bryn Jones

That

- 1. Council note the release of the Climate Change Issues Paper for public comment by the state government and strongly endorses the following commentary at the beginning of the Issues Paper:**

“While a nationally consistent policy framework which we can rely on to deliver the commitments of the Paris Agreement is urgently needed, Western Australia won’t wait on the Australian Government”(Foreword)

“A clear State Government policy and roadmap for action will ensure we manage the low carbon transition in a considered way.” (Foreword)

“The government of WA has committed to working with all sectors of the economy to achieve net zero by 2050. The Government’s aspiration creates the overarching framework for the State Climate Policy.” (p3)

- 2. Council indicate strong support for a State Climate Change Policy with policy measures and changes that are consistent with a credible trajectory to net zero by 2050, and recommend that the planned State Climate Change policy must set out in workable detail the trajectory to this target and how WA will achieve it.**
- 3. Council endorse Attachments 1 and 2, incorporating the following changes, as the basis of its submission on the document:**
 - a. Inclusion of explicit reference to limitation of urban sprawl and promoting more compact efficient urban structure as a contributing measure to protecting biodiversity.**
 - b. Correction of submission point numbering**
 - c. Include reference to the Western Australian Local Government Association submission under all items to which no direct City of Fremantle response is proposed.**

Carried: 7/0

**Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Su Groome, Cr Adin Lang, Cr Marija Vujcic**

**Cr Bryn Jones requested the item be referred to the Ordinary Meeting of Council.
Seconded by Cr Andrew Sullivan**

11.2 COUNCIL DECISION

SPT1911-3 PROPOSED SCHEME AMENDMENT NO. 79 - OMNIBUS AMENDMENT - OUTCOMES OF ADVERTISING AND FINAL ADOPTION

Meeting Date:	20 November 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Amendment to the Scheme Map
Additional Information:	1. Previous Council Report 2. Schedule of Submissions

SUMMARY

The City has undertaken community consultation on a proposed standard scheme amendment (No. 79) to Local Planning Scheme No. 4 (LPS4). The amendment proposes changes in four broad categories:

1. Updates to amend references to the Residential Design Codes (R-Codes) in order to reflect changes introduced via State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (Design WA)
2. Administrative fixes to correct minor errors and reflect current legislation
3. Minor changes to amend some land use permissibility
4. Minor Scheme map changes to align with changes to the region scheme and correct unzoned land and misaligned zones.

The changes are administrative and / or minor in nature and so have been bundled into an omnibus amendment for the sake of efficiency.

Community consultation on the amendment was undertaken from 12 September to 24 October 2019, during which period 6 public and one agency submissions were received. These were generally supportive, though with several queries and suggestions made, particularly in relation to density potential at the Rose Hotel site.

It is recommended that the amendment proposal be endorsed by Council and referred to the Western Australian Planning Commission with a recommendation for final approval by the Minister for Planning.

BACKGROUND

The *Planning and Development Act 2005* provides for local governments to prepare local planning schemes to guide the use and development of land in their area. These are to be maintained through periodic review and amendment.

As part of this maintenance program, a series of minor issues were identified as in need of update. These include: references to obsolete legislation, typographical errors,

updates to the scheme map to reflect minor changes in the regional reserve along Stirling Highway and several other minor zoning anomalies. Changes arising from gazettal of State Planning Policy 7.3 - Residential Design Codes Volume 2 (SPP 7.3) have also been identified (refer item SPT1905-4). Finally, some changes to correct historical land use definitions and update minor items within the land use zoning table were suggested.

These were compiled into an omnibus amendment which was initiated by Council on 26 June 2019, and consequently processed and advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulation 2015*. For further detail, refer to the original June 2019 report provided as Additional Information 1 to this report.

The purpose of this report is to consider submissions received during the consultation period and determine the recommendation to be made to the Western Australian Planning Commission.

OFFICER COMMENT

The City undertook public consultation for 42 days as required for a standard scheme amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3. Consultation took the form of:

- signs on site to the three properties undergoing major rezoning (101 Stirling Highway, North Fremantle; 82-84 Stirling Highway, North Fremantle; 25 Amherst Street, Fremantle),
- letters to owners and residents within 100m of the above sites and sites adjoining 42-52 Paget Street, Hilton,
- Advertising in the local paper
- Advertising via the City's MySay website.

The proposal was advertised from 12 September to 24 October 2019, during which six submissions were received; one fully in support, with the balance providing comments and queries but not significant objection. Submissions received are outlined in the attached Schedule of Submissions (Additional Information 2) and summarised below:

- Generally supportive after having the proposal at the Rose Hotel site explained. Initial concern was that the trend for apartment buildings along Stirling Highway would continue into the future without Councillors being able to protect residents from their adverse effects such as parking and traffic problems.
- Supportive of Rose Hotel rezoning provided it only reflects the existing use and density rather than introducing higher density, and is reflective of the adjoining uses.
- Development within DA 15 area (Rose Hotel site) should not need to use section 4.2.5 of the Scheme as the subject area exceeds a density of R60 and is closer to R80. We are concerned the R35 density will result in the building contravening Local Planning Scheme No. 4. This creates future uncertainty in the face of any disaster or destruction of the building and it also has the potential to affect property value. It is important to note valuers and future purchasers will be less satisfied to have a lower density zoning than what actually exists. It will create confusion as to the reason why should Council down zone existing approved

development. I feel that this issue would concern all home owners within the DA 15 zone.

- The Rose Hotel site should have a density closer to R80, rather than R35, as it is located near a train station, public open space and amenities and shops. The WAPC's *Development Control Policy 1.6 – Planning to Support Transit Use and Transit Orientated Development* encourages higher density in locations such as this.
- Support the changes to Paget Street on condition that any activity is low scale and does not impact amenity of adjoining residential units. No obtrusive advertising signage is permitted on the exterior of buildings or changes permitted to the exterior fabric of the building. That there is a limit to the number of people that can be working in a unit (i.e. small enterprises consisting of 2 - 3 people). The type of work is restricted to 'clean' activities e.g. commercial, consultancies. No hazardous enterprises to take place e.g. hazardous medical. No food or drink to be sold if categorised as a 'shop'. No commercial food production to take place on premises. Not to be used as a B&B. Outdoor sheds not to be used as extra office space or as extra bedrooms (they are non-habitable rooms). Extra client parking which may be generated to be controlled e.g. parking on the grass verge should be prohibited.

In regards to the above, City officers provide the following comments:

- Amendments to the Rose Hotel and surrounding sites provide clearer development control by bringing the land into a zoning and density covered by scheme requirements, and consistent with surrounding sites.
- The density of the Rose Hotel site would only potentially be an issue if there were substantial redevelopment of the site involving demolition of the Grouped and/or Multiple dwellings at the rear of the site and a wholly new development. Clause 5.1.1, C1.4 (ii) of the R-Codes exempts existing, WAPC-approved development from having to comply with the minimum and average site area requirements of Table 1 of the R-Codes. As the Rose Hotel has been subdivided under an approved strata plan, this clause would apply and would therefore not prevent any existing buildings destroyed to be rebuilt within their current lot boundaries.
- Under Volume 2 of the R-Codes, the plot ratio of a R60 development is 0.8, and may be varied subject to compliance with the element objectives. (*Note: plot ratio excludes the Grouped dwellings and their associated land area*) The plot ratio of the existing multiple dwellings and commercial development on the site is approximately 0.84, which is generally consistent with the R60 density.
- It may well be desirable to increase density in locations close to rail stations and amenities as a general principle; however, such a density increase is outside the scope of this amendment, which is seeking to 'normalise' a completed development. Any major increase in density should be considered as part of a more complex scheme amendment following a strategy review for the wider precinct.
- The Paget Street amendments only apply to the existing built form, which will ensure all development remains low scale. Substantial redevelopment will cause the site to revert back to the base residential zoning. Potential non-residential land uses must comply with the definition of 'Shop' or 'Office' (or another normally allowable use within a residential zone), and any variations such as parking shortfalls will be assessed at the development stage and advertised for comment in accordance with the City's policies. A Bed and Breakfast or a Short Stay

Dwelling are allowable uses within a residential zone and this amendment does not alter that for this site.

External Agencies

Department of Planning, Lands and Heritage (DPLH) – State Heritage

DPLH provided the following comment:

“It is noted that Amendment no 79 – Sheet 5 of 8 – proposes the zoning of Lot 511 Stirling Highway, which is included on the State Register of Heritage Places as North Fremantle Primary School (fmr), to Mixed Use R25. It is recommended that an additional requirement for a Local Development Plan is included in the event of any future development.”

The existing building takes up the majority of the site and is a Level 1A state heritage registered building: retention of the building is effectively required under the City’s scheme and the Heritage Act, limiting redevelopment opportunities. Any development proposal would need to consider impact on heritage significance, and demonstrate its suitability. It is not considered necessary to create a Local Development Plan specifically for this site, though one could be considered (with WAPC support) in the future if any complex redevelopment proposal were contemplated, or as part of a broader precinct planning exercise.

The departments of Education, Biodiversity, Conservation and Attractions and Main Roads WA all advised of no objection.

It is recommended that Council approve of the standard amendment for submission to the WAPC for final determination from the Minister for Planning.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for a scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

CONSULTATION

Consultation on the Amendment was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM SPT 1911-3
(Officers recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

1. Note the submissions received on Amendment 79 to Local Planning Scheme No.4 as detailed in the Officer’s report and Schedule of Submissions.
2. Resolve pursuant to regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to adopt Amendment 79 to the City of Fremantle Local Planning Scheme No. 4 as follows:-

a) Updating references to superseded Residential Design Codes terminology and provisions, as follows:

- i. Clause 4.3.3.2: Delete the words ‘...clause 6.2.3...’ and replace with “...clause 5.2.3...”.
- ii. Clause 4.5.1: delete “...the provisions Part 5 and Part 6...” and replace with “...the provisions of Volumes 1 and 2...”.
- iii. Correct discrepancies and anomalies within Schedule 8 relating to the introduction of Volume 2 – Apartment Design Codes, as follows:
 - Sub Area 1.3.2 (j) – insert “...of Volume 1 and Table 2.1 of Volume 2 of the...” after “Table 4”.
 - Sub Area 2.3.1 –
 - Subclause i) - insert after “Table 4” the following “...of Volume 1 and Table 2.1 of Volume 2 of the...”.
 - Subclause m) – delete “...R-AC code...”.
 - Sub Area 2.3.4 (1.) – insert “...Volume 1 of...” after “...Table 3 of...”
 - Sub Area 4.3.6 – South Street/Hampton Road Sub Area
 - Clause 11 – Insert at beginning: “Where buildings are assessed under Volume 1 of the R-Codes,...”
 - Clause 13 – delete and replace with:
 - In assessing development against design elements 5.4.2 (Solar access for adjoining sites) of Volume 1 or Acceptable Outcomes 3.2.3 (Orientation) of Volume 2 of the Residential Design Codes and irrespective of the dwelling or lot type on adjoining southern boundary, development shall not be assessed against C2.1 and C2.2 of the Deemed-to-comply requirements of Volume 1, or A 3.2.3 and A 3.2.4 of Volume 2, but shall only be assessed against the design

principles of clause 5.4.2 or Element Objective O3.2.2, respectively.

- Sub Area 5.3.1 –
 - Additional development standards c) - Delete “...Table 4 and part 6.1.2...” Replace with “...Table 2.1 and Clause 2.2 of Volume 2...”
 - ‘Criteria to be met’ part (h) – insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”
 - Sub Area 6.3.1 -
 - ‘Additional Development Standards’ part (c) - Delete “...Table 4 and part 6.1.2...” replace with “...Table 2.1 and Clause 2.2 of Volume 2...”
 - Criteria to be met h) - insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”
 - Sub Area 7.3.1
 - Subclause i) – delete “...the Deemed-to-comply standard of clause 6.3.1...” replace with “part 4.4 of Volume 2...”
- b) Delete all references to Small Secondary Dwellings, specifically:**
- i. Delete Small Secondary Dwelling from Table 1 – Zoning, and the note at the bottom of the page
 - ii. Delete clauses 4.3.5.1 through 4.3.5.7
 - iii. Amend clause number 4.3.5.8 to be number 4.3.5.
 - iv. Amend the Note under clause 4.3.5.7 to read:
As of 6 December 2016 Clause 4.3.5 applies and the Small Secondary Dwelling provisions have been deleted from the Scheme.
 - v. Delete Clause 4.4.1(b)
 - vi. Delete Small Secondary Dwelling from Table 2 – Vehicle Parking
 - vii. Delete clause 5.7.5
 - viii. Delete Schedule A, Clause 61 (m)
 - ix. Delete Schedule A, Clause 78E
- c) Amend the definition of ‘Building Envelope’ to insert the word ‘authority’ after the word ‘responsible’.
 - d) Amend the definition of Family Day Care to read: *means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.*
 - e) Amend the definition of Land by replacing reference to “Town Planning Regulations 1967” with “Planning and Development Act 2005”.
 - f) Renumber Burt Street Sub Area in Schedule 8 to Sub Area 5 (2.3.5)
 - g) Delete all references to Area A within sub area 6.3.1 of Schedule 8.
 - h) Amend the note under clause 1.7.1 to refer to clause 4.2 instead of 3.2.
 - i) Fix the bike racks typo of Table 2 – Tertiary School by changing the second instance of “Class 2” to “Class 3”.

- j) Schedule A, clause 8 – Replace with “The places included in the Fremantle Municipal Heritage Inventory are deemed to be included on the Heritage List, excepting those classified as ‘Heritage Record Only’.**
- k) Add the following land uses and permissibility to Table 1:**
 - i. Ancillary dwelling: P in Residential zone and D in City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.**
 - ii. Single bedroom dwelling: D in Residential zone, City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.**
- l) Add the following Additional Uses to Schedule 2 clause 6.2:**

No.	Description of Land	Additional Use	Conditions
2	Nos 42-52 (Lots 1-4 SP4901) Paget Street, Hilton	Shop, Office	1. The additional uses are ‘A’ uses. 2. These additional uses only apply to the built form approved as part of DA190/05. The additional uses hereby permitted will not apply to any increase in floor area or substantial redevelopment.

- m) Amend Table 1 to make Fast Food Outlet a ‘D’ use in the City Centre.**
- n) Amend Schedule 7 of the Scheme to delete DA15 and the associated area description and provisions.**
- o) Amend the Scheme map as follows and shown in Attachment 1:**
 - i. Nos. 100, 106, and 108 (Lots 50-52) Stirling Highway, North Fremantle: Extend Mixed use zone to street boundary.**
 - ii. Nos. 111A (Lot 82), 111F (Lot 701), 111 (Lot 172) Stirling Highway, North Fremantle: Extend Mixed Use zone to street boundary.**
 - iii. No. 101 (Lot 511) Stirling Highway, North Fremantle: Zone Mixed Use.**
 - iv. Nos. 1-27/78-80 (Lot 700), No. 2 (Lot 4 SSP 60487), and No. 72 (Lot 3) Stirling Highway, and No. 1A (Lot 2 SSP 60487) White Street, North Fremantle: Change from Development zone to Mixed Use zone with a density of R35 and remove from Development Area DA15.**

- v. **No. 25 (Lot 1001) Amherst Street, Fremantle: Change from Public Utilities Reserve to Development zone and include as part of Development Area DA4.**
 - vi. **Sallentina Ridge Public Open Space Reserve 48211, No. 11-23 Moran Court, Beaconsfield: Change from Residential zone to Open Space Reserve.**
 - vii. **Minim Cove road reserves: Change all land within road reservations from Residential to unzoned.**
 - viii. **Reserve 2 Tyrone Street (Lot 8002), North Fremantle: Align Parks and Reserve to cadastral boundaries**
 - ix. **No. 4 (Lot 218) Tyrone Street, North Fremantle: Remove Parks and Reserve reservation from lot and make entirety of lot Residential R25.**
 - x. **Align R20 density to follow the lot boundaries of No. 15 (Lot 8 SSP 45668) and No. 15A (Lot 5 SSP 45668) Simper Crescent, White Gum Valley.**
- 3. Authorise the Mayor and the Chief Executive Officer to execute and affix the common seal of the City of Fremantle to the Amendment No. 79 to Local Planning Scheme No. 4 documentation as referred to in (2) above.**
- 4. Refer the executed Amendment No. 79 to Local Planning Scheme No. 4 documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant it final approval.**

Carried: 7/0

**Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Su Groome, Cr Adin Lang, Cr Marija Vujcic**

SPT1911-4 CAR SHARE POLICY SG57 - REVIEW

Meeting Date:	20 November 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Proposed (revised) Car Share policy SG57
Additional Information:	1. Current Car Share policy SG57 2. Previous Council Report

SUMMARY

In line with the aims of the City of Fremantle Integrated Transport Strategy (ITS) and One Planet Strategy, the Car Share policy SG57 aims to promote an increase in the uptake of car sharing options and operations and therefore to reduce private vehicle use across the City. Adopted in 2014, the policy was prepared to support *an initial two year car share policy trial*. The policy states *the City will work to facilitate a fleet of at least 50 viable car share vehicles in the municipality by 2020*.

In order to advance this objective, in 2017 Phillip Boyle & Associates were engaged by the City to prepare a report on how a car share network might feasibly operate in Fremantle. As a result of the report, Council resolved to call for Expressions of Interest (EOI) to gauge the willingness of car share operators to establish a scheme in Fremantle and the level of support (if any) they might require to do so. The Phillip Boyle report and the EOI responses indicated that whilst the support for a scheme offered by the current Car Share policy is positive, some of the obligations which go with it are not conducive to the establishment of a scheme in the current market. In September 2018 the Finance, Policy, Operations and Legislation Committee resolved not to proceed to tender and to review the Car Share policy SG57 to provide greater flexibility to support the initial establishment of a car share scheme in the future.

The purpose of this report is to outline the findings of the review of Car Share policy SG57. The review recommends modifications to the policy to:

1. Maintain the statement of support.
2. Reduce onerous booking and reporting requirements as recommended by the Phillip Boyle and Associates report.
3. More clearly define the support the City is prepared to offer an initial scheme operator to help establish a scheme (namely waiver of parking fees for up to 8 bays for up to 5 years).
4. Confirm that fees chargeable for bays will otherwise be based on estimated loss of revenue as recommended by the Phillip Boyle and Associates report.
5. Update expectations in relation to the scale and timing of the scheme to reflect the conclusions of the Phillip Boyle and Associates report.

The potential to consider e-scooter share schemes under the policy has also been clarified.

BACKGROUND

In line with the City of Fremantle's Integrated Transport Strategy (ITS) and One Planet Strategy, the City is committed to encouraging more sustainable forms of transport including walking, cycling and use of public transport. The ITS includes a recommendation (10.2.1) that *“Council supports car share schemes as a transport innovation that can help reduce car dependency.”*

In July 2014 Council adopted a detailed Car Share Policy SG57 (Additional Information 1). The policy sets out the City's commitment to an initial two year car share policy trial, promoting car share schemes and incentivising the set-up of such schemes. Through the Car Share Policy, the City proposed to work to facilitate a fleet of 50 viable car share vehicles in the municipality by 2020. Intended outcomes for Fremantle were:

- More efficient use of street parking
- Reducing community greenhouse gas emissions
- Support for economic growth
- Reducing congestion
- Slowing growth in private vehicle ownership

In order to advance Council's car share objectives, in 2017 Phillip Boyle & Associates were engaged by the City to prepare a report to establish how a car share network might feasibly operate in Fremantle. The findings of this investigation were reported to Council 28 on March 2018 (refer Item FPOL1803-7). The report indicated that whilst the support for a scheme offered by the current Car Share Policy is positive, some of the obligations which go with it are not conducive to the establishment of a scheme in the current market, and that a smaller scheme (commencing with 4 nodes of 2 vehicles each) would present a more feasible option at this early stage of industry establishment.

As a result of the report, Council resolved to call for Expressions of Interest (EOI) to gauge the willingness of car share operators to establish a car share scheme in Fremantle based on the model identified as most feasible by Phillip Boyle. An EOI was sought between 9 and 25 May 2018, at the close of which four submissions were received.

The outcomes of the EOI were considered at Finance, Policy, Operations and Legislation Committee on 12 September 2018, following which Council:

1. *Noted the submissions received through Expression of Interest FCC517/18*
2. *Resolved not to seek tenders for the establishment of a car share scheme in Fremantle at that time given the apparent absence of sufficient market demand to sustain this without substantial subsidisation.*
3. *Requested that the current Car Share policy SG57 be reviewed to provide greater flexibility to support the initial establishment of a car share scheme in the future, based on the findings of the Phillip Boyle report submitted to Council on 28 March 2018.*
4. *Requested that discussion with other interested local governments, WALGA and other potential stakeholders continue to indicate the City's interest in establishing a car share scheme and preparedness to work cooperatively with partners to facilitate this, should a viable model emerge.*
5. *Thanked all those who made submissions on Expression of Interest FCC517/18 and invite them to continue to monitor the market and to inform the City if and*

when establishment of a scheme in accordance with the terms of Council's revised policy appears viable. (Refer Item FPOL1809-26).

The purpose of this paper is to address the third resolution, being to outline the findings of the review of Car Share policy SG57. The aim of the review is to provide greater flexibility to support the initial establishment of a car share scheme.

OFFICER COMMENT

The discussion below explores the implications of the findings from the Phillip Boyle report as they apply to the policy provisions set out under the following headings:

- Policy aims
- Intended outcomes
- Provision of car share spaces
- Management of car share providers
- Competition and new entrants
- Promotion
- Enforcement

Policy aims and intended outcomes

Through the Car Share policy the City initially proposed to work to facilitate a fleet of 50 viable car share vehicles in the municipality by 2020. Intended outcomes for Fremantle were:

- More efficient use of street parking
- Reducing community greenhouse gas emissions
- Support for economic growth
- Reducing congestion
- Slowing growth in private vehicle ownership

The Phillip Boyle & Associates report indicated the 50 vehicle target was not feasible within the remaining timeframe. It suggests that establishment of an 8 car scheme based around the 4 nodes followed by market-responsive growth represents a more viable approach, and most likely to support the successful establishment of a scheme. Modification of the policy to reflect this is recommended.

Provision of car share spaces

With regard to on-street spaces the policy states: *The City will provide a number of dedicated /exclusive on-street spaces for authorised car share vehicles* and that these will be in convenient locations.

The Phillip Boyle report suggests broad locations however stipulating these or detailed bay allocation in the policy is not recommended as it is likely to prove overly inflexible. Negotiation of appropriate bays (taking into account the Phillip Boyle recommendations but also the City's experience of other parking demands) with any proponent if and when a scheme establishes is preferred.

The policy also states *Car share operators will be required to make a contribution to annual fees for allocated parking spaces as the allocation of the spaces significantly impacts the City's revenue base.* However no contribution rates or formulas are specified in the policy itself.

The Phillip Boyle report suggests the loss of revenue from car bays represents a component of the cost of establishing a scheme and that this cost would need to be borne by the City initially, until the scheme is established and profitable. The report goes on to suggest that if a fee is to be enforced, it should be based on lost revenue (factoring in average vacancy rates), not standard charges. In seeking the EOI for the 8 bay initial scheme proposed by Phillip Boyle, the City estimated the lost revenue from these bays to be \$23,000 p.a. and indicated that this cost could be borne by the City for the initial period of the scheme (3 years). Even with this level of subsidy, the EOI responses suggested that a scheme remained unviable at that time. Enquiries have, however, been ongoing and it is consequently recommended that the policy be updated to provide some clearer direction with regards to the level of subsidisation contemplated by the City, and the principles upon which this is based. It is recommended that an establishment period of 5 years be stated to provide an outer frame for the period of subsidisation the City would support. This can be revisited at the next review of the policy, should no scheme establish prior to then.

For (private) off street spaces the policy states: *the City will encourage on site car share spaces where feasible, safe and accessible and on agreement with the owners corporation.* The Phillip Boyle Report suggests reviewing parking policies including waivers for parking supply in new developments. A review of parking standards has already been identified as desirable and is very likely to form a recommendation of the Parking Action Plan currently under development. Acknowledgement of the potential role of car share in future mobility and the establishment of clearer guidelines for when and to what degree allocated parking might be reduced or waived in private development on the basis of the availability of such schemes can form a component of that work. In the interim, any development proposal seeking variation of parking provision on the basis of car share (of which the City has received only 1 to date), can be assessed under the current provisions of the planning scheme, which allow discretion on parking. Retention of a generic statement in this policy is proposed in the interim.

Management of car share providers

The policy requires operators to enter into a legal agreement with the City governing the terms of use of the allocated spaces. The policy sets out the standards an operator needs to demonstrate to ‘qualify.’ While most of these cover accessibility for users, the Phillip Boyle report suggests some of the booking restrictions could be seen as onerous or inflexible as discussed below:

Ensure that no on-street space is booked for longer than four days unless a replacement vehicle is provided for the space; and: Prohibit the routine long-duration reservation or exclusive use, including overnight use, of an on-street vehicle by any one nearby member, either individual or business. The report suggests the pricing structure of car share schemes makes them an unattractive option for multiple day reservations; however, given the apparent marginality of a scheme, it is recommended that this option be made available to users in case it helps underpin revenue. Additionally, if nodes are required to consist of at least two vehicles, then it is likely another vehicle may be available at the same location. Should a routine, long-duration reservation continue, a third vehicle could be added to the node. Removal of this restriction is consequently recommended. Inclusion of a more general statement confirming that use of public bays by conventional car hire firms will not be supported is, however, proposed for the removal of any doubt.

Whilst scooter share schemes are not synonymous with car share (and may have a different impact on travel behaviours), they nevertheless have potential (depending on operation) to reduce car ownership, travel and to provide an alternative mode of transport. Regulatory requirements to govern the future use of e-scooters in WA are currently being considered by the Department of Transport. A line has consequently been included in the policy clarifying that e-scooter schemes can be considered under the policy where they demonstrate alignment with its intended outcomes.

Carbon reporting – Car share providers must provide an aggregated quarterly carbon emissions report and must ensure that the car share fleet is carbon neutral by engaging in a carbon offset program. The report notes that car share schemes are generally recognised as having environmental benefits. The inclusion of reporting and carbon neutral management, whilst desirable, could further undermine the viability of an initial scheme. It is recommended that requirement be generalised and made optional for the present.

Withdrawal of spaces: The report suggests this provision would need to be addressed in detail in any agreement reached between the City and an operator on use of its bays. Deletion of the detail on penalties for non-compliance with the policy is consequently recommended, enabling its negotiation as part of any scheme seeking to establish.

Competition and new entrants.

The policy was prepared in the expectation of rapid establishment and uptake. In the Perth market, this has not eventuated, and EOI responses suggest that it may yet take a while. Rewording of the policy has consequently been proposed providing clarity on how the City will consider unsolicited proposals to establish a car share scheme (and the level of support it will provide an initial investor to support this) and then to make more generic reference to review and potential EOI following this initial trial period. This provides some additional flexibility to allow a longer period of initial support, whilst still maintaining the principles of a fair and open market and a potential competitive process once the market is established.

Promotion

The opening policy statement says - *the City will actively promote car share options to new commercial developers and new hotel/tourism related developers.* In line with this, the Philip Boyle report suggests encouraging the City and other large local organisations such as Notre Dame University and Fremantle Hospital to *use the service, sign up all employees as members and replace some or their car fleet with cars from (car share) service(s).*

Discussions with these entities have not borne fruit. However retention of the more generic commitments to promotion is proposed.

Enforcement

Under the policy the City commits to monitoring allocated car share spaces during regular parking patrols and issuing infringement to non-car share vehicles. This remains a reasonable commitment and practice.

Conclusion

In conclusion, the original aim of the policy was to facilitate the establishment of a car share scheme or schemes as a trial. To this end the policy underpinned the call for Expressions of Interest (EOI) in 2018. Even though the policy trial and EOI did not result in the establishment of a car share scheme, they have provided a mechanism through which the City could state its support for the establishment of a scheme in Fremantle, and to refine the parameters it is prepared to go to, to facilitate this.

Update of the policy is recommended to:

1. Maintain the statement of support.
2. Reduce onerous booking and reporting requirements as recommended by the Phillip Boyle and Associates report.
3. More clearly define the support the City is prepared to offer an initial scheme operator to help establish a scheme (namely waiver of parking fees for up to 8 bays for up to 5 years).
4. Confirm that fees chargeable for bays will otherwise be based on estimated loss of revenue as recommended by the Phillip Boyle and Associates report.
5. Update expectations in relation to the scale and timing of the scheme to reflect the conclusions of the Phillip Boyle and Associates report.
6. Clarify potential to consider e-scooter schemes under the policy.

FINANCIAL IMPLICATIONS

The policy review clarifies the extent of parking fee waiver the City would considered under the policy (which is currently undefined), being up to 5 years waiver of up to 8 bays at an estimated loss of revenue of \$23,000 pa.

LEGAL IMPLICATION

A competitive process would need to apply to any scheme which the City considers subscribing to.

CONSULTATION

Given the nature of the revisions which refine current policy directions and incorporate market feedback, consultation on the revised policy is considered unnecessary.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM SPT 1911-4
(Officers recommendation)

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

That Council adopt the revised Car Share policy as provided in Attachment 1.

Carried: 6/1

For:

**Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Su Groome, Cr Adin Lang,**

Against:

Cr Marija Vujcic

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

14. URGENT BUSINESS

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

15. LATE ITEMS

In cases where information is received after the finalisation of minutes, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

16. CONFIDENTIAL BUSINESS

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil

17. CLOSURE

The Presiding Member declared the meeting closed at 6.55 pm.

