CITY OF Fremantle

Agenda

Ordinary Meeting of Council

Wednesday 14 February 2024 6pm

fremantle.wa.gov.au

Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 14 February 2024** in the Council Chamber at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

Glen Dougall
Chief Executive Officer

8 February 2024

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1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leave of absence

Cr Geoff Graham - Apology
Cr Jemima Williamson-Wong - Leave of absence

3. Applications for leave of absence

Elected members may request leave of absence.

Cr Geoff Graham requests a leave of absence from 14 February 2024 to 28 February 2024 (inclusive).

4. Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at 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 20 December 2023:

May-Ring Chen asked the following questions in relation to items not on the agenda:

Question 1:
If number plate recognition is installed, how are you going to deal with infringements?

Response:
The City already operates number plate recognition cameras. There will be no changes to the way in which infringements are issued, however there will be the ability to pay infringements at the ticket machines located in car parks.

Question 2:
Will the fines cost be deducted directly from the credit card or digital wallet of the offending person?

Response:
No.

Question 3:
Will Fremantle residents still have access to free parking, and how will that work with the number plate recognition?

Response:
Yes. Number plate recognition identifies whether the resident holds the correct permit to be eligible for the Free Parking.

Question 4:
Is the City going to retain access where, at the moment, the parking is free?

Response:
There is currently no intent to change any free parking areas, however in order to manage changing demand in parking, time limits do get adjusted occasionally.

Question 5:
How many facial recognition cameras has the City installed since Covid, and where are they located?

Response:
The City does not operate facial recognition cameras.

Question 6:
In relation to question 5, who monitors the recording and what happens to the collected data?

Response:
The City does not operate facial recognition cameras.

Lyn Wicks asked the following questions in relation to items not on the agenda:

Question 1:
In relation to the "Drag Rainbow Story Time" event in Fremantle Town Hall on Wednesday 17 January 2024, was this event approved as an "Operational" or as a "Policy" issue?

Response:
All Library and Meeting Place programming is approved at operational level.

Question 2:
Were all elected Council Members consulted about this event and did this item come to Council for approval?
If no, why not?
If yes, what date was this event approved by the Fremantle Council?

Response:
This event did not go to Council for approval. All Library and Meeting Place programming is approved at operational level.

Question 3:
How much will this event cost the Ratepayers?

Response:
$600 for the performer.
$242 for security.

Question 4:
Will the fees for the Town Hall be waived for this event?
If yes, why are the organised not obliged to pay?
If no, how much will the fees for the Town Hall be?

Response:
This event is organised by the City of Fremantle, there are no fees for Town Hall usage.

Question 5:
Do all Drag Queens, paid and voluntary staff who will be working at the event have current Working With Children clearances?
If yes, were they current at the time of approval of the event from the Fremantle Council and the booking of the event?
If no, why not?

Response:
The performer and city staff involved with the event have current WWC clearance.

Question 6:
The invitation says that "everyone is welcome to join from young to old!". How can adults, without children, register to attend this event?

Response:
Everyone is welcome to attend, there are no age restrictions and registration is free via the City website.
The event is designed for children and guardians.

Elisabeth Megroz asked the following questions in relation to items not on the agenda:

Question 1:
In relation to the Sale of a portion of 5/15 Quarry Street to Golestani Developments Pty Ltd (Lot 1 and 2 on Plan 758, Certificate of Title Volume 545 Folio 181; and Lot 8 on Diagram 1451, Certificate of Title volume 241 Folio 32. Herald, Saturday December 2, 2023 (p.10), given 46 Bellevue Terrace with 169 sqm sold for $508,000 - being unliveable, unviewable and un-bankable (the Financial

Revue, Nov 6, 2023)-, both a market valuation of $3,800 000 and a purchase price of $4,350,000 seem extraordinarily low for 3,244 sqm.
Who provided the market valuation?

Response:
The valuation was provided by Hemsley Patterson who are licensed and certified practicing valuers.

Question 2:
In relation to question 1, where and when was the sale of this property advertised?

Response:
A public sales process commenced on 16 March 2023 via the City's appointed local Real Estate Agent, Belle Acton. Advertising methods included:

- Advertisement on realcommercial.com
- Sales prospectus
- Signage
- Distribution of prospectus to Belle Acton database

Question 3:
In relation to question 1, who sold the property?

Response:
The City Fremantle via its appointed local Real Estate Agent, Belle Acton, sold the property in line with the requirements of section 3.58 of the *Local Government Act 1995.*

Question 4:
In relation to question 1, how many offers were received?

Response:
A total of 6 offers were received. Two of those offers were deemed to be unsuitable due to the sales price being well below market value. Three of the remaining four offers were shortlisted and officers (via the appointed local real estate agent) commenced negotiations with the three shortlisted offers in line with the requirements of the council resolution from 23 August 2023.

Question 5:
In relation to the Point street development, will these extraordinary parking concessions apply to every other future development in Fremantle?

Response:
These are not considered extraordinary concessions.
Every DA is individually assessed on merit and Council may exercise its discretion – as authorised within the statutory planning framework – in what it believes is in the best interests of the community.

Question 6:
In relation to the city's refusal to provide a definition of what a modern city is in the context of Fremantle (question on notice 22 November 2023), the City talks about 'our modern city' in the introduction to the Fremantle Oval Draft Conservation Management Plan, as an example. This plan aims to identify the heritage values of the place and provide a framework to manage change in a way that protects these values but allows for the regeneration of the site to meet the changing needs of our modern city. Again, what is the definition of modern city in the context of Fremantle?

Response:
In the context of the Oval Conservation Management Plan (CMP), it is understood that the author is using the term 'modern' to explain that a CMP is a tool to guide any future changes/upgrading to a historic site. In this context, 'modern' simply means contemporary or the needs of a city today and into the future.

There is no broader or specific definition of Fremantle as a 'modern city' in common use or understanding within the Council.

Helen Cox asked the following questions in relation to item C2312-11:

Question 1:
As elected custodians of our City, please explain how the height and scale of 49 Phillimore Street located within the most intact 19th Century streetscape in the whole of Australia will be retained to conserve the buildings integrity and the historical integrity of the West End Heritage Area?

Response:
It is proposed that the existing building (height and scale) will be retained and extensive restoration work will be undertaken on historic fabric. The proposed new-build at levels 3 and 4 is architecturally designed to (a) differentiate itself from earlier periods of design, and (b) is set-back to reduce visual impact and allow the original building to have the greater presence in the streetscape.
Given the location and design of proposal the historical integrity of the West End is considered to be retained within acceptable parameters. The Heritage Council of Western Australia, the body responsible for places on the State Register of Heritage Places, have also provided their support for the proposal.

Question 2:
How will future approvals of Development Applications pertaining to individual buildings located in the West End Heritage Precinct be carefully regulated to retain the integrity of height patterns within the environment of the street scape and the amenity of adjacent buildings?

Response:
All future development applications in the West End will be assessed on their merit on a case-by-case basis, against planning and heritage criteria that is set within the statutory planning framework.

Ian Ker asked the following questions in relation to item C2312-22:

Question 1:
How much have temporary toilets, including those now removed, cost ratepayers, including sewerage, water and electricity connections?

Response:
The temporary toilets are on hire; to date the cost is $15,663.00.
Capital (installation and connection) costs are $20,558.00.

Question 2:
How much of the total budget has already been spent and how much of this would be wasted if the project were to be substantially changed?

Response:
The City has spent $500,000 as part of the project to date.
It is not anticipated that any changes would be significant in terms of design and documentation, and they would incur minimal re-documentation costs.

Question 3:
How much of the total budget has already been committed and how much of this would not be recoverable if the project were to be substantially changed?

Response:
In total, the City has committed $516,000 to date.
The committed costs are not recoverable.

See question 2 above re: potential costs for changes in approach.

Question 4:
In view of the history of this project, how realistic is it to "review the building design proposal" and "re-engage the market" with "timeliness similar to the current delivery forecast"?

Response:
The City will review the design and construction methodology with a view to simplify the approach and potentially shorten the construction time. It is hoped that this may offset some of the time lost in re-engaging the market. Officers will endeavour to minimise delays as much as practically possible.

Question 5:
If Council adopts the officer's recommendation, what happens to the Department of Communities grant which formed part of the funding?

Response:
Should it prove necessary, the City will engage with the Department of Communities and seek an extension to the acquittal for this grant funding.

Question 6:
If Council adopts the officer's recommendation, will the City of Fremantle refund to current ratepayers the $2.15 million from the current budget from which they will get no benefit?

Response:
The City does not propose to cancel the project; the City will retain the budget and re-engage the market with a view to attaining a proposal that provides a value for money solution.

Saz Cole asked the following questions in relation to item C2312-22:

Question 1:
When can we expect to have the toilets there again?

Response:
The original program was for the toilets to be completed by August/September 2024; officers will endeavour to minimise any delay on those dates. An updated program will be provided in due course.

Question 2:
When will it be started?

Response:
The original works program was for the toilets to commence by February 2024. An updated program will be provided in due course.

Question 3:
Do you have any contractors in mind?

Response:
There is currently no preferred contractor. The City will review its options in accordance with the requirements of the *Local Government Act 1995*.

Question 4:
Do you have a risk management in place for that project, when you do assign a contract?

Response:
The City does have a risk management framework, and project risk assessments are an integral part of the City's Project Management.

Question 5:
What is the City looking for, in the way of cost, and why were the applicants knocked back?

Response:
Officers sought to reject all proposals as the tender values were significantly above the City's pre-tender estimate and available budget. The City seeks contactors who can effectively deliver the specified works through an affordable, value for money proposal.

Question 6:
Will the project be time sensitive (like Kerry Hill), which makes a huge difference to the cost?

Response:
The key timing issues considered as part of this project relate to works during the winter period and an aspiration to complete the works prior to the Summer busy period. A revised works program will be reassessed, but it is unlikely that the City will look to accelerate the program in a way that would significantly increase costs.

6. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.
Further guidance on public question time can be viewed here, or upon entering the meeting.

7. Petitions

Petitions may be tabled at the meeting with agreement of the presiding member.

8. Deputations

8.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

There are no special deputation requests.

8.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 20 December 2023, Planning Committee dated 4 October 2023, and Finance, Policy, Operations and Legislation Committee dated 13 September 2023.

Note: Following the Council meeting structure changes that occurred in October 2023, the minutes of the Planning Committee dated 4 October 2023, and Finance, Policy, Operations and Legislation Committee dated 13 September 2023, were not confirmed by Council and has been included in the recommendation.

10. Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.

11. Reports and recommendations from officers
11.1 Planning reports

C2402-1 MARKET STREET, NO. 13 (LOT 200), FREMANTLE - ANIMATED SIGN ADDITION AND PARTIAL CHANGE OF USE TO USE NOT LISTED – (JD DA0295/23)

Meeting date:	14 February 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority
Attachments:	1. Development Plans 2. Additional Information from Applicant 3. Schedule of Submissions 4. Heritage Council Advice 5. Site Photos

SUMMARY

Approval is sought for an animated sign addition to an existing building at No. 13 Market Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- **Land use – Third Party Advertising (use not listed); and**
- **Size, Scale and Type of Advertising Sign.**

The application is recommended for refusal.

PROPOSAL

Detail
Approval is sought for an animated sign addition to an existing building at 13 Market Street, Fremantle (subject site). The proposed works include:

- Installation of digital LED signage on steel and aluminium constructed frames fronting Market and Short Street. The proposed digital signage will have capacity to operate as both a static and animated digital sign.
- Dimensions 1.92m high, 4.8m length on Market Street frontage, 2.88m length on Short Street frontage.
- The bottom edge of the sign will be elevated 10.1m above the footpath level.

On 3 January 2024 additional information on the intended use of the signage was requested from the applicant. On 17 January 2024 the applicant provided

additional information which alluded to the signage being used in conjunction with a hotel/bar land use which would potentially operate on the site. The additional information stated:

> *"An integral part of this Hotel and Bar Venue concept is a roof top digital billboard, primarily for promotion of Hotel and Bar Venue events; but include broader uses including ancillary advertising revenue as outlined below. Advertising revenue streams will not be the primary function of the proposed digital billboard but will be an important ingredient to offset the substantive upfront investment cost and ongoing operating costs. Nevertheless, to avoid doubt the digital billboard is primarily for the benefit of the proposed Hotel and Bar Venue and will be operated by them as part of any commercial lease arrangements."*

There has currently been no development application lodged with the City relating to the abovementioned hotel/bar land use. A hotel/bar or the like on the subject site is not exempt from requiring development approval. It is therefore considered that, as the subject site is currently vacant, and as there has been no development approval granted for a hotel/bar land use, the proposal cannot be considered as being incidental to the land use proposed in the additional information.

The predominant land use at the time of this application would therefore be for third party advertising which is not specifically referred to in the zoning table of LPS4. Furthermore, the land use cannot reasonably be determined as falling within another use class referred to in the zoning table. The land use is therefore considered as a use not listed.

Development plans are included as attachment 1.

Site/application information

Date received:	28 September 2023
Owner name:	Amelia Correia Holdings Pty Ltd, Samuel Marc De Sousa
Submitted by:	WA Sign & Print Management Pty Ltd
Scheme:	City Centre
Heritage listing:	Individually Listed Category 1A, State Registered West End Heritage Area
Existing land use:	Post Office
Use class:	Use not Listed
Use permissibility:	A

Figure 1 – Planning Context Map

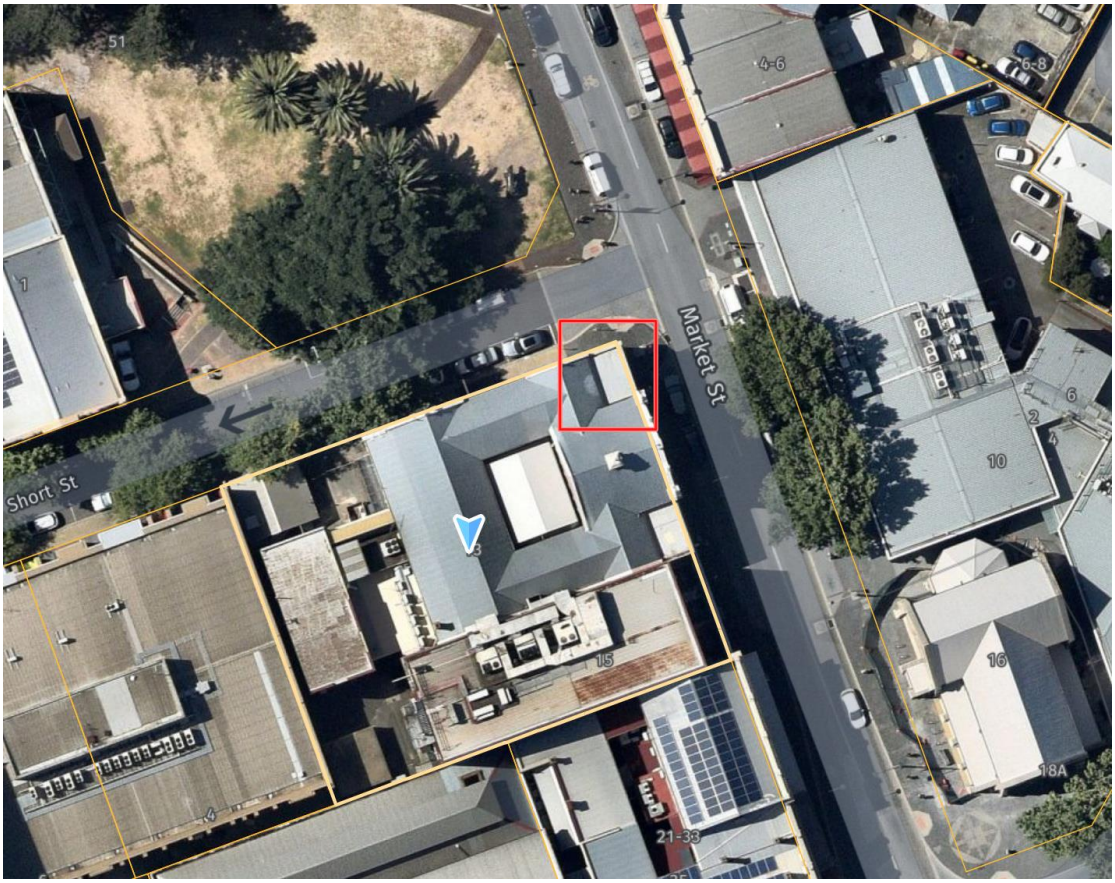


Figure 2 – Approximate location of the digital signage at 13 Market Street.

CONSULTATION

External referrals

Heritage Service (DPLH)
As the subject site is located within the State Registered West End of Fremantle and a significant addition to a building on the State Heritage Register was proposed, it was required to be referred to the Heritage Council of Western Australia. The following resolution was made by the Heritage Council.

- *This referral is for a proposed large digital sign to the rooftop of the Market and Short Street elevations of Fremantle Post Office, which is within West End, Fremantle.*
- *Fremantle Post Office has cultural heritage significance as a place that demonstrates the importance of postal and telegraph services in Fremantle in the early 1900s. The building demonstrates Hillson Beasley's favoured style of public architecture, being a dynamic design which makes a strong contribution to the West End of Fremantle, with its bold sculptural presence in the streetscape.*
- *West End, Fremantle has cultural significance for its rarity in Western Australia as a highly intact port city business district, retaining a range of*

buildings predominantly dating from the gold boom expansion era (1890s,1900s), along with some evidence of earlier and later periods.
- *The proposal would have an unacceptable adverse impact on the cultural heritage significance of the Fremantle Post Office and West End, Fremantle.*
- *The proposed signage visually detracts from the interpretation and appreciation of the aesthetic values of building, including its architectural style, landmark qualities and visual setting within the West End, Fremantle.*
- *The scale of the proposed signage will dominate and overwhelm the façade and external presentation of the building, and diminish its connection with, and contribution to, the streetscape.*
- *The potential temporary and reversible nature of the sign does not provide justification for the adverse impacts.*

Internal Referrals

City of Fremantle Heritage Comment

The City has reviewed the proposed development and provide the following comments in relation to the heritage impact of the proposal.

- *This proposal for an electronic sign mounted on the building will have a highly adverse effect upon the heritage value of this individually State Heritage listed place as well as the heritage value of the State Heritage listed West End of which it is a part.*
- *The City agrees with the DPLH findings and their decision not to support the proposal.*

Community

The application was advertised as a complex application in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The definition of a 'complex application' under Local Planning Policy 1.3 Community Consultation on Planning Proposals (LPP1.3) includes *"a use of land where the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located"*. The proposed use of the signage includes third party advertising, which is not specifically referred to in the Zoning Table of LPS4.

In accordance with LPP1.3, the application was advertised for a period of 28 days and included letters to owners and occupiers within a radius of 200m, a local newspaper notice, a sign on site, inclusion on the City's MySay webpage, precinct group notification and a 'talk to a planner' session.

The advertising period concluded on 4 January 2024, and 163 submissions were received. Two (2) were in support of and 161 objected to the application. A summary of the key points included in the submissions is provided in Table 1 below. The verbatim submissions are included as Attachment 3 Schedule of Submissions.

Table 1 – *Summarised Objections and Officer Responses*

	Submission Summary	**Officer comments**
1.	Impact on the Character and Amenity of the Area • The design of the signage is inconsistent with the character of the area. • The signage would create a terrible entry to Fremantle from the train station and bus port. • The signage will create a significant impact to the amenity of visitors to the area, including those arriving from the train station. • The signage does not fit with the Fremantle heritage aesthetic. • The juxtaposition of modern digital technology against a backdrop of traditional architecture detracts from the authentic charm that draws visitors to such iconic places. • The signage does not suit the area nor the building and would be a detriment to the surround areas. • This proposal is definitely not in harmony with the way the city looks and feels. • This kind of advertising is very intrusive. • Light Pollution impacts the mood of the area. • The signage does not offer any benefit to the building or surrounding streetscape.	Assessment of the signs impact on the character and amenity of the area is included in the report.
2.	Impact to the Heritage Value of the Building and Surrounding Area • The proposal will do substantial harm to the heritage value of the area. • The signage would be a blight on the unique heritage value of the area. • The building is an important landmark that should be protected. • The signage will not conserve and protect the heritage significance of the building itself and its heritage setting as specified by best heritage and conservation practice guidelines. • The signage will detract from the heritage aesthetic and historical significance of the building.	The application has been referred to the Heritage Council, and further assessment is included within this report.

	• The signage will detract from other heritage buildings in the area. • The historic building that is not currently being used as it needs massive repairs. • The bright display would detract from the appearance of the building. • The signage will hide the roof ornament and spoil the look of the building. • The signage would very significantly detract from the architectural features of the building, including roof features such as the cupola and the 'towers' either side of the north-east (Market Street) Gable. • The proposal does not represent best heritage and conservation guidelines.	
3.	Precedent • The signage would set a precedent for every other heritage building in Fremantle. • This would be the first digital sign on a historical building in the City of Fremantle and I'm concerned it will set a precedent if the sign is approved and further applications for digital signs will follow. • If approved this digital signage will set a precedent for scale and positioning of digital signage in the city.	The application is to be assessed based on its own merit.
4.	Impact on Tourist Visitation to the Area • Fremantle attracts many tourists and the signage would take away from its appeal. • Visitors to Fremantle to enjoy the collection of preserved buildings which the signage would detract from. • The City is known for its historical architecture and charm and could adversely influence tourism. • Fremantle is losing the character which attracts people to it.	Noted.
5.	Contradictory to Planning Policies • The signage is against City of Fremantle's signs & hoardings policy. • The Signage Policy applies, which states "1.1. (g) Advertisements in the form of an Animated signs will not, be supported by Council."	Refer local planning policy assessment below.
6.	Other • It appears from the drawings that it is perched precariously on top of a heritage	Under the *Planning and Development (Local Planning Schemes) Regulations 2015,* the

	building that has already proved itself structurally unsound and that area is often hit by high winds and gusts that could see that sign fall to the street and cause serve damage to life. • Digital advertising signage is a distraction to drivers in an already dangerous traffic area. • Electronic billboards require a considerable amount of energy to operate, raising concerns about their environmental impact. • Why is the council not simply rejecting it without the need to bother residents with the need to make a submission? • The electronic billboard serves no valuable purpose. • The signage is very high, so it's not designed for advertising to pedestrians so impractical. • The proposal needs to be reconsidered to something more constructive that will attract people to Fremantle.	City is required to accept a valid development application for determination. The acceptance of an application is not to be taken as the City forming a position on a development application.
7.	Submissions in support of the proposal • Fremantle is not an open air museum and the additions will have minimal impact on the existing building. • The addition is located on top of a more recent addition (not the original building).	It is noted that two (2) submissions were received in support of the proposal.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT
Statutory and policy assessment
The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application the areas outlined below do not meet the policy provisions:

- Land use – Third Party Advertising (use not listed); and
- Size, Scale and Type of Advertising Sign.

The above matters are discussed below.

Background
The subject site is located on the corner of Short and Market Street. The site has a land area of approximately 298m² and is currently a vacant building. The site is zoned City Centre. The site is individually heritage listed and located within the West End Heritage Area.

The building located on the subject site is known as the Fremantle Post Office building however, it no longer operates as such. It is a three-storey brick building with corrugate cement sheeting. The building was designed by architect Hilson Beasley with construction beginning in 1907. The building is located in a prominent location on the northern periphery of the West End Heritage Area and is adjacent Pioneer Reserve and the Fremantle Train Station further to the north.

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

- DA0026/14 – Roof replacement and alterations – Approved 2014
- DA0499/13 – Alterations and air conditioning addition – Approved 2013
- DA0675/09 – Internal additions to building – Approved 2009
- DA0225/07 – Signage addition – Approved 2007
- DA113/04 – Signage addition – Approved 2004
- DA517/04 – Signage addition – Approved 2004
- DA369/03 – Installation of glass ATM enclosure – Approved 2003
- DA390/98 – 1.8m x 0.4m signage addition – Approved 1998
- DA178/98 – Painting of the exterior post office building – Approved 1998
- DA141/95 – Alteration to existing post office and new commercial tenancies – Approved 1995

Land Use

As identified in the Community Consultation section above, the proposal includes third party advertising which is not specifically referred to in the zoning table of LPS4. Furthermore, the land use cannot reasonably be determined as falling within another use class referred to in the zoning table. The land use is therefore considered as a use not listed. It is worth noting that on the basis of SAT precedence, such third-party advertising signage of this format has also been deemed a 'use not listed' in other cases where advertising signage is not listed as a specific use.

In considering a 'use not listed', Clause 3.4.2 of the City's Local Planning Scheme No. 4 provides that:

If a person proposes to carry out any use that is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may—

(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
(b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of the Planning and Development (Local Planning Schemes) Regulations 2015 in considering an application for planning approval, or
(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted. the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015.

With respect to the above, the application has been advertised in accordance with and considered under the relevant matters of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations 2015)*, clause 67(2), as follows:

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
(c) any approved State planning policy;
(g) any local planning policy for the Scheme area;
(k) the built heritage conservation of any place that is of cultural significance;
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
(m) The compatibility of the development with its setting including:
(i) the compatibility of the development with the desired future character of it's setting; and
(ii) the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
(n) The amenity of the locality including the following:
(i) Environmental impacts of the development
(ii) The character of the locality
(iii) Social impacts of the development
(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
(y) Any submissions received on the application.

The Objectives of the 'City Centre' zone under the City's Local Planning Scheme No. 4 are as follows:

Development within the city centre zone shall –
(i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and
(ii) comply with the objectives of local planning area 1 of schedule 7,
(iii) conserve places of heritage significance the subject of or affected by development.

The proposed development is considered inconsistent with the objectives of the 'City Centre' zone under the City's *Local Planning Scheme No. 4* and relevant matters for consideration under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 67(2) for the following reasons:

- Third party advertising signage is inconsistent with the preferred land use types on the City Centre zone.
- The proposal will be detrimental to, and will not seek to conserve, the heritage significance of the subject site or the West End Heritage Area.

- The proposal is inconsistent with the applicable State planning policies for the area (refer State Planning Policy assessment below).
- The proposal is inconsistent with the applicable local planning policies for the area (refer State Planning Policy assessment below).
- The proposal is incompatible within the setting of the West End Heritage Area. There are no current examples of third-party advertising signage within the West End Heritage Area. The third-party static advertising signage located on the north side of Phillimore Street in the location of the public transport interchange is not within the West End Heritage Area. In addition, it is located within land reserved under the Metropolitan Scheme and will not be considered in the assessment of this application.
- The height, bulk, scale, orientation and appearance of the proposal will significantly affect the appearance the existing building.
- The proposal is likely to significantly impact the character of the West End Heritage Area.

On the basis of the above, the proposed land use is considered inconsistent with the objectives of the City Centre zone and clauses 67(a), 67(c), 67(g), 67(k), 67(l), 67(m), 67(n), 67(x) and 67(y) of the Deemed Provisions for the reasons outlined above. As such, the proposed third-party advertising (use not listed) is not supported.

Local Planning Policies

Local Planning Policy 2.14 – Advertisement Policy

Table 2 – *Assessment against the provisions of LPP2.14.*

1. General Advertisement Provisions	**Officer Comment:**
1.1 General requirements applicable to all signs: (a) Advertisements will not be approved on properties primarily used for residential purposes where the advertisement does not pertain to a relevant home business, occupation or store on the site unless otherwise provided for in another local planning policy. (b) Advertisements are to be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users. (c) Advertisements will be compatible with the style, scale and character of the surrounding streetscape, and the predominant uses within the locality. Consideration will be given to the number and type of existing signs in the locality so as to avoid visual clutter.	The proposed signage does not meet the provisions of the policy for the following reasons: • Signage in the West End advertises the name of the building or the business occupying it. Third party signage, with a LED, changing display is therefore inconsistent with the surrounding land uses and visual appearance of other signs. The proposed signage will be out of character with surrounding land uses. • Advertising is proposed which will include the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site.

(d) Advertisements shall not impede pedestrian or vehicle movements. (e) Illuminated signs are to be maintained to operate as an illuminated sign; and (f) Advertisements are not to emit a flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure. (g) Advertisements in the form of an Animated signs will not, be supported by Council. (h) Advertisements will not be approved on private land which include, i. the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located, or ii. a product or service not provided on the site on which the advertisement is located; iii. a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or iv. signs for an activity or event not occurring on the site on which the advertisement is located.	LPP2.14 states that this type of advertisement will not be approved. • Advertising is proposed which will include a product or service not provided on the site on which the advertisement is located. LPP2.14 states that this type of advertisement will not be approved. • The proposed signage will have capacity to operate as an animated sign which is not supported by Council. • Advertising is proposed which will include advertising for activities or events which do not occur on the site on which the advertisement is located. LPP2.14 states that this type of advertisement will not be approved.
2.7 Roof Signs	**Officer Comment:**
2.7.1 Roof signs are deemed acceptable where: (a) The advertisement does not project more than 1.5m above the height part of the roofline and does not exceed the length of the tenancy; and (b) The advertisement is restricted to one sign per street frontage per tenancy and can be illuminated and / or double sided (c) The advertisement does not overshadow major openings or outdoor living space of neighbouring residential properties.	The proposed signage does not comply for the following reasons: • The proposed signage will project 1.92m above the top of the external roof façade of the subject site. • The proposed signage extends to both Market Street and Short Street Frontages.
3. Variations to Standards	**Officer Comment:**
3.1 Council may vary the requirements outlined within Clause 1 and 2 where it can be demonstrated that the following can be met to the satisfaction of the Council:	The proposed signage does not comply for the following reasons: • The size of the sign, being 1.92m high and 4.8m long on

(a) The cumulative effect of the signage does not negatively impact on the surrounding locality by way of visual clutter; and (b) The scale and design of the signage is subservient to the building to which it relates, are sized in proportion with parapets, panels, windows and wall areas within close proximity to the proposed sign so as to not dominate the view of the building from the street.	the Market Street frontage and 2.88m long on the Short Street frontage, as well as the cumulative impact of the proposed signage fronting both Market and Short Street, is not considered to be subservient to the existing building and would become a dominant, incongruous be the key feature of the heritage listed building that detracts from the heritage value of the building and the broader character of the streetscape.
4. Additional Requirements for Properties on the Heritage List	**Officer Comment:**
4.1 In addition to the specific requirements outlined in this policy, the City is to be satisfied that advertisement(s) proposed on properties included on the City's Heritage List will not have a detrimental impact on the heritage significance of the site, in accordance with heritage advice provided as per the City's L.P.P1.6 Preparing Heritage Assessments	The proposed signage does not comply for the following reasons: • The City's Heritage Officers have stated that the proposed signage will have a highly adverse effect upon the heritage value of this individually State Heritage listed place as well as the heritage value of the State Heritage listed West End of which it is a part.
4.2 In addition to any heritage advice provided in accordance with clause 4.1, Council will consider advertisements on heritage significant buildings acceptable when; (a) The advertisement does not cover any significant architectural features or detailing of a building; and (b) The advertisement does not significantly obstruct the view between the building and the street.	The proposed signage does not comply for the following reasons: • The proposed signage will detract from the visibility of architectural features of the existing building.

Local Planning Policy 3.21 – West End Heritage Area

Table 3 *– LPP3.21 West End Heritage Area Assessment*

Element 1: Urban Structure	
• Buildings and elements with heritage significance are retained. • New development fits into the established urban structure. • The urban grain of each precinct is maintained. • Urban design prioritises pedestrian amenity whilst accommodating slow moving traffic and service access. • Existing open space is preserved and enhanced.	• The proposed signage does not fit into the existing urban structure due to the use of non-traditional materials on an external roof façade. • The proposed signage will interrupt the urban grain of the West End precinct due to the impact on the external appearance of the external roof façade.
Element 2: Land Use	
• Land use diversity and mixed-use character is maintained through the West End • Land uses are to be compatible with the traditional built form of each precinct. • Concentration of retail and active pedestrian-focussed uses along the High Street ground floor frontage. • Land uses (where the planning scheme allows discretion in this) compatible with surrounding uses and mixed-use environment.	• Third party advertising in a large-scale digital sign is not considered compatible with the built form of the precinct.
Element 3: Massing and Height	
• Developments maintain simple, rectilinear form to the street. • Developments encourage a sense of mass and depth beyond the façade. • Buildings maintain the continuous urban wall to the street and reinforce the sense of enclosure. • Development reflects the building height and proportions characteristic of the West End.	• The proposed signage will remove the sense of depth beyond the external façade of the building.
Element 4: Roofscape, Views and Skyline	
• Buildings maintain the continuous urban wall to the street, and the frame of the skyline. • Existing vistas, views and skyline are retained or enhanced. • The general roofscape and form are maintained.	• The proposed signage is not considered to maintain the general roofscape or form due to its location immediately above the external building façade.
Element 5: Facades	

• New development reflects the classical proportions and character of adjacent building and the streetscape whilst remaining discernible as contemporary. The contrast should be clear but subtle.	• The contrast between the existing heritage listed building and the proposed signage is considered to be abrupt and immediate. Any subtlety in contrast will be minimal.
Element 6: Building Types	
• New development (including additions) do not diminish the legibility of original building type. • New development is compatible with the precinct, sit comfortably along side existing buildings, and assists in interpreting the history of the area.	• The legibility of the existing building will be impacted by the installation of the proposed signage above the external building façade. • The proposed signage will not provide assistance in interpreting the history of the area.
Element 7: Details and Materials	
• Buildings and their facades reflect the architectural detailing of the Classical Freestyle, as well as its proportional rules. • Materials used in new development are consistent with or complimentary to the original fabric of the West End. • New development visible from the street maintains the natural characteristics of traditional materials and an ability to endure age and weather.	• The proposed signage will not reflect the existing architectural style. • The materials utilised (steel, aluminium cladding and digital LED displays) are not consistent with or complimentary to the original fabric of the West End. • The proposed signage will be substantially visible from the surrounding area and does not reflect the natural characteristics of the traditional materials.

State Planning Policy

State Planning Policy 3.5 - Historic Heritage Conservation

The section within SPP3.5 relevant to the assessment of this application is addressed below. The proposed development is inconsistent with clause 6.6 (development control principles) of SPP3.5 for the following reasons:

- The subject site has classified the subject site as a Level 1a (State Registered) and is considered to be of exceptional cultural heritage significance in its own right, in addition to being part of the State Registered West End, as per Local Planning Policy 1.6. The proposed digital signage addition is likely to have a substantial adverse impact on the cultural heritage significance of the site.

- No measures associated with the conservation of the heritage significance of the place have been included in this development application.
- A large-scale digital sign atop the external façade of a heritage listed building is not considered to respond sympathetically to the heritage values of the area.
- Refer local planning policy assessment above.
- Large scale digital signage addition atop the external faced of a building located in a heritage area is not considered to respect or compliment the heritage significance of the area.
- The proposed digital signage has no relation or compatibility with the architectural style, materials or finishes within the West End heritage Area.
- The proposed digital signage will detract from the heritage significance of the existing building and will be incompatible with the architectural style, form and external finishes.

CONCLUSION

By virtue of the excessive size, height, scale, type and appearance of the proposed digital signage addition and the proposed use to include third party advertising, it is considered that it will contravene the objectives of the City Centre zone under the LPS4, is inconsistent with clauses 67(a), 67(c), 67(g), 67(m), 67(n) and 67(x) of the Deemed Provisions, will not comply with clauses 1.1, 2.7 and 4 of LPP2.14 as outlined above and will result in a significantly detrimental impact to the heritage significance of the site and surrounding area. As such, the application should be refused.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the animated sign addition and partial change of use to use not listed at No. 13 (Lot 200) Market Street, Fremantle, as detailed on plans dated 28 September 2023, for the following reasons:

1. **The proposal is inconsistent with clause 6.6 (Development control principles) of State Planning Policy 3.5 (Historic Heritage Conservation) as it will detract from the heritage significance of the existing building and will be incompatible with the architectural style, form and external finishes.**

2. **The proposal is inconsistent with clauses 67(a), 67(c), 67(g), 67(k), 76(l), 67(m), 67(n) and 67(x) of the Deemed Provisions and does not comply with Clauses 1.1, 2.7 and 4 of Local Planning Policy 2.14 (Advertisement Policy) by virtue of the excessive size, height, scale, type and appearance of the proposed sign, its incompatibility with the heritage significance of the West End heritage area and its detrimental impact on the heritage significance of the heritage listed building.**

3. **The proposal is inconsistent with the policy objectives of Local Planning Policy 3.21 (West End Heritage Area) as it will not integrate with the areas urban setting or respond to the existing streetscape and will detract from the heritage significance of the existing building and the West End Heritage Area.**

4. **The proposal does not comply with Clause 1.1(h) and 4.1 of Local Planning Policy 2.14 (Advertising Policy) as it would advertise services, products and/or activities that are not available at, located on, or related to, the subject site thereby constituting third party advertising which is prohibited by the policy, and will detract from the heritage significance of the site.**

C2402-2 PRITCHARD STREET, NOS. 6-8 (LOTS 93 AND 90), O'CONNOR - ANIMATED SIGN ADDITION AND PARTIAL CHANGE OF USE TO USE NOT LISTED (LARGE FORMAT THIRD PARTY DIGITAL ADVERTISING) (ED DA0264/23)

Meeting date:	14 February 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority
Attachments:	1. Development Plans 2. Site Photos 3. Applicant's Supporting Report and Appendices 4. Main Roads Western Australia (MRWA) Advice

SUMMARY

Approval is sought for an animated sign addition and partial change of use to Use Not Listed (Large Format Third Party Digital Advertising) at Nos. 6-8 (Lots 93 and 90) Pritchard Street, O'Connor.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Land Use;**
- **Third Party Advertising; and**
- **Size, Scale and Type of Advertising Sign.**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for the addition of a freestanding Large Format Digital Sign Addition and Partial Change of Use to Use Not Listed (Large Format Third Party Advertising) to an existing property at Nos. 6-8 (Lots 93 and 90). The proposed works include:

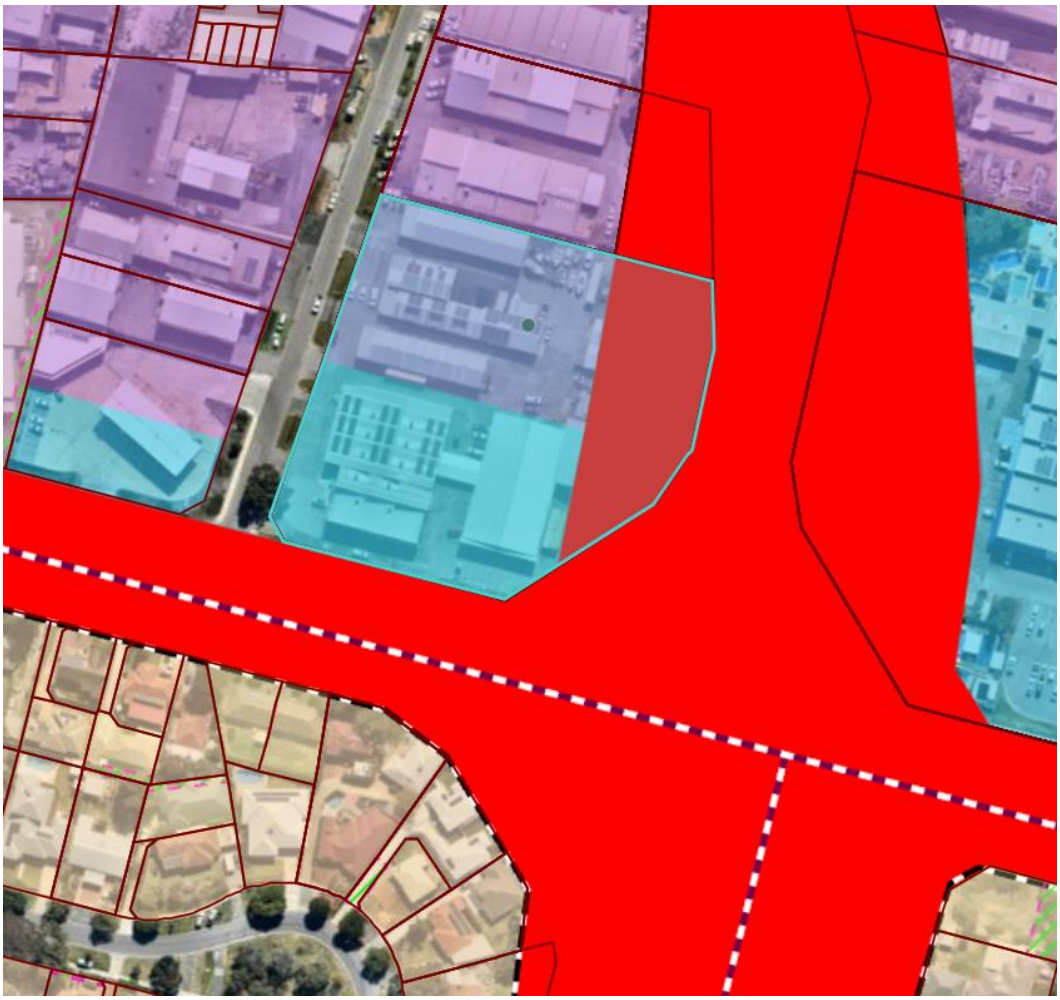
- Erection of a large, freestanding, one single-sided digital advertising sign, comprising a LED digital screen with dimensions of 12.48m (wide) x 3.2m (high), with an advertising content display area of 39.9m^2. The digital screen is to be mounted on top of a 7.3m steel support column meaning the top of the sign will be approximately 10.5m from ground level.
- The sign is proposed to display third party advertising content to motorists travelling along the adjacent South Street and Stock Road. The information provided with the application does not specify who the third-party advertising will be for but simply notes it will be 'variable content including third

party advertising content'. As such, it is expected that the advertising content will be from various third parties that wish to pay for such advertising at this location.
- An area of landscaping is proposed around the sign base.

Development plans are included as Attachment 1 and the application is accompanied by a supporting Planning Report (Attachment 3) which includes a Road Safety Assessment Report, Landscaping Plans, Lighting Impact Assessment and a Road Safety Research Media Release.

Site/application information

Date received:	4 September 2023
Owner name:	25 Nominees Pty Ltd
Submitted by:	Planning Solutions
Scheme:	Commercial Zone (If Residential include Density)
Heritage listing:	N/A
Existing land use:	Showroom
Use class:	Third Party Advertising
Use permissibility:	Use Not Listed



CONSULTATION

External referrals

Main Roads Western Australia (MRWA)
The application was referred to MRWA for comment as the site is affected by a Primary Regional Road reservations (Category 1, Stock Road and Category 3, South Street).

MRWA have advised they have no objection to the proposal subject to a number of conditions and advice notes being imposed relating to the minimum dwell time for displayed advertisements, restrictions on the maximum luminance levels and to ensure the development is wholly contained within the subject site and does not overhang or encroach into the adjacent road reserve. Full details of the MRWA advice can be found at **Attachment 4** of this report.

Should Council be of the mind to approve the application, these recommended conditions and advice notes are required to be imposed in full.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposed use is not listed under the City's LPS4 Zoning Table and the proposal does not comply with Local Planning Policy 2.14 (Advertisement Policy). The advertising period concluded on 10 October 2023, and nil submissions were received.

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. In this particular application the areas outlined below do not meet LPS4 and Local Planning Policy provisions:

- Land Use;
- Third Party Advertising; and
- Size, Scale and Type of Advertising Sign.

The above matters are discussed below.

Background

The subject site is located on the north-western junction of South Street and Stock Road. The site has a land area of approximately 5439m² and currently contains a large warehouse style building that operates as a Bulky Goods Showroom (Prime Liquidations furniture store).

The site is zoned Commercial and is not individually heritage listed nor located within a Heritage Area.

The area is characterised by large warehouse style commercial building typologies and uses along the northern sections of South Street and Stock Road. The

southern side of South Street (opposite the subject site) is characterised by one and two-storey single houses.

A search of the property file has revealed there is no planning history for the subject site relevant to this proposal.

Land Use
Third party advertising is a use which is not listed in the City's LPS4 Zoning Table, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. It is worth noting that on the basis of SAT precedence, such third-party advertising signage of this format has also been deemed a 'use not listed' in other cases.

In considering a 'use not listed', Clause 3.4.2 of the City's Local Planning Scheme No. 4 provides that:

If a person proposes to carry out any use that is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may—

(d) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(e) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of the Planning and Development (Local Planning Schemes) Regulations 2015 in considering an application for planning approval, or

(f) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted. the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015.

With respect to the above, the application has been advertised in accordance with and considered under the relevant matters of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations 2015)*, clause 67(2), as follows:

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(g) Any local planning policy for the Scheme area;

(m) The compatibility of the development with its setting including: (i) the compatibility of the development with the desired future character of it's setting; and (ii) the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) The amenity of the locality including the following:
(i) Environmental impacts of the development
(ii) The character of the locality
(iii) Social impacts of the development

(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

(y) Any submissions received on the application.

The Objectives of the 'Commercial Zone' under the City's Local Planning Scheme No. 4 are as follows:

(i) provide for the development of offices and associated commercial and larger scale uses, including showrooms, and warehouses and uses requiring outdoor displays,

(ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and

(iii) to conserve places of heritage significance the subject of or affected by the development.

The proposed third-party advertising (use not listed) is considered inconsistent with the objectives of the 'commercial' zone under the City's Local Planning Scheme No. 4 and relevant matters for consideration under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 67(2) for the following reasons:

- The proposed third-party advertising is inconsistent with the objectives of the Commercial zone as the proposed use does not provide or contribute to the commercial goods or services offerings within the Commercial zone or wider locality and only provides benefit to the advertiser.

- Being third party advertising, the proposed use has no direct relationship to the land/property it will occupy nor any adjoining land or the wider locality in general.

- The development associated with the proposed use is to be a 12.48m (wide) x 3.2m (high) sign with an advertising content display area of 39.9m^2 mounted on top of a 7.3m support column meaning the overall height of the structure will be approximately 10.5m from ground level. This associated development will exceed the height of any building on the subject site as well as any adjacent or nearby buildings within the locality (as depicted in the applicant's imagery below):

Figure 1. Depiction of proposed sign in relation to existing buildings on the subject site

By virtue of the size, scale, type and appearance of the development associated with the use, it is considered excessive, incongruous and incompatible with the existing and desired future character of the locality.

- The large, illuminated sign associated with the proposed use is likely to be visible from a number of the rear yards and openings of residential properties along Bromley Road / Chadwick Street in Hilton, that back onto the opposite side of South Street from the subject site. As such, this will be potentially detrimental to the amenity of these residential properties by virtue of the size of the illuminated display area that will operate 24/7, casting constant light during the nighttime hours and may impact the enjoyment of these residential properties. See image below from rear of 64B Chadwick Street which clearly shows the Prime Liquidations building on the subject site to be visible, noting the sign will sit higher than this building as depicted in the development plans and image above.

Figure 2. View from the rear of 64B Chadwick Street looking in the direction of the subject site (existing building and signage clearly visible).

Figure 3. Aerial image shows where subject site (red) is located in relation to 64B Chadwick Street (blue) and other residential dwellings on the southern side of South Street.

- The proposed third-party advertising use and associated development does not comply with the City's Local Planning Policy 2.14 (Advertisement Policy) as is discussed in detail within the following section of this report.

- By reason of the above, approval of the land use and associated development would set a significantly undesired precedent for the locality and City of Fremantle generally.

On the basis of the above, the proposed land use is considered inconsistent with the objectives of the Commercial zone and clauses 67(a), 67(g), 67(m), 67(n) and 67(x) of the *Deemed Provisions* for the reasons outlined above. As such, the proposed third-party advertising (use not listed) is not supported.

Advertisement Policy (Local Planning Policy 2.14)
The purpose of the City's LPP2.14 is to provide requirements for advertisements where they require planning approval under the *Planning & Development (Local Planning Scheme) Regulations 2015* and the Local Planning Scheme No.4 as is the case for this proposal.

The policy provides general advertising requirements as well as additional requirements for specific types of signage. With respect to signage proposed, it is to be considered as illuminated signage that fits within the definition of a 'Pole, pylon, or freestanding sign', defined in the policy as:

'means advertisement which is erected on a permanently attached freestanding pole, pylon or other structure and used to advertise one or multiple tenancies on private land.'

The following table evaluates the proposed sign under the general advertising requirements, applicable to all signs/advertising within the City (Clause 1.1 of LPP 2.14):

Requirement	Proposal	Compliance
(a) Advertisements will not be approved on properties primarily used for residential purposes where the advertisement does not pertain to a relevant home business, occupation or store on the site unless otherwise provided for in another local planning policy.	Site is zoned Commercial and is non-residential in nature	Complies.
(b) Advertisements are to be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users.	The applicant has provided a Road Safety Assessment Report (Appendix 2 of **Attachment 3**) and a Lighting Impact Assessment (Appendix 4 of **Attachment 3**) in accordance with Main Roads Western Australia (MRWA) requirements for Large Format Digital Signage. These reports have been reviewed by MRWA who do not object, subject to appropriate conditions of approval relating to: minimum dwell time for displayed	Complies, subject to conditions as recommended by MRWA

	advertisements, restrictions on the maximum luminance levels and to ensure the development is wholly contained within the subject site and does not overhang or encroach into the adjacent road reserve, the proposal would meet the *MRWA Policy and Application Guidelines for Advertising*	
(c) Advertisements will be compatible with the style, scale and character of the surrounding streetscape, and the predominant uses within the locality. Consideration will be given to the number and type of existing signs in the locality so as to avoid visual clutter.	The proposed illuminated sign is to be 12.48m (wide) x 3.2m (high) sign with an advertising content display area of 39.9m^2 and mounted on top of a 7.3m support column meaning the overall height of the structure will be approximately 10.5m from ground level. The sign will exceed the height of any building on the subject site as well as any adjacent or nearby buildings within the locality and would be the only illuminated sign of such a scale and extent within the locality. The size, height, scale, type and appearance of the illuminated sign is considered excessive, incongruous and incompatible with existing character of the streetscape. The sign will provide a large, illuminated sign	Does Not Comply.

	that dominates the subject site and provides additional signage over and above existing signage on the buildings on the site, creating adverse visual clutter.	
(d) Advertisements shall not impede pedestrian or vehicle movements.	The sign will not impede pedestrian or vehicle movements on the subject site or adjacent road reserve given the location proposed within the site and adjacent existing buildings.	Complies.
(e) Illuminated signs are to be maintained to operate as an illuminated sign; and (f) Advertisements are not to emit a flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.	The sign is considered able to be maintained and would be limited to static advertising only to comply with MRWA digital advertising and content display – this would be conditioned should the application be approved.	Complies, subject to conditions of approval.
(g) Advertisements in the form of an Animated signs will not, be supported by Council.	The proposed sign falls under the definition of an Animated Sign under LPP2.14 given the sign will include "variable messages" and "changing messages" and on this basis, are not supported.	Does Not Comply
(h) Advertisements will not be approved on private land which include, i. the name, logo, or symbol of a company or other organisation that does not own or	The proposed sign is intended for third party advertising content of goods and services that will have no relation to subject site or locality generally.	Does Not Comply

substantially occupy the site or building on which the advertisement is located, or ii. a product or service not provided on the site on which the advertisement is located; iii. a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or iv. signs for an activity or event not occurring on the site on which the advertisement is located.		

The following table evaluates the proposed sign under the requirements applicable to pole, pylon, or freestanding signs (Clause 2.5 of LPP 2.14):

Requirement	Proposal	Compliance
(a) The advertisement is no more than the height of the immediately adjoining subject building or no more than 6.0m in height whichever is the lesser; and	The proposed sign has an overall height of 10.5m, significantly exceeding the height of both the existing building (that has a maximum roof height of 6.7m) and the 6.0m lesser limit imposed by the clause.	Does Not Comply.
(b) The advertisement does not significantly obstruct the view between the building and the street, thereby	Given the sign exceeds the height of the existing buildings on the subject site and will sit above any openings of the building,	Complies.

preventing casual surveillance of the street from the property and vice versa; and	the sign will not prevent casual surveillance of the street from the property.	
(c) It can be demonstrated that the advertisement is consistent with a particular design convention associated with a specific land use (ie pylon signs for petrol stations); and	Given the sign is intended for third party advertising, the type of sign is not related or consistent with any particular design convention associated with a specific land use and this type of use is not defined under the LPS4.	Does Not Comply.
(d) The advertisement is restricted to one sign per site, may include the advertising of multiple tenancies and can be illuminated and / or double sided.	The subject site already contains an existing pole, pylon, or freestanding sign which provides advertising for the 'Adreeno' business which is adjacent.	Does Not Comply.

Clause 3 of LPP2.14 provides that Council may vary the requirements outlined within Clause 1 and 2 where it can be demonstrated that the following can be met to the satisfaction of the Council:

a. *The cumulative effect of the signage does not negatively impact on the surrounding locality by way of visual clutter; and*

b. *The scale and design of the signage is subservient to the building to which it relates, are sized in proportion with parapets, panels, windows and wall areas within close proximity to the proposed sign so as to not dominate the view of the building from the street.*

The proposed third party, illuminated pole, pylon, or freestanding sign does not satisfy either part (a. or b.) of Clause 3 for the following reasons:

- The proposed sign has an overall height of 10.5m, significantly exceeding the height of both the existing building (that has a maximum roof height of 6.7m) on the subject site as well as any adjacent or nearby buildings within the locality and would be the only illuminated sign of such a size and scale within the locality.

- The sign will provide a large, 39.9m^2 illuminated sign that will dominate views of the subject site and provide additional signage over and above existing

signage on the existing buildings on the site, creating adverse visual clutter.

- The size, height, scale, type and appearance of the illuminated sign is considered excessive, incongruous and incompatible with existing character of the streetscape.

Further to the above, third-party advertising is not permitted by the policy (as noted in clause 1(h) above and Clause 3 does not provide any mechanism to vary this provision; Clause 3 simply relates to the extent, design and location of proposed signage.

As such, the proposed sign does not comply with clause 1 (c), (g), (h) and clause 2.5 (a), (c) and (d) of LPP2.14 as outlined above and is therefore not supported.\

CONCLUSION

By virtue of the excessive size, height, scale, type and appearance of the proposed development and the intended use of third party advertising, the proposed Large Format Digital Sign Addition and Partial Change of Use to Use Not Listed (Large Format Third Party Digital Advertising) contravenes the objectives of the Commercial zone under the LPS4, is inconsistent with clauses 67(a), 67(g), 67(m), 67(n) and 67(x) of the Deemed Provisions and does not comply with clauses 1.1 (c), (g), (h) and clauses 2.5 (a), (c) and (d) of LPP2.14 as outlined above. As such, the application should be refused.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the animated sign addition and Partial Change of Use to Use Not Listed (Large Format Third Party Digital Advertising) at Nos. 6-8 (Lots 90 and 93 Pritchard Street, O'Connor, as detailed on plans dated 31 August 2023, for the following reasons:

1. **The proposal does not comply with Clause 1.1(h) of Local Planning Policy 2.14 (Advertising Policy) as it would advertise services, products and/or activities that are not available at, located on, or related to, the subject site; thereby constituting third party advertising which is prohibited by the policy.**

2. **The proposal is inconsistent with clauses 67(c), 67(g), 67(h), 67(m), 67(n) and 67(x) of the Deemed Provisions and does not comply with Clauses 1.1 (c), (g) and clauses 2.5 (a), (c) and (d) of Local Planning 2.14 (Advertisement Policy) by virtue of the excessive size, height, scale, type and appearance of the proposed sign, its incompatibility with the scale of existing development on the subject site and within the locality generally as well as the adverse impact upon visual amenity.**

C2402-3 SNOOK CRESCENT, NO. 46 (LOT 2), HILTON - ALTERATIONS & ADDITIONS TO EXISTING SINGLE HOUSE – (JD DA0283/23)

Meeting date:	14 February 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority
Attachments:	1. Amended Development Plans 2. Cover Letter 3. Additional Justification 4. Heritage Impact Assessment 5. Site Photos

SUMMARY

Approval is sought for alterations and additions to an existing Single house at No. 46 Snook Crescent, Hilton.

The proposal is referred to Council due to the nature of some discretions being sought against Local Planning Policies. These discretionary assessments include the following:

- **Wall height**
- **Upgrading of existing dwelling**
- **Extensions and additions**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for alterations and additions to an existing Single house at No. 46 Snook Crescent, Hilton (subject site). The proposed works include:

- Demolition of outbuilding on east side boundary.
- Demolition of rear existing chimney.
- Removal of existing tiled roof and replacement with new zincalume roof sheeting.
- Removal of windows on the rear of the dwelling and installation of a glass sliding door.
- Internal wall removal and alterations.
- Loungeroom addition on east side of dwelling.
- Installation of four (4) highlight windows along west side of dwelling.
- Replacement of existing asbestos cladding with fibrous cement sheeting.
- Installation of timber 'weatherboard' slatting to external walls of the dwelling.
- Second storey bedroom addition.

The applicant submitted amended plans on 18 January 2024 including the following:

- Relocation of the second storey addition to be situated behind the existing roof ridge line.
- Reduced height of the front edge of the second storey addition to match the existing roof ridge height (max. building height to remain the same).
- Reduction in floor area of the second storey addition from 26.54m^2 to 22.92m^2.
- Timber 'weatherboard' slats to extend up to the windowsill height on the external walls of the existing dwelling and to the full height of the external walls on the lounge and bedroom additions.

Refer to Figures 1 and 2 illustrating the key design change of the second storey addition.

Amended development plans are included as attachment 1.

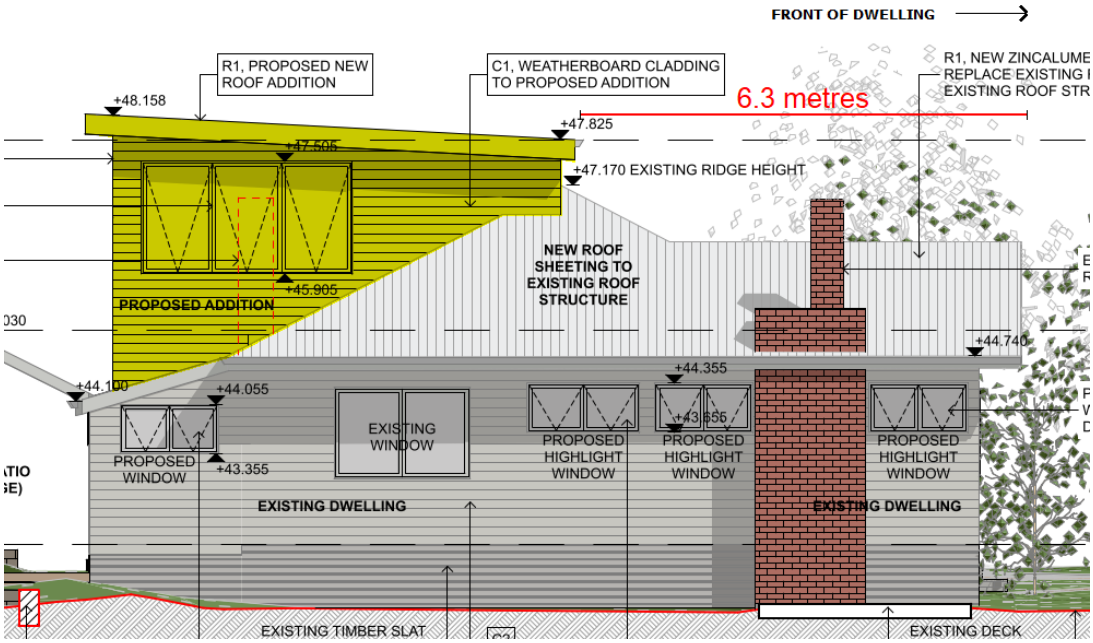


Figure 1 – Original plan extract illustrating second storey addition.

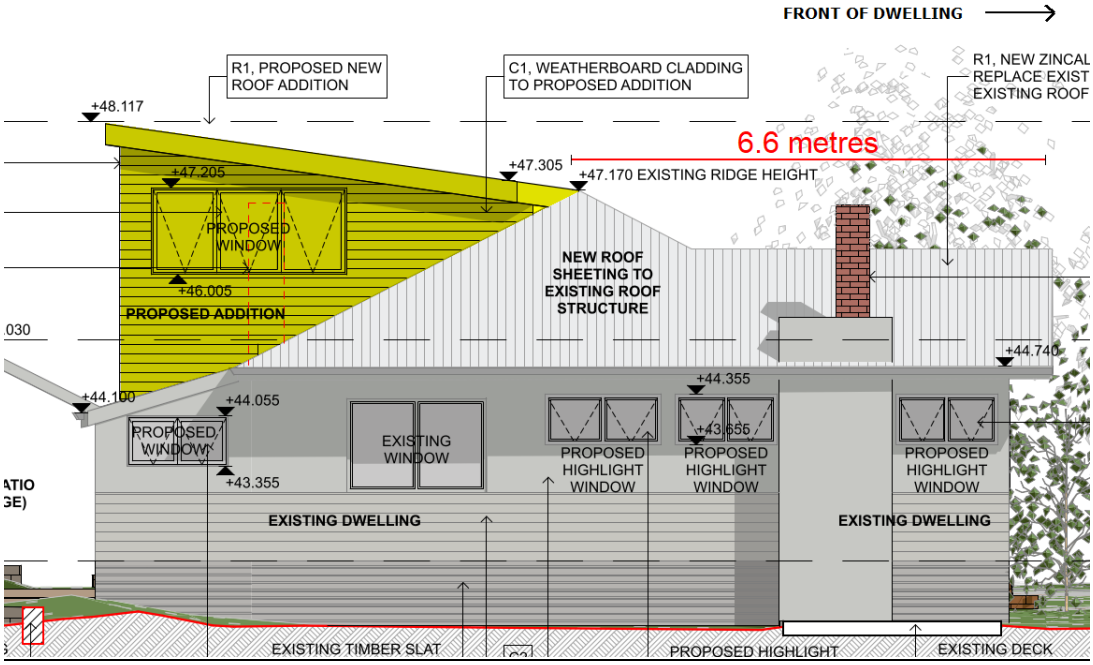


Figure 2 – Amended plan extract illustrating relocation of second storey addition.

Site/application information

Date received:	19 September 2023
Owner name:	Joshua Smith and Amanda Hodgson
Submitted by:	Manuela Gioia
Scheme:	R20/R25
Heritage listing:	Hilton Garden Suburb Precinct Heritage
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P

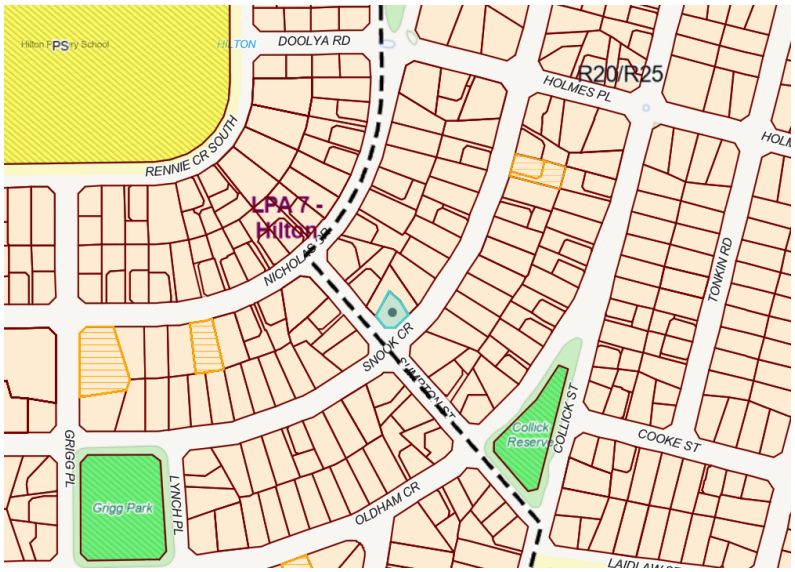


Figure 3 – Planning Context Map

Figure 4 – Aerial image of the subject site.

CONSULTATION

External referrals
Nil required.

Internal referrals
City of Fremantle Heritage

The following comments were provided, based on the original plans submitted with the development application, in relation to the heritage impact of the proposal:

- The proposed upper floor addition to 46 Snook Crescent is not acceptable as it will have a negative impact upon this original heritage house and its contribution to the Hilton Garden Suburb Heritage Area.
- The proposed upper floor addition does not comply with LPP3.7 Hilton Garden Suburb Precinct Heritage Area because it does not conserve the original external form of the house and its roof. The upper floor is constructed over the main section of the original house and can be clearly seen from the street.
- A two-storey addition would be acceptable if it was set back behind the main hipped roof of the existing building because the existing house would largely

conceal the additions from the street so that they have minimal impact on the streetscape of Snook Crescent.

- The proposed replacement of the existing asbestos cement sheet wall cladding and cover battens with an alternative profile of wall cladding is also not acceptable. The distinctive flat sheeting and cover battens need to be replaced with a modern cladding type with a matching profile to the original.
- The replacement of the tile roof cladding with corrugated steel sheeting is acceptable as is the proposed single storey addition on the east side of the existing house. The use of weatherboard profile wall cladding on the side addition is acceptable as it is sympathetic with the character of the area but is different to the original house so the addition can be read as a new element.

A meeting was held with the applicant and landowners on 10 November 2023 to discuss potential amendments to the proposal. Amended plans were subsequently submitted on 18 January 2024.

The proposed single storey addition to side of the original Hilton Park house, the replacement of existing roof tiles with corrugated metal sheeting, the replacement of asbestos cement sheet cladding with fibrous cement sheeting and the internal modifications are all acceptable as they will have only a minor impact on the heritage fabric and values of the Hilton Garden Suburb Heritage Area. However, the proposed upper floor extension shown in the amended plans, above the original house is not acceptable as it will reduce the authenticity of the house and will have an adverse impact on the heritage values of the house and the contribution that it makes to the Hilton Garden Suburb Heritage Area.

Following discussions with the property owners the upper floor addition was modified to reduce the visual impact upon the house and the surrounding streetscapes. While the changes have reduced the impact of the upper floor additions it will still be clearly visible from the surrounding streets and will set a precedent for future development. The perspective drawings provided as a part of this application minimise the visual impact of the proposal.

The revised upper floor extension to the single storey timber house at 46 Snook Crescent will have an adverse effect on the character of the Hilton Garden Suburb Precinct Heritage Area because it does not conserve the original external form of the house and will be visible from the surrounding streets. The modified roof form will contrast with the simple roof forms of the highly intact surrounding streetscape of original Hilton houses in Snook Cresent and Sumpton Street.

The modest single storey, timber framed Post War housing set in generous front gardens in Hilton exhibits a high degree of uniformity with similar scale, form, massing and detailing to houses and only minor variety created by variation in cladding types, window arrangements and porch design. This uniformity contributes to the distinctive character of the heritage area. While some houses have later extensions, these have been added to the side and rear of the existing house and have not involved altering the main roof form by changing its form or pitch

or adding dormer windows so the distinctive character of the built form has been maintained.

LPP 3.7 Hilton Garden Suburb Precinct seeks to control development in the heritage area by retaining and conserving original buildings and ensuring that infill housing respects the character of the area. This policy section 5.1 Upgraded dwellings requires that:

- *External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street.*
- *The original form of the roof of the dwelling shall be retained as viewed from the street.*
- *New extensions shall be located at the rear or side of the original dwelling.*

The original external form of the dwelling which needs to be conserved includes the front porch and the main section of the house under the hip and gable roof. Rear additions need to be located to rear of the original dwelling, that is, behind this main section of the house in the rear garden or where the rear lean-to is located. The rear lean-to can be removed without affecting the heritage value of the place.

There is some discretion for when "The front and side elevations of the development present generally as a single storey dwelling when viewed from the street". This means that a two-storey addition may be acceptable at the rear of the original house as long as the single storey form of the original section of the house is retained. This does not refer to the construction of upper floors over the original house or the use of dormer style windows or loft extensions within the roof space of the original house.

Further, while the sub-divided, diamond shaped property is small and constrained, there is potential for an alternative single storey rear or side additions which would provide the same accommodation as the proposed upper floor but without the visual impact on the largely intact heritage streetscapes surrounding this house.

The works proposed in this application are NOT acceptable as they will have a negative impact on the heritage values of 46 Snook Crescent and the Hilton Garden Suburb Heritage Area.

The complete Heritage Impact Assessment is included as an attachment 4.

Community
The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought to vary street setback and building height requirements. The advertising period concluded on 27 October 2023 and one (1) submission was received in support of the proposal.

A summary of the key points raised in the submission in support of the proposal is detailed below:

- They are in support of the new features such as building height being implemented in the design and support the introduction of these features to the area.
- They are pleased that the family will provide themselves a dwelling that will accommodate a contemporary lifestyle and growing family.

The application was not readvertised upon the receival of amended plans as there was no change to the originally proposed street setback and the extent of variation to the building height requirements was considered to be reduced by the amended plans.

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:

- Wall height
- Upgrading of existing dwelling
- Extensions and additions

The above matters are discussed below.

Background

The subject site is located on the corner of Sumpton Street and Snook Crescent (north side of the intersection). The site has a land area of approximately 517m² and is currently occupied by a Single house. The site is zoned Residential and has a split density coding of R20/R25. The site is not individually heritage listed but is located in the Hilton Garden Suburb Precinct Heritage Area.

The Hilton Garden Suburb Precinct Heritage Area is of cultural heritage significance within the City of Fremantle for the following reasons:

- As an example of a substantially intact 'Garden Suburb' dating from the immediate post World War II period and characterised by its curvilinear road layout, parks, large and irregular shaped lots.
- It has historical value as an area developed by the State Housing Commission to provide affordable housing at a time of increased housing demand in Australia, particularly to house new arrivals: returned servicemen and immigrants. It also has historical significance for its association with the importation of prefabricated homes from Austria and for the timber homes designed by prominent architect Marshall Clifton.

- Hilton has aesthetic value for its parks, streetscapes, mature trees, areas of indigenous vegetation and birdlife. Its stock of relatively intact modest housing, including both timber and brick cottages, set on large lots, many with mature trees and gardens, contribute to the ambiance of the area and create a distinct and cohesive streetscape character.
- It has social value to the people who live there for the range of community facilities provided and the diversity of the local community including private owners, Department of Housing tenants, elderly people and families.

The subject site is considered a contributory place as per Local Planning Policy 1.6 Heritage Assessment and Protection which states –

> *Places within heritage areas can be defined as either 'contributory' or 'non-contributory' to the significance of the area. Contributory places may include places which are not individually heritage listed. Contributory places are determined by Council having due regard to an assessment against the criteria of the Burra Charter1 and may include representative examples of a place type, period or style, places which contribute to the streetscape; and/or one which combines with other related places to demonstrate the historic development of a heritage area. Where mapping of contributory places has not been undertaken for a Heritage Area, or has not been completed due to the inaccessibility of the site or the inability to fully reveal the existence of potentially fabric of cultural significance, this will be assessed upon planning application.*

The site has been identified at the time of the development application as being a contributory place due to it being a representative example of the place type of which, combined with other similar dwellings, demonstrates the historic development of the Hilton Heritage Area.

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

- BP0230/1959 – Garage addition – Approved 1959 (note: this garage was demolished to facilitate subdivision).
- DA0147/14 – Patio addition – Approved 2014
- DA0507/12 - Primary and Secondary Street fence and Outbuilding Addition – Approved 2012
- WAPC133167 – Two (2) lot freehold subdivision – Approved 2006

Land Use
A Single House is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme.

LPP3.7 – Wall height

Element	Requirement	Proposed	Extent of Variation
Wall height	Maximum -3.5m	6.306m	2.806m

LPP 3.7 sets out secondary criteria that allows a greater external wall height in certain circumstances:

Under Part 2 of LPP 3.7, Council may, at its discretion, allow a greater external wall height and/or greater roof ridge height where it is satisfied that the development meets one of the following criteria:

a) *The development is on a rear survey strata lot, battleaxe lot or the equivalent and has minimal presentation to the streetscape and the development complies with the Deemed-to-comply requirements of the Residential Design Codes for the following:*
   i. *Clause 5.1.3 Lot Boundary Setback,*
   ii. *Clause 5.1.4 Open Space, and*
   iii. *Clause 5.4.2 Solar access for adjoining sites*

or

b) *Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the front and side elevations of the development present generally as a single storey dwelling when viewed from the street with the predominant bulk of the element exceeding the prescribed maximum building height located at the rear of the dwelling; or*

c) *Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the proposed building height is consistent with the building height of development within the prevailing streetscape.*

The subject site is not located on a rear survey strata lot, battleaxe lot or equivalent, the wall height can therefore only be considered against criteria b) and c) above.

The proposed wall height of the second storey addition does not meet the requirements b) and c) above or the Design principles of the R-Codes for the following reasons:

- The front and side elevations of the second storey addition will be visible from the street as illustrated by Figure 5 below. This will result in the dwelling no longer presenting as a single storey.
- The prevailing streetscape is considered as the three (3) properties adjoining either side of the subject site fronting the same street and in the same street block. In this instance the prevailing streetscape is considered as the three (3) properties north east of the subject site along Snook Crescent as well as the three (3) properties north west of the subject site along Sumpton Street.

These dwellings are all single storey dwellings with no examples of second storey additions.

- The second storey addition will result in a detrimental impact to the amenity of the streetscape as it is incompatible with the siting, scale, external form and architectural style of the surrounding area.

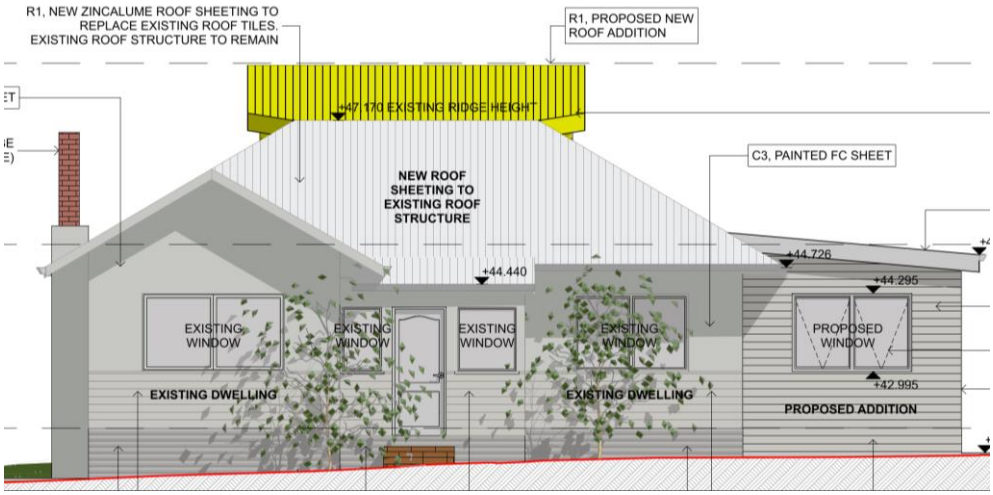


Figure 5 – Street elevation (south) with proposed upper floor addition highlighted in yellow.

LPP3.7 – Upgrading of existing dwelling

The requirements for the upgrading of existing dwellings as per clause 5.1 of LPP3.7 are defined below:

5.1.1 External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street but may include modern and/or contrasting materials.
5.1.2 The original size and position of openings (doors and windows) visible from the street shall be conserved. Non-traditional materials may be used in the replacement of the doors or windows, subject to the appearance of the replacement doors or windows reflecting the styles of original Hilton dwellings.
5.1.3 The original size and position of verandahs and porches visible from the street shall be conserved.
5.1.4 Front verandahs and porches are not to be enclosed.
5.1.5 The original form of the roof of the dwelling shall be retained as viewed from the street.

Council may, at its discretion, vary the requirements of clauses 5.1.1 – 5.1.5 where it is satisfied that the development meets one of the following criteria:

a) The proposed development involves minor variations and is specifically designed according to solar passive design principles to achieve a significantly higher level of energy efficiency than could otherwise be achieved by complying with clauses 5.1.1 to 5.1.5 above; or

b) The original dwelling is not an original timber framed or brick dwelling constructed during the establishment of the Hilton Garden Suburb Precinct (dwellings constructed prior to 1965).

The proposed upgrading of the existing dwelling, specifically the second storey bedroom addition, does not meet the requirements of Part 5.1 of LPP3.7 for the following reasons:

- The original form of the roof of the dwelling will be lost due to the proposed second storey addition situated within the roof area beginning at the roof ridge line and extending towards the rear.
- The second storey addition features a skillion roof which does not contribute to the conservation of the overall architectural style or external form of the dwelling.
- The proposed upgrading of the dwelling does not specifically relate to achieving a higher energy efficiency level.
- The dwelling was constructed pre-1965 and is considered to be an original timber framed dwelling.

LPP3.7 – Extensions and additions

The requirements for extensions and additions as per clause 5.2 of LPP3.7 are defined below.

5.2.1 New extensions shall be located at the rear or side of the original dwelling.
5.2.2 Upward extensions shall be designed to comply with Part 2 – Building Height of this policy.
5.2.3 The external form of the front of the conserved dwelling is to be retained.

Council may, at its discretion, vary the requirements of clauses 5.2.1 – 5.2.3 where it is satisfied that the development meets one of the following criteria:

a) The front and side elevations of the development present generally as a single storey dwelling when viewed from the street; or
b) The original dwelling is not an original timber framed or brick dwelling constructed during the establishment of the Hilton Garden Suburb Precinct (dwellings constructed prior to 1965).

The proposed extension and addition to the existing dwelling, specifically the second storey bedroom addition, does not meet the requirements of Part 5.2 of LPP3.7 for the following reasons:

- The second storey addition is located in the roof area of the existing dwelling (beginning at the ridge line and extending back). This is not considered to be located at the rear or side of the dwelling.
- The upward extension does not comply with Part 2 of LPP3.7 – Building Height (refer wall height assessment above).

- The external form of the front of the dwelling will be lost due to the appearance of the second storey addition beginning at the roof ridge line.
- The dwelling will no longer present as a single storey dwelling when viewed from the street as the second storey addition will be clearly visible where it extends back from the roof ridge.
- The dwelling was constructed pre-1965 and is considered to be an original timber framed dwelling.

State Planning Policy

State Planning Policy 3.5 - Historic Heritage Conservation

The proposed development is inconsistent with the development control principles of SPP3.5 which states that development should respect and compliment the heritage significance of the area. In this instance, it is considered that the second storey addition will not compliment the heritage area, which is predominantly single storey dwellings with hipped roofs, as it is incompatible with the siting, scale, external form and architectural style of the surrounding area.

CONCLUSION

Approval is sought for alterations and additions to an existing Single house at No. 46 Snook Crescent, Hilton. The application has been referred to Council due to variations with the local planning policies, specifically clause 2.2, 5.1 and 5.2 of Local Planning Policy 3.7 – "Hilton Garden Suburb Precinct" Heritage Area. It is considered that these variations will result in a significantly detrimental impact to the heritage significance of the surrounding area.

The application is therefore recommended for refusal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Alterations and Additions to Existing Single House at No. 46 (Lot 2) Snook Crescent, Hilton, as detailed on plans dated 18 January 2024, for the following reasons:

1. **The proposed second storey addition is inconsistent with clause 2.2, 5.1 and 5.2 of the City of Fremantle's Local Planning Policy 3.7 "Hilton Garden Suburb Precinct" Heritage Area as it will be inconsistent with the prevailing streetscape, the original external roof form will be lost, and the dwelling will no longer present as a single storey when viewed from the street. It is considered that the proposed second storey addition will have a significantly detrimental impact on the heritage significance of site and surrounding area.**

2. **The proposal is inconsistent with clauses 67(a), 67(c), 67(g), 67(k), 67(l) and 67(m) of the Deemed Provisions and clause 6.6 (Development control principles) of State Planning Policy 3.5 (Historic Heritage Conservation) as it will detract from the heritage significance of the existing building and will be incompatible with the architectural style and form of the heritage area.**

C2402-4 QUEEN VICTORIA STREET (VARIOUS LOTS AND RESERVES) – SWAN RIVER CROSSINGS PROJECT (PROPOSED FREMANTLE TRAFFIC BRIDGE AND ASSOCIATED INFRASTRUCTURE) (ED DA0009/23)

Meeting date: 14 February 2024
Responsible officer: Director Planning, Place and Urban Development
Voting requirements: Simple Majority
Attachments:
1. Development Plans
2. Site Survey
3. Visualisations of Proposed Bridge
4. Development Application Report
5. Applicant Community and Stakeholder Engagement Summary
6. Applicant Architecture, Urban Design and Landscape Report
7. Applicant Heritage Impact Statement
8. Applicant Traffic Impact Statement
9. Applicant Heritage Interpretation Strategy

SUMMARY

The Department of Planning Lands and Heritage (DPLH) received an application for significant development to replace the Fremantle Traffic Bridge.

In accordance with Part 17 of the Planning and Development Act 2005 (PD Act), the Western Australian Planning Commission (WAPC) on behalf of DPLH has referred the application for the proposed new traffic bridge to the City of Fremantle for comment as a relevant stakeholder. Part 17 of the PD Act establishes the WAPC as the decision-making authority for significant development applications to support the State's economic recovery from the COVID-19 pandemic. The WAPC is supported in determining Part 17 applications by a team at DPLH, the State Development Assessment Unit (SDAU), a team of planners who undertake various activities associated with significant development proposals on behalf of the WAPC.

The application proposes to replace the Fremantle Traffic Bridge with a new bridge that includes four lanes for vehicle traffic, a principal shared path, pedestrian footpath and public realm improvements.

The proposal has been considered in accordance with Council Policy *LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions* with the report below providing details of the proposed development, relevant background, a statutory assessment against the City's LPS4 or local planning policies, design matters, economic benefits and

relevant recommendations to the WAPC for consideration in the determination of the application.

It is noted that the assessment process will also include:

- **Design review through the State Design Review Panel; and**
- **Community Consultation, undertaken by the WAPC.**

It is recommended that Council advise the WAPC that the proposed development is generally supported, subject to further work/detail on:

- **quality and details of bridge architecture – noting that the plans submitted for DA indicate a basic concept for an 'extradosed cable stayed' structure - but lacks any architectural/civic details;**
- **connections and integration into existing pedestrian/cycle infrastructure and networks;**
- **improvements to landscaping proposals;**
- **properly integrated public art and cultural interpretation.**

This Report also includes Recommended Conditions and Advice Notes should the WAPC be of the mind to approve the application.

PROPOSAL

Detail
Approval is sought to replace the Fremantle Traffic Bridge with a new bridge and other associated infrastructure works, comprising the following:

- Removal of existing Fremantle Traffic Bridge and replacement with a new traffic bridge over the Swan River, along the existing alignment of the Queen Victoria Street with a total span of approximately 230m metres and a width of 30.5m;
- Provision of a new shared path (eastern side of bridge) and Principal Shared Path (PSP) on the western side of the bridge, a high-quality shared path for walking and riding, built to Main Roads WA PSP standard, generally meaning the path will be 4m wide, have adequate lighting and be grade separated at intersections connections over the Swan River and integrated into the design of the bridge; and
- New shared path connections on the northern and southern embankments to connect to into existing footpath infrastructure.

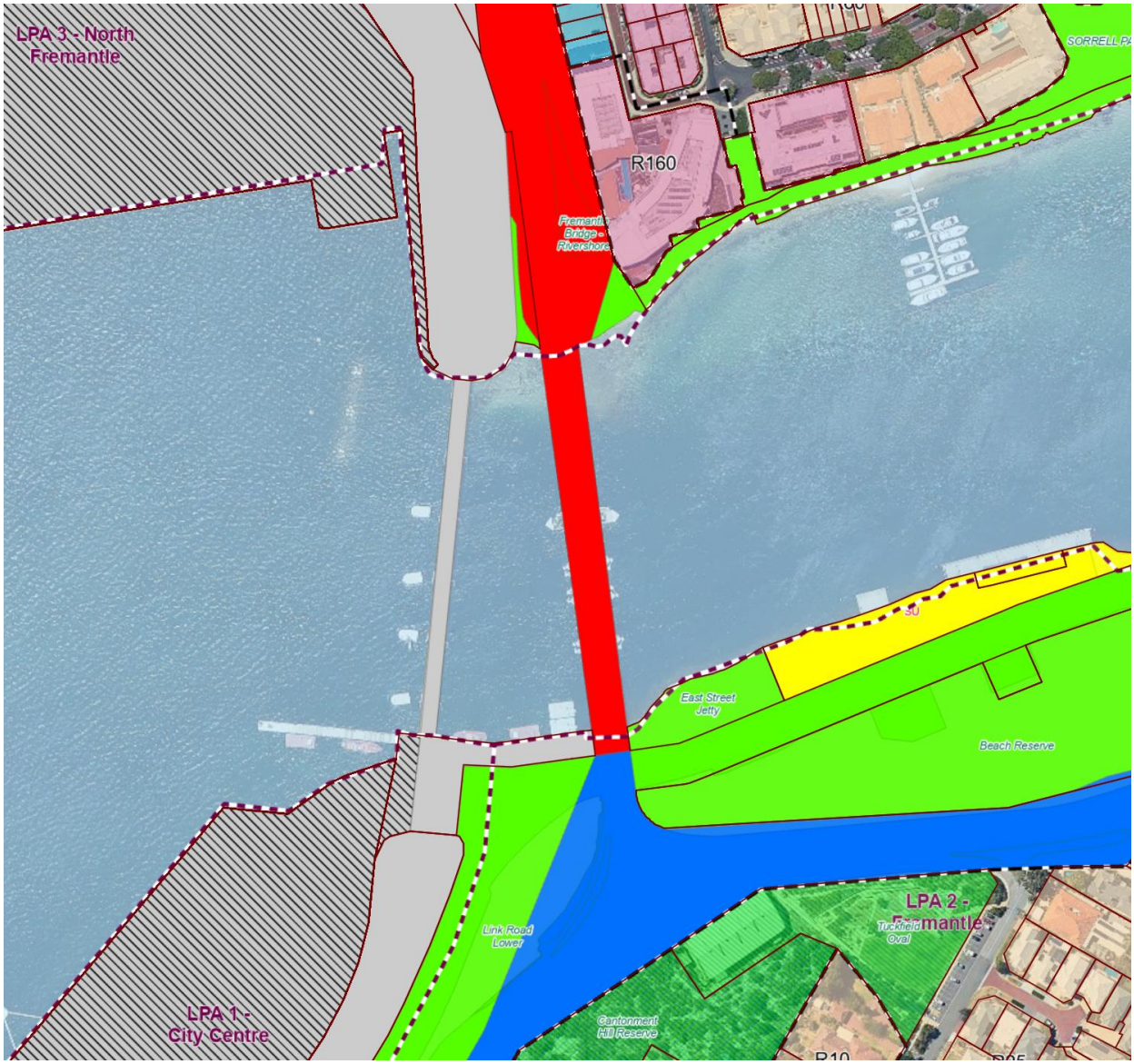
The key bridge infrastructure is to be accompanied by other associated public realm upgrades and heritage interpretation opportunities including the following:

- Upgrading existing landscaping and public spaces on the northern and southern embankments, including provisions for *Kaya Kaya Kaya!* Welcome places on both approaches to the new traffic bridge;
- Retention of the existing Ferry Capstan Base and remnant fabric of the Fremantle Traffic Bridge, supported by key nodes for interpretation of both the Aboriginal and post-Colonial history of the areas; and
- Provision for future works opportunities in the vicinity of the project area, to be delivered by others.

Development plans are included as Attachment 1 and Visualisations of Proposed Bridge can be found at Attachment 3.

Site/application information

Date received:	13 December 2023
Owner name:	Department of Planning Lands and Heritage
Submitted by:	Element Advisory Pty Ltd on behalf of Fremantle Bridges Alliance
Scheme:	Not Zoned (Regional Road and Parks and Recreation Reserve
Heritage listing:	*Fremantle Traffic Bridge* (1939) and *Ferry Capstan Base*



CONSULTATION

As a State Government public works project, and under the 'significant development' pathway, all consultation with the community and external organisations is the responsibility of the Fremantle Bridge Alliance (FBA) project team and the lead government agency – Main Roads WA.

Current information regarding the project and the various consultation processes and results are updated on the Main Roads website at: Swan River Crossings | Main Roads Western Australia

The SDAU have advised they have advertised the application to owners and occupiers within proximity of the bridge and referred the application the following organisations for comment: *Department of Water and Environmental Regulation,*

Department of Biodiversity, Conservation and Attractions, Department of Transport, South West Aboriginal Land and Sea Council, Main Roads WA, Western Power, Water Corporation, City of Fremantle and Town of East Fremantle.

The proponent has also provided a *Community and Stakeholder Engagement Summary Report* (Attachment 5) that covers engagement by the FBA on this project since 2019 up to the submission of this application.

OFFICER COMMENT

Background

The subject site comprises the site of the existing Fremantle Traffic Bridge that crosses the Derbarl Yerrigan (Swan River), located along the eastern boundary of the Fremantle Port, connecting North Fremantle to Fremantle along the alignment of Queen Victoria Street. The existing bridge is a Main Roads Western Australia (MRWA) asset and carries two lanes of traffic each way with a footpath on the western side of the bridge. The traffic bridge serves as a crucial link connecting the North Fremantle district centre to the strategic metropolitan centre of Fremantle.

The subject site also comprises the State Heritage listed Ferry Capstan Base on the southern embankment, a rare example of an uncommon structure demonstrating the function of hauling river vessels, which is no longer practiced.

The Swan River Crossings project is being undertaken by the Fremantle Bridge Alliance (FBA) which is a partnership between Main Roads WA, Arup, Laing O'Rourke and WSP, with input from the Public Transport Authority (PTA).

The existing 1939 Fremantle Traffic Bridge was designed as a temporary structure, with an anticipated lifespan 40 years. While serving its function well beyond the anticipated lifespan and, despite extensive strengthening and maintenance work in 2016, investigations identified the state heritage listed bridge needs to be replaced. Road lanes and footpaths do not meet current standards and the current traffic loading exceeds the original design capacity. On this basis, in 2019, MRWA secured State and Commonwealth Funding for construction of a new road bridge over the Swan River to replace the existing bridge and improve pedestrian and cyclist connections over the Swan River.

WAPC engagement on concepts and ideas for a new bridge with key stakeholders, including state agencies and local governments, commencing in 2019 and through the course of the project three community and stakeholder engagement programs resulted in changes to the concept overtime. The proponent has also provided a Community and Stakeholder Engagement Summary Report (Attachment 5) that covers engagement by the FBA on this project since 2019 up to the submission of this current application.

In May 2021, four proposed bridge alignment options were released for public comment and the Council passed a series of detailed resolutions as feedback on the proposed plan / alignment options of the bridge. Option 1, described as:

'Two new bridges between the existing rail bridge and the existing Fremantle Traffic Bridge. The new passenger rail bridge includes two tracks, to the east of the current rail bridge.'

This option was the preferred option of the Council 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*

Council also provided the following general observations and feedback to the DPLH and the FBA:

- 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 previous fragmented by incompatible regional transport networks.
- 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;
- 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;
- 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,
- 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. 1.6 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.

Following the previous round of community consultation in mid-2021 and the Council's resolutions that followed on 23 June 2021, the following activities occurred:

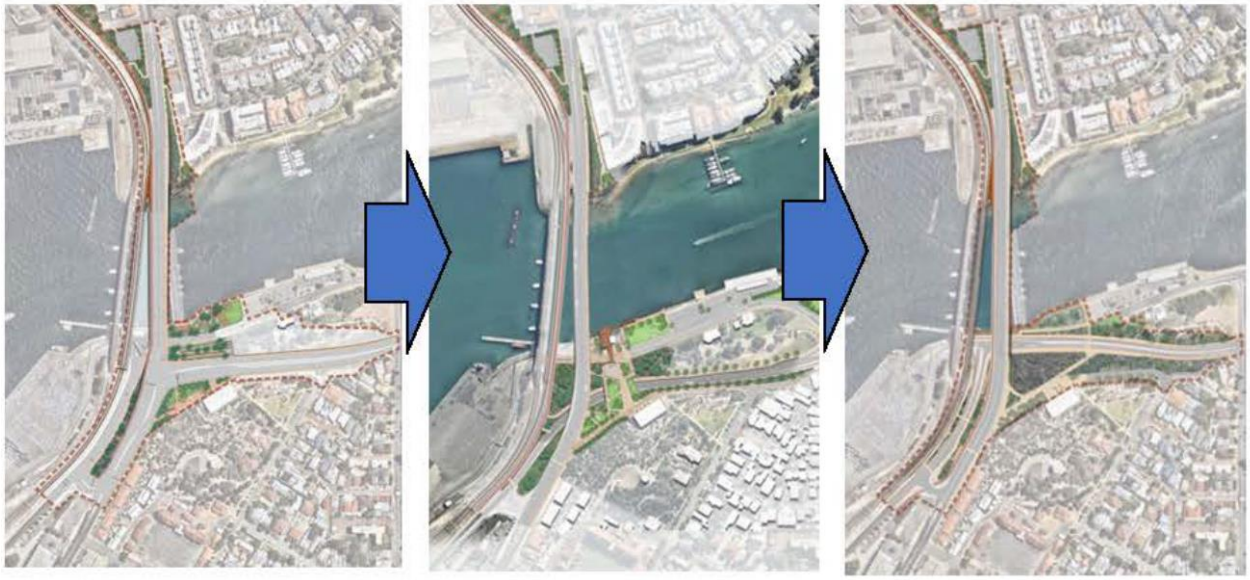
- The alignment of the new traffic bridge changed, as per the City's preferred 'Option 1'
- Government committed to looking at PSP Stage 5 and how the whole cycle network will be connected.

- The main pedestrian path on the bridge will be on the eastern side, with views up the river, and will accommodate slow / recreational cycling.
- The State Design Review Panel is now involved in assessing the merits of the project.

A revised concept plan was developed by the Bridge Alliance in 2022 in response to community and council feedback with the following key components:

- Re-aligned new road bridge, west of existing traffic bridge;
- Changing the priority and geometry of the Canning/Queen Victoria Street intersection;
- Commitment to providing fast-flowing Principle Shared Path for Cyclists on the western side of the new road bridge as well as finer grain cycling network that would include a slow-speed recreational facility on the eastern side of the bridge that would be designed primarily for pedestrians.

This revised concept generated a significant amount of road space and stacking capacity at the intersection. This led to a 'Modified Concept' that looked at prioritising pedestrian movements from Cantonment Hill to the River by grade separating Canning Highway. This 'Modified Concept' was then further explored and refined to remove negative aspects of tunnels/dive structures/portals etc. which arrived at the 'Refined Concept', see below:



1. Revised Concept
(QV/Canning Signalised Intersection)
This was the initial option produced following community consultation.
It essentially moved the bridge alignment to the west and 'flipped' the priority of the intersection.

2. Modified Concept
(Canning in Trench under QV St)

This option was then explored as a way to remove the intersection and number of lanes / amount of asphalt.

3. Refined Concept
(Beach Street Re-alignment)

This option was then explored as a development of Option 2 to avoid the negative 'place-based' aspects of tunnels, trenching and dive structures.

In review of this 'Refined Concept', at its meeting on 26 October 2022, Council resolved the following:

Council:

1. *Welcomes the opportunity to provide further comment on this major project that forms part of Fremantle's 'Northern Gateway', connecting two residential growth precincts and encompassing places of cultural and landscape significance.*
2. *Notes community concerns in relation to the proposed re-alignment of Canning Highway to the foreshore in the recently announced preferred option while acknowledging the strategic benefit in connecting Canning Highway to Beach Street.*
3. *Endorses a revised Principles and Objectives document in response to the expanded study area and scope. The Principles and Objectives are intended to inform design-development and options analysis of the proposed works, with particular consideration to the City's strategic planning*

objectives in relation to North Fremantle, the 'Northern Gateway' and the Cantonment Hill and foreshore environment. The Principles and Objectives shall be modified to ensure the project reflects the City's transport hierarchy as adopted in the 'Integrated Transport Strategy':

> *"5) TRANSPORT & ROAD HIERACHY – the project should reflect the city's transport hierarchy as adopted in the Integrated Transport Strategy and be integrated with transport services and the fine grain road hierarchy that it seeks to connect. The traffic bridge and approach roads should complement the urban precincts and natural environments that they lie within and must be tempered to support the high-density residential areas either side of the river. Specifically, the transport and road hierarchy design should…"*

4. *Requests a briefing on the key design options explored by the Fremantle Bridge Alliance following the previous public consultation in July 2021, supported by sufficient and publicly available information to enable the City and community to understand the options analysis, including:*

   a) An assessment against the Principles and Objectives listed in Attachment 2;
   b) 'before and after' traffic data and modelling, including what impact this might have on delivering safe, controlled pedestrian access through the project area to the foreshore;
   c) detailed information about design levels, cross-sections and contours that clearly illustrate proposed changes to the existing landscape / topology; and,
   d) design assumptions regarding future access including traffic movements to and from Victoria Quay

5. *Requests that the Fremantle Bridge Alliance facilitate a multi-criteria assessment process involving key stakeholders and community representatives and including:*

   a) stakeholder input to the evaluation criteria and ratings; and,
   b) consideration of the three options provided in Attachment 1.
   c) consideration of a fourth option for the tunnel to be provided by Main Roads.

The Current Proposal – Subject of this Application

With regard to feedback from community and stakeholder consultation, a bridge concept design has now been subsequently developed to seek development approval as is the subject of this application.

The proposal submitted with the application has undergone significant re-scoping from the previous concept considered in October 2022; these changes are summarised as follows:

Previous 2022 Concept (Including various design options)	**Current Proposal** (As submitted for DA)
Replacement of Old Traffic Bridge.	Replacement of Old Traffic Bridge and replacement with a new traffic bridge over the Swan River, along the existing alignment of the Queen Victoria Street with a total span of approximately 230m metres and a width of 30.5m
Improved pedestrian and cycling facilities on new bridge.	Improved pedestrian and cycling facilities on new bridge. Provision of a new shared path (eastern side of bridge) and Principal Shared Path (PSP) on the western side of the bridge
Landscape improvements and place-based outcomes for people including public art, interpretation, etc.	Detail and extent is unclear, though application describes upgrading existing landscaping and public spaces on the norther and southern embankments, including provisions for Kaya Kaya Kaya! Welcome places on both approaches to the new traffic bridge
New integrated rail bridge to improve capacity / reduce conflict between freight and passenger services.	Not included.
Investigate improvements to Port Access as part of integrated works.	Not included.
Include PSP connection north, between new crossing and North Fremantle Station / Curtin Ave PSP.	Not included.
Include planning for PSP connection south, between new crossing and Beach Street / Fremantle Station.	Not included.

The current bridge proposal is considered in greater detail, under the following sections:

1.0 Planning Assessment / Framework
2.0 Design Quality / Review Process
3.0 Bridge Architecture
4.0 Cycling Connections – State Bicycle Network
5.0 Landscape and Urban Design
6.0 Heritage Impact and Interpretation
7.0 Public Art
8.0 Construction and Traffic Management
9.0 Asset Ownership and Management
10.0 Noise Mitigation / Avoidance of 'Freeway' Noise Walls

1.0 Planning Assessment / Framework

In accordance with LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions, Officers have assessed the proposal against the relevant provisions of LPS4, relevant Council local planning policies as well as sought commentary and advice from internal city departments.

It is noted the works are located across land reserved for various public purposes under the MRS, which is reflected in the City's LPS4 and represents an appropriate use and proposal in principle, relating to the necessary upgrading of public infrastructure.

The City acknowledges 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.

The proposal broadly aligns with most elements of Clause 1.6 the City's LPS4 (Aims of the Scheme), in particular:

- *Promote and enhance the pedestrian and cycling transport modes;*
- *Promote a safe and healthy environment*
- *Integrate planning for land use and transport to achieve sustainable urban development;*
- *Provide safe and accessible open spaces;*
- *Promote a safe and healthy environment.*

2.0 Design Quality / Review Process

It is noted the proposal is undergoing design review through the State Design Review Panel under State Planning Policy 7.0 'The Design of the Built Environment', however, at the time of writing this report, minutes and recommendations of this review were not yet available.

The following comments are therefore provided by City Officers.

3.0 Bridge Architecture

The new bridge design is seen as a significant improvement over previous concepts. The proposed 'extradosed' cable-stayed bridge typology has the following potential benefits:

- *It brings a fresh, elegant approach to bridge design in WA that responds well to the site – being somewhat iconic in nature, but keeping the overall height of the structure relatively low (compared with a full cable-stayed system) so as not to dominate the location / Cantonment Hill.*

- *It allows for the construction of the main supporting towers to be built either side of the old bridge – keeping the existing bridge operable for as long as possible (see Fig 1a below).*
- *The cable-stays bring a finer grain of interest to the pedestrian experience at footpath level, as well as creating viewing areas along the bridge that are slightly offset from the main path of travel of cyclists and pedestrians (see Fig 1b below).*

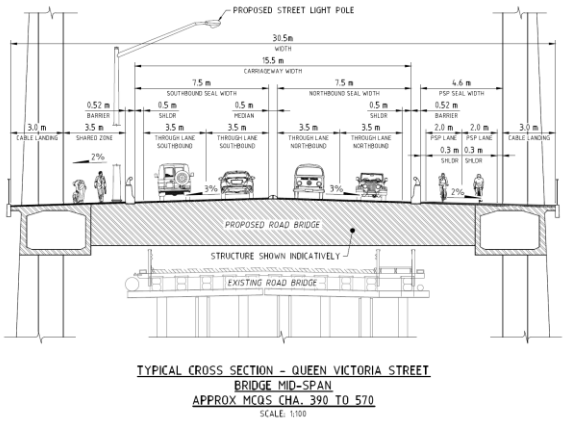


Fig. 1a

Fig. 1b

However, it is noted that there are only three high-level plans submitted as part of the formal DA that illustrate the proposed superstructure / architecture of the new bridge. These are very generic in nature and indicate an intention to build an 'extra-dosed cable stayed' bridge. It is unclear whether the artist impressions on the MRWA website are included in the DA set of documents. Officer concern is that it is difficult to have certainty on the actual bridge architecture, it's designer and a commitment from the Alliance to execute the project to the standards currently being indicated on the MRWA website. The risk, or danger, by not having a detailed set of architectural bridge drawings is that development approval is granted for a particular bridge typology 'in principle' and then over time the architectural design quality is either diluted or modified locally in response to budget pressures.

Greater clarity and certainty regarding proposed bridge architecture and who the bridge designer is, is required prior to granting final development approval.

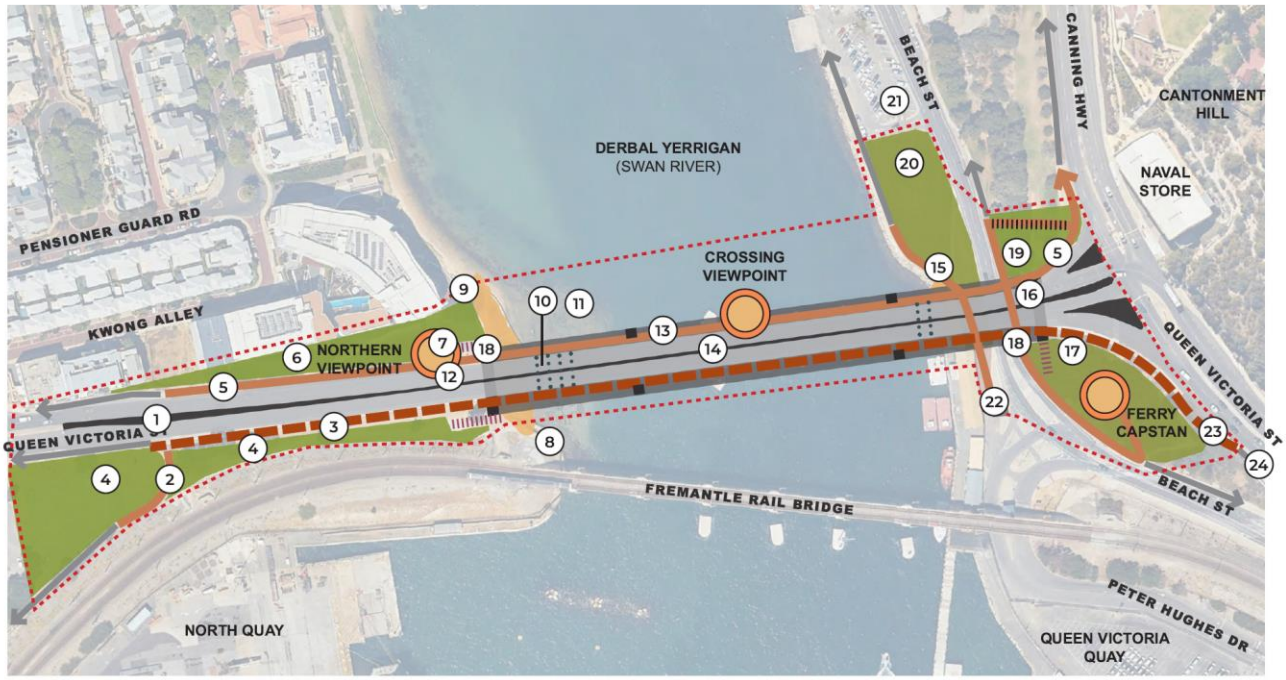
4.0 Cycling Connections – State Bicycle Network

The proposed PSP cycling facilities on the new bridge are well considered and will be a significant improvement to the current situation. However, the facilities on the bridge will no longer extend beyond the immediate project boundary to connect to the States broader PSP network – unlike previous concepts for the Swan River Crossing.

As this particular project will now fall short of providing the critical connectivity, the development approval should be conditional upon Government funding and delivering the connections on either end in a timely manner to ensure the proposal integrates with the broader network.

5.0 Landscape and Urban Design

The application includes a report called *Architecture, Urban Design and Landscape Design Framework* (Attachment 6). This document establishes a clear understanding of place and proposes some clear strategies around future landscape and urban design work to help the project achieve its overall vision (beyond the engineering aspects of the project). The document includes a high-level concept that indicates a broad extent of potential works, but lacks detail:



How the bridge integrates with landscape either end as well as how people experience the crossing at a micro level will, from a community and place perspective, be the measure of success, or otherwise, of the project. Investment in the public realm, quality and integration of the project to place, is considered crucial and greater clarity and certainty regarding what will be delivered as part of this public project is important at the Development Approval stage.

The traffic bridge serves as a crucial link connecting the North Fremantle district centre to the strategic metropolitan centre of Fremantle. Preliminary strategic planning is underway for both of these centres, addressing access and transport issues is integral to their optimal functioning. In particular, the North Fremantle centre faces limitations imposed by the existing road and rail layout, affecting its functionality and growth. To address these challenges, it is imperative to gain a comprehensive understanding of various transport-related decisions and proposals. In this

instance, it would be beneficial to know how the bridge interacts with the high-use primary regional and major roads and their current and future alignment, including but not limited to Stirling Highway, Tydeman Road, Curtin Avenue, and Queen Victoria Street.

The bridge design on the northern bank should also look at an integrated landscape solution that retains the earthen ramp well back from the river's edge and addresses erosion issues by extending the river wall across the front of RiverShores incorporating the large concrete revetment to extend the foreshore where possible. This will allow people to walk and cycle under the bridge and up between the railway bridge and new bridge to the PSP to the coast and over the new bridge. It will also enable future active transport connections to Future Fremantle around the base of the railway bridge.

Furthermore, the proposal should aim to extend public foreshore access as part of the new bridge design. The northern bank and ramp for the new bridge currently does not allow for this. The Stirling Bridge northern banks provides a good example where 40 - 50 metres of public foreshore, active transport access is provided for in a bridge design.

The current bridge design seeks limited changes to the Canning Highway intersection. This has resulted in a reduced scope of works for landscape improvements - especially around the Naval Stores Building. The opportunity that the Swan River Crossing project represents in terms of potential improvements to the public realm around this important building has been a consistent and long-held view of the City of Fremantle.

Detailed comments on the landscaping proposals from City Officers, requesting additional information, detail, further clarification or providing advice has also been provided and will be included in an advice not should WAPC be of the mind to approve the application, to be addressed in the final landscaping proposals.

6.0 Heritage Impact & Interpretation

The impact upon the state heritage listed *Fremantle Traffic Bridge* (1939) and *Ferry Capstan Base* of the proposal is being considered by the *Heritage Council of Western Australia*. Notwithstanding, City Officers have provided the following comment on the *Heritage Impact Statement* (Attachment 7) and *Heritage Interpretation Strategy* (Attachment 9) submitted with the application, summarised as follows:

The Heritage Impact Statement recognises the 'Major Impact' the demolition of the Fremantle Traffic Bridge will have on the heritage significance and value of the place; recommending that this could be partly mitigated by:

i. *the salvage and reuse of original bridge fabric in interpretation, artworks, and signage;*
ii. *Interpretation of significant heritage themes associated with the bridges and crossings on site; and*
iii. *Archival records of the existing structures.*

These actions are broadly mentioned in the Urban Design Report and the Interpretation Strategy, but they need to be conditioned as part of any planning approval to ensure that they are undertaken in a well-considered and meaningful way.

The remnants of the earlier 1860s Convict built bridge on the north bank of the river need to be protected and preserved. This work is not described in the Main Roads drawings so it should be added as a planning condition.

The drawings provided by Main Roads show how the deck of the new bridge is higher than the existing bridge and that the Queen Victoria Street will be modified to connect the bridge to existing road network. Notwithstanding the need for the new bridge to be higher than the existing bridge, modifications to existing approach roads should be kept to a minimum – especially in terms of road height – to achieve compliant tie-ins to the new bridge and mitigate impacts upon adjacent significant heritage places such as Cantonment Hill, the Naval Stores and the Rose Hotel.

The requested additional detail and assurances regarding meaningful salvaging, interpretation and archival records associated with the heritage listed structures are considered able to be secured by appropriate conditions of approval should the WAPC be of the mind to approve the application.

7.0 Public Art

While City Officers acknowledge a Public Art and Community Plan is to be developed as per the application documentation (refer Attachment 9) the following considerations should form part of that plan development:

- Commitment to a Percentage (%) For Art budget being developed and delivered as part of the project;
- This will be professionally managed through a Public Art Plan that sees early integration with the overall design process.
- The Public Art proposal(s) and historical interpretation work will be fully integrated and narrate a clear storyline about the site, river crossings, past, present and future.
- The commissioning of artists should be an ambitious and open Expression of Interest (EOI) process that seeks the creative input from well-established practising public artists, including West Australian practitioners, with national standing.
- Integrating First Nations culture, Traditional Owners and artists into the process, brief, expression, and delivery of work(s).

It is recommended that, in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works*, the public art proposal should be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle. Any proposal should be of a value at least equal in value to one percent of the estimated development cost.

8.0 Construction and Traffic Management

City Officers have reviewed the *Traffic Impact Assessment* (Attachment 8), *Traffic Staging Scheme* and *Construction Management Plan* as well as recommended a number of related conditions and advice notes should the WAPC be of the mind to approve the application.

The officers have provided detailed commentary and requested additional detail on the design and construction management plan before they can be satisfied with the proposal, these detailed comments will form advice notes should the application be approved requiring revisions prior to City approval.

In relation to the traffic impact, the following aspects have been identified as key impacts that will require further management work and regular cooperation between organisations (with most aspects related to temporary traffic management):

i. Increased Traffic Congestion During Construction:

   The construction of the new bridge involves a two-stage process, with the second stage requiring the full closure of the existing bridge. This closure is expected to redirect all Fremantle-bound vehicle traffic onto Stirling Highway for approximately 12 months.

   The study acknowledges that Stirling Highway will experience a significant increase in traffic volumes, estimated at around 60% between Marmion Street and Tydeman Road during the closure period.

ii. Impact on Stirling Highway Intersections:

   The closure is likely to impact key intersections along Stirling Highway, particularly the Stirling Highway/Marmion Street and Stirling Highway/Canning Highway signalised intersections.

   Proposed modifications to these intersections include changes to lane configurations, additional turn pockets, and restrictions to certain movements to accommodate increased traffic flow.

iii. Bus Service Diversions:

   Bus services that currently use the traffic bridge will be diverted during the bridge closure. While efforts are made to minimize impacts on bus services, the modification of the Canning Highway/Stirling Highway intersection includes restrictions on eastbound and westbound general traffic, allowing only bus lanes to maintain bus services.

iv. Pedestrian and Cyclist Diversion:

Pedestrian and cyclist access to the bridge will be redirected to Stirling Highway during construction. The closure of Beach Street between North Worral Park and Peter Hughes Drive may cause disruptions for pedestrians and cyclists.

v. Potential Local Street Impact:

Traffic diversions using local streets, such as East Street and Peters Road, may be utilized to mitigate congestion on major roads. However, this could impact local streets, especially in terms of amenity and safety.

vi. Traffic Diversions Impact on Local Roads:

The proposed traffic diversions, including routes through local streets, may impact local roads. The Construction Traffic Management Plan will need to address these diversions and minimize their impact on local roads.

vii. Traffic Management Measures:

Temporary works and remediation measures are proposed at key intersections to manage increased traffic volumes and improve traffic flow. These measures include modifications to signalized intersections, lane extensions, and changes to turn pockets.

In summary, the study highlights the potential traffic challenges during the construction of the new bridge, emphasizing the need for effective traffic management, diversion planning, and safety measures to mitigate the impact on the local transport network. The Construction Traffic Management Plan will play a crucial role in addressing these issues in more detail.

City Officers also identified that a further traffic study would be required addressing any need resulting from the development for the upgrading of the adjacent roads or infrastructure, including the location of access points and intersections with other roads and footpaths, with particular attention to queuing, sight lines for vehicles, weaving and gap analysis of the developments road layout and intersections.

9.0 Asset Ownership and Management

Given the uncertainty at this stage over asset ownership and management once the project is complete, it is important that an asset ownership and management plan is developed and agreed between the City and Main Roads WA. The plan should clarify ownership, roles and responsibilities regarding any of the traffic bridge or associated infrastructure assets that are to be managed following completion of the bridge project.

A condition of approval is recommended to secure an agreed asset ownership and management plan between the City and Main Roads WA.

10.0 Noise Mitigation / Avoidance of 'Freeway' Sound Walls

At present, there are no sound walls proposed as part of this development, based on the project "not materially increasing road traffic noise levels". The City should ensure that this approach to noise management is maintained and if under any circumstances this appears likely to change, then traffic speed reduction should be the first design consideration to change to avoid 'freeway style' sound walls that will have a visual amenity impact at this location. One of the key principles for the project since 2019 is to integrate the bridge and associated works into a people-centred, place-plan for this location. The project has an opportunity to better connect North Fremantle with the Northern Gateway community around Cantonment Hill – this can only be successful with a civilised approach to street design and keeping vehicle speeds low / commensurate with pedestrian environments.

A condition requiring detail and City review of any future noise mitigation measures / design solutions is recommended should WAPC be of the mind to approve the application.

CONCLUSION

The proposed re-designed replacement traffic bridge is generally supported, in light of:

- The new bridge design is seen as a significant improvement over previous concepts. The new design responds well to the site – being somewhat iconic in nature, but keeping the overall height of the structure relatively low (compared with a full cable-stayed system) so as not to dominate the location / Cantonment Hill.
- It allows for the construction of the main supporting towers to be built either side of the old bridge – keeping the existing bridge operable for as long as possible (see Fig 1a below).
- The cable-stays bring a finer grain of interest to the pedestrian experience at footpath level, as well as creating viewing areas along the bridge that are slightly offset from the main path of travel of cyclists and pedestrians (see Fig 1b below).
- The proposal has responded to community opposition to previous concept that included major changes to Canning Highway alignment; modifications to landscape / Cantonment Hill; and uncertainty around changes to local road network. The submitted design has addressed some of these concerns with a proposal that has minimised changes to road network and reserves adjacent the bridge.
- Acknowledged government priority to address risks associated with existing structure and an urgent need to improve crossing facilities;
- Understanding that funding constraints are most likely having a major impact on the deliverability of the project.

Notwithstanding, City officers still raise comments surrounding the bridge architecture; detailed landscape design; integration of the PSP cycling facilities on the new bridge with the broader PSP network; and local infrastructure. It is considered these matters should require particular attention prior to the issue of development approval.

Should the WAPC be of the mind to approve the application, a number of conditions and advice notes are also recommended by the City.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

1. Improve vehicle, pedestrian and cyclist connectivity and quality.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

1. That the City of Fremantle advise the Western Australian Planning Commission that it SUPPORTS the proposed Replacement Fremantle Traffic Bridge and Associated Infrastructure at 65 (Lot 12) South Terrace, Fremantle subject to the following:

a. The WAPC provides additional documentation as part of the DA set that clearly articulate the proposed architecture of the bridge, the name of the designer together with examples of previous, similar work, to the satisfaction of the State Design Review Panel, prior to the issue of Development Approval;

b. The WAPC requires additional concept designs for the broader cycling network that clearly demonstrate how the proposed bicycle paths on the new bridge will connect and contribute to the state's broader PSP network. Any detailed design and or proposed works beyond

the immediate subject site to facilitate this connection should be submitted for review and recommendations from the City of Fremantle.

c. Further detailed Landscaping Plans should be provided to demonstrate how the bridge integrates with adjacent landscapes prior to the issue of Development Approval.

Investment in the public realm, quality and integration of the project to place, is considered crucial and greater clarity and certainty regarding what will be delivered as part of this public project is important at the Development Approval stage.

The bridge design on the northern bank should consider an integrated landscape solution that retains the earthen ramp well back from the rivers edge and addresses erosion issues by extending the river wall across the front of RiverShores incorporating the large concrete revetment to extend the foreshore where possible. This will allow people to walk and cycle under the bridge and up between the railway bridge and new bridge to the PSP to the coast and over the new bridge. It will also enable future active transport connections to Future Fremantle around the base of the railway bridge.

Furthermore, the proposal should aim to extend public foreshore access as part of the new bridge design. The northern bank and ramp for the new bridge currently does not allow for this. The Stirling Bridge northern banks provides a good example where 40 - 50 metres of public foreshore, active transport access is provided for in a bridge design.

Opportunities should be explored as to how public realm improvements around the Naval Stores Building can be incorporated into the landscape design.

d. Should WAPC be of the mind to approve the application, any Development Approval should be subject to the following recommended City Conditions and Advice Notes:

1. **This approval does not relate to any proposed work(s) located outside of the cadastral boundaries of the subject site including the adjacent road and parkland reserves. Any proposed works within these reserves will be subject to separate applications.**

2. **Any proposed works that may impact existing City of Fremantle assets including roads, footpaths, trees or other infrastructure within adjacent reserves will be subject to separate applications.**

3. **Prior to the commencement of development, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.**

4. **Prior to the commencement of development, complete, detailed landscaping plans shall be provided to the satisfaction of the City of Fremantle.**

   Prior to the use of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.

5. **Prior to the commencement of development, detailed plans of how the proposed PSP cycling facilities on the new bridge will connect and integrate into the States broader PSP network and other surrounding pedestrian/cycle infrastructure, shall be submitted to, and approved by City of Fremantle.**

6. **Prior to the commencement of development, final details of the external materials, colours and finishes of the proposed development and landscaped areas are to be submitted to, and approved by the City of Fremantle.**

7. **Prior to the commencement of development, an Asset Ownership and Management Plan is to be submitted to and approved by the City of Fremantle. The plan shall clarify ownership, management roles and responsibilities regarding any of the relevant traffic bridge or associated infrastructure assets.**

   The plan shall be prepared in consultation and agreement between the City of Fremantle and Main Roads Western Australia.

8. **Prior to the commencement of development, an updated Demolition and Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**

   a. **Use of City car parking bays for construction related activities;**
   b. **Protection of infrastructure and street trees within the road reserve;**
   c. **Security fencing around construction sites;**
   d. **Gantries;**
   e. **Access to site by construction vehicles;**
   f. **Contact details;**
   g. **Site offices;**

h. Noise - Construction work and deliveries;
i. Sand drift and dust management;
j. Waste management;
k. Dewatering management plan;
l. Traffic management;
m. Works affecting pedestrian areas;
n. Asbestos removal management plan;
o. Dilapidation reports of nearby properties; and
p. Any other matter deemed to be relevant by the City of Fremantle.

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

9. Prior to commencement of development, a traffic impact study addressing any need resulting from the development for the upgrading of the adjacent roads, including the location of access points and intersections with other roads, with particular attention to queuing, sight lines for vehicles, weaving and gap analysis of the developments road layout and intersections, being submitted and approved by City of Fremantle. The recommendations of the Plan are to be implemented at the developer's cost, prior to the use of the development.

10. Prior to the commencement of development, a detailed methodology shall be submitted to, and approved by the City of Fremantle outlining how the existing bridge will be deconstructed in order to salvage and re-use original bridge fabric in interpretation, artworks, and signage. The methodology shall also include detail on how the remnants of the earlier 1860s Convict built bridge on the north bank of the river need will be protected and preserved throughout demolition and construction.

    This methodology shall be also form part of the approved Demolition and Construction Management Plan.

11. Prior to the commencement of development, an updated and final Heritage Interpretation Strategy shall be submitted to, and approved by the City of Fremantle.

    The approved strategy shall thereafter be implemented and maintained, to the satisfaction of the City of Fremantle.

12. An archival record of the existing will be prepared and submitted to the City of Fremantle for approval prior to the commencement of any development. The archival record should consist of the following:

- **Measured Drawings;**

The measured drawings should be sketch standard, freehand drawings will be accepted provided they are neat and clearly presented. All drawings should be approximately to scale, with key dimensions shown.

- **Site plan (1:500 or 1:200);**
- **Elevations (1:100 or 1:50); and**
- **Photographs**

  Digital photographs are to be taken of the existing bridge. Photographs are to be in colour, of a high quality, and are to show the current state of the place. Each image should be clearly labelled, with a description of what is depicted in the photograph and the date it was taken.

13. **Prior to the use of the development hereby approved, the proponent shall:**

    Incorporate public art work(s) to the value of one per cent (1%) of the development value and the public art work(s) shall be located in a position clearly visible to the general public, either on the site of the development or within a reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

    Prior to use of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.

14. **This approval does not include any external noise mitigation measures/barriers, especially sound walls, for the management of traffic noise. Should noise mitigation measures be considered in the future, this shall be achieved by reducing traffic speeds, not erecting 'freeway style' structures, and any such proposals should be submitted to, and approved by the City of Fremantle prior to their implementation.**

Advice Notes:

i. **Any works within the adjacent thoroughfares, i.e. road, kerbs, footpath, verge, crossover or right of way, reserves requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.**

ii. **This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.**

iii. **Notwithstanding the need for the new bridge to be higher than the existing bridge, modifications to existing approach roads should be kept to a minimum – especially in terms of road height – to achieve compliant tie-ins to the new bridge.**

iv. **In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via http://www.fremantle.wa.gov.au/development/policies.**

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via: https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf

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

v. **With regard to the Landscaping Plans submitted with the proposal, City Officers had the following comments (to be addressed in final detailed landscaping plans):**

- **Does the Alliance have an Aboriginal Cultural Heritage Management Plan (ACHMP)? If so, why is it not clearly appended? This will need to include the birthing place/cultural rock face wall area which needs to be respected as a remnant and retained.**
- **Design criteria and principles need more work - CoF Parks want to instruct and comment on this.**
- **Appendix F - is good, actually has look and feel images, but some of them are off the mark for Fremantle and what will be able to be achieved.**
- **Appendix G - UD LS Framework, this was the document mostly reviewed to create these points.**
- **Appendix G - "Storylines and Signals" is a good story. CoF Parks want to see how this is going to unfold as a main story if it is so.**

- **Appendix A - 3 drawings only, not enough to comment on, too limited detail e.g. "ULD" green on legend on Appendix G pg 41.**
- **Support of revised architectural approach little impact to South side.**
- **Ensure connectivity connects back to North Fremantle train station.**
- **Pedestrian connectivity - both sides needed please, especially North side near our North Bank Project, opportunity to continue footpath under bridge. Opportunity to connect to Tydeman Rd better at a higher ground level. There are public stairs shown on the legend but not enough of them on the plan especially the North side.**
- **Western side path over bridge needs to sweep to Tydeman Rd.**
- **Stairs to Naval Store will need to be compliant.**
- **Public Art - timbers are now being planned to be used to repurpose and strengthen other bridges.**
- **Fremantle sense of place character - not shown in Appendix G enough.**
- **Material Schedule - needed in Appendix G i.e. UD LS Framework. Gabions mentioned but are not be good for the City to inherit and maintain, limestone will need consistency between what is there and what is proposed.**
- **Finishes under the bridge needed, including lighting.**
- **Safety - need more info on balustrade.**
- **Vegetation species shown on Appendix G pg 66 - to be consistent with North Freo Foreshore Vegetation Management Plan by ecoscape 2017 (see pg 83 for Zone One).**
- **Scour protection - cross section of piles into rock on South vs alluvial soil on North side, affects heritage bridge remnants and marine life will be affected by this huge concrete bed.**
- **Existing carpark on North East side will be demolished and that landscaping will need to be replaced at the cost of the Alliance.**
- **"ULD" treatment shown as green on Appendix G pg 41 legend not enough info.**
- **Number "20" will be a laydown area, Foreshore Park - needs trees like it used to have, ~120 new trees needed as ~40 were removed and more were promised back.**
- **"Potential retention of remnant piers" not good enough to write this, either do it or don't, just an easy way to get out of doing something. Either way, activate the area under the bridge as this is what the community love about the bridge now.**

- **"8" on legend showing "Potential connection to North Quay" - need detail and commitment.**
- **North Bank Project - connection to North Quay needed. CoF are working on such projects currently and need more information of where and how and where connecting in.**
- **Long cross sections are needed - to show the entire landscape, especially through the North interface.**
- **More detail on what happen where Number "4" is shown on Appendix G pg 41 needed.**

vi. **With regard to the Construction Management Plan submitted, please find the following advice and additional information requests from the City's Infrastructure Engineering team:**

- **Page 22 – require confirmation of laydown on southern embankment, not supportive of this (requires Manager Parks approval).**
- **Require detailed Construction program**
- **Require Early program construction – key milestones / key activities**
- **Require Traffic management plan– Page 52 mentions scenarios however it requires CoF support for any CoF roads being impacted**
- **Require Heavy vehicle routes during Construction**
- **Require Noise management Plan**
- **Require Dust / vibration management Plan**
- **Require Defect management procedure during Construction**

vii. **The proponent is advised the City will require regular meetings on traffic management, construction management and engagement throughout this project**

viii. **With regard to general design, layout and integration, please find the following advice from the City's Infrastructure Engineering team:**

- **The City will be required to assess and review detailed designs**
- **How will drainage be managed on the bridge; need to be included in detailed designs.**
- **Connectivity of footpaths & cyclists – there is paths that lead nowhere, there is also a path on the northern side of the bridge that just ends. Needs to be addressed in detailed design and connectivity to wider network;**
- **PSP on the northern side does not appear to be compliant / connectivity concerns raised – needs to be addressed in detailed design;**

- **Carpark on Podger Lane states "reconstructed" – the City will require to see detailed designs & drainage for this;**
- **Lighting be under MRWA responsibility needs clarification;**
- **Public access to stairs or authority only? Northbound / southbound, needs clarification.**
- **The height differences on the northern & southern side with the bridge not included in the submission however will be required in detailed designs. Concerns new height of the bridge matching in with the northern and southern roads / connecting them to a suitable grade / level.**
- **Connectivity to paths & cyclists, they appear to be doing large detours from the northern side to the southern side**

ix. In relation to the development of Public and Community Plan, please find the following comment from City Officers:

- **Commitment to a Percentage (%) For Art budget being developed and delivered as part of the project;**
- **This will be professionally managed through a Public Art Plan that sees early integration with the overall design process.**
- **The Public Art proposal(s) and historical interpretation work will be fully integrated and narrate a clear storyline about the site, river crossings, past, present and future.**
- **The commissioning of artists should be an ambitious and open Expression of Interest (EOI) process that seeks the creative input from well-established practising public artists, including West Australian practitioners, with national standing.**
- **Integrating First Nations culture, Traditional Owners and artists into the process, brief, expression, and delivery of work(s).**

x. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the Work Health and Safety Act 2020 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application

submitted to WorkSafe, Department of Commerce. https://www.commerce.wa.gov.au/worksafe/.

xi. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

xii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.

xiii. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact_sheets_tech_advice/Fact_sheet_1.pdf

C2402-5 NOMINATIONS FOR THE REGISTER OF SIGNIFICANT TREES 2023 – 195 HIGH STREET, 6 DOUGLAS STREET – OUTCOMES OF CONSULTATION

Meeting date: 14 February 2024
Responsible officer: Manager Strategic Planning and City Design
Voting requirements: Simple Majority
Attachments:
1. Nomination for addition – 6 Douglas Street, Fremantle
2. Request for removal – 195 High Street, Fremantle
3. Assessment – 6 Douglas Street, Fremantle
4. Assessment – 195 High Street, Fremantle
5. Heritage Assessment – 195 High Street, Fremantle
6. Independent arborist report - 195 High Street, Fremantle
7. Submission – 6 Douglas Street, Fremantle
8. Submission – 195 High Street, Fremantle

SUMMARY

In 2023, the City received two nominations pertaining to the Register of Significant Trees and Vegetation Areas (the Register):

- **the inclusion of a Lemon Scented Gum, 6 Douglas Street, Fremantle,**
- **the removal of a Moreton Bay Fig, 195 High Street, Fremantle.**

The City subsequently conducted assessments of the significance of each tree, including a heritage assessment, and commissioned an independent arborist's report for the tree located at 195 High Street, Fremantle.

Following these assessments, the City engaged with the landowners in accordance with the provisions of Local Planning Scheme No. 4 and Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas (LPP2.23). In response, both landowners have provided submissions in relation to their respective trees.

This report recommends that Council does not include the Lemon Scented Gum at 6 Douglas Street on the Register, but retains the Moreton Bay Fig at 195 High Street on the Register with a commitment to revisit its position upon receipt of a formal redevelopment application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit.

BACKGROUND

In 2023, the City received two submissions pertaining to its Register of Significant Trees and Vegetation Areas: one for the inclusion of a Lemon Scented Gum at 6 Douglas Street, Fremantle, and another for the removal of a Moreton Bay Fig at 195 High Street, Fremantle.

6 Douglas Street, Fremantle

The landowner has nominated a Lemon Scented Gum for inclusion on the Register of Significant Trees and Vegetation Areas. The tree is approximately 20 metres in height, 2.1 metres in circumference and 40 years old. The landowner considers that the tree has Visual/Aesthetic/Landmark, Heritage and Ecological Value, per the assessment criteria set out in LPP2.23.

The landowner states that tree is very large for a private garden in Fremantle and one of the largest in the area. The tree provides habitat and natural shade and is much loved by Douglas Street residents.

See Attachment 1 for the full nomination.

195 High Street, Fremantle

The landowner has requested the removal of a Moreton Bay Fig Tree from the Register of Significant Trees and Vegetation Areas. The landowner states that they have owned 195 High Street for 60 years and that the tree's presence is deterring potential buyers, creating financial hardship:

> *This property has been on the market for a number of years and each time an entity shows interest, they are put off by the registration of the tree on the Significant Tree Register. This coupled with the downturn in commercial economy in the City of Fremantle in general, is causing me great financial hardship.*

The request notes that the tree poses other issues, including falling fruit and branches, which cause damage to infrastructure, clog drains, and create hazards:

> *Although in itself, it is a lovely tree, unfortunately it has no place on an inner-city commercial property.*
>
> *It constantly drops fruit and small branches (a few years ago it actually dropped a very large limb that could have had serious consequences to person and property). The fruit and small branches clog up the gutters and drains on buildings and soak wells. They dirty the cars parked on the site and cause a slipping hazard to pedestrians.*

> *I find it difficult to accept that I am forced to keep this tree when the Fremantle Council was allowed to remove most of their Moreton Bay Figs in St Johns Square for redevelopment*.
>
> *This tree is in very close proximity to retaining walls, buildings and other infrastructure.*

The landowner questions how the tree was registered without consent and argues that the proximity to buildings and infrastructure justifies its removal under local planning policies.

Additionally, the tree's impact on development potential is highlighted, with claims that it impedes the site's commercial viability:

- *The development potential of the site is severely restricted and prospects for retaining the tree in future development is very low.*
- *The tree is directly abutting buildings and infrastructure and has already caused some damage.*
- *The tree is not within an area of ecological value or in a biodiversity corridor.*

The submission proposes removal from the Register to facilitate property sale and suggests alternative options like transplanting the tree or using its seeds for propagation in a more suitable community parkland setting.

See Attachment 2 for the full request.

Assessment Process

The City's Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas (LPP2.23) provides criteria for inclusion on the Significant Trees and Vegetation Areas Register. Following the two submissions, the City has conducted assessments on the significance of each tree following the process provided under LPP2.23. A heritage assessment was also undertaken, and an independent arborist's report commissioned for the tree located at 195 High Street. The assessments and arborist's report are provided in Attachments 4-6, with summaries provided below:

6 Douglas Street, Fremantle

Significant Tree Assessment:

Lemon-scented Gum (Corymbia citriodora)

Condition:

- The tree is a healthy specimen with ongoing viability.
- It is not a species considered a weed of national interest.

Significance Assessment:

i. Botanical/Horticultural Value:
   - The tree is not of species rarity and has little horticultural or genetic significance.
   - It is not of unique size, lacks scientific value, and is not endemic to Western Australia.

ii. Visual/Aesthetic/Landmark Value:
   - The specimen is species-typical and does not represent a significant landmark.
   - City officers do not consider it to have significant visual or aesthetic qualities.

iii. Heritage Value:
   - The specimen has no known heritage value.

iv. Ecological Value:
   - The tree provides habitat for birds but does not have nesting hollows identified.
   - It has no pre-European connection or ecological significance and does not provide substantial canopy cover.

v. Potential of a Juvenile Tree:
   - Not applicable; no comment provided.

Additional Considerations:

- Ongoing viability is assessed considering development potential, proximity to buildings/infrastructure, impact on neighbouring properties, and root structure attributes.
- Trees with limited prospect of long-term retention or lifespan will not be included.
- Ecological value assessment considers proximity to recognised ecological linkages or biodiversity corridors.

See Attachment 3 for the full assessment report.

195 High Street, Fremantle

<u>Significant Tree Assessment:</u>

Moreton Bay Fig (Ficus macrophylla)

- Height (approximate): 27+ metres
- Girth 1.4 metres above ground: three metres

- Age (approximate): 100+ years

Condition and Ongoing Viability:

- The tree is a healthy specimen with ongoing viability.
- Vitality is demonstrated through canopy density, foliage size, and colour.
- No observable decline patterns; active wound wood development.
- Historical removal of large diameter stems for building clearance, with regions of decay.
- Significant below-ground root system, impacting infrastructure; observed damage to walls.
- Approximately 100 years old, with a main stem diameter exceeding three metres and a crown of approximately 630 square metres.
- Heritage genetic significance related to local nurseryman Philip Webster, linked to the Proclamation Tree.

Significance Assessment:

i. Botanical/Horticultural Value:
   - Little horticultural or genetic significance in WA.
   - Not considered a remnant native to WA.
   - Outstanding for size and location but falls short of true-to-species potential in urban confines.

ii. Visual/Aesthetic/Landmark Value:
   - Unique location in a confined urban setting.
   - High contribution to the visual landscape, outstanding for size and location.
   - Limited defining visual features; better than average for an urban setting.

iii. Heritage Value:
   - Heritage genetic significance linked to Philip Webster, a local nurseryman.
   - Considered the progenitor of many Moreton Bay Fig trees in Fremantle.
   - A separate heritage report provides a comprehensive assessment.

iv. Ecological Value:
   - Limited importance as a source of seed or propagating material.
   - Not a remnant native to Western Australia.
   - Provides significant urban canopy cover.
   - Classified as a reproductive host for Polyphagous Shot Hole Borer.

v. Potential of a Juvenile Tree:
   - Not applicable; no comment provided.

Ongoing Viability Considerations:

- Development potential comes with risks due to confined space and large root structures.
- Current damage to infrastructure; potential for disturbance to above-ground structures and below-ground urban structures.
- Preliminary assessments indicate tolerable risk thresholds, but further, in-depth assessments are needed.
- Tree owner responsibility for monitoring and maintenance.

Ecological Value Assessment:

- Proximity to recognised ecological linkages or biodiversity corridors is considered.

See Attachment 4 for the full assessment report.

<u>Heritage Assessment:</u>

Background:

- Moreton Bay Fig Tree, approximately 130 years old, located at 195 High Street, Fremantle.
- Planted by Fremantle nurseryman Phillip Webster in the late 1880s.
- Significant heritage recognition since the 1970s, listed on various heritage registers.
- Council agreement in 1995 with property owners for joint tree maintenance.
- In 2001, an application to fell the tree was refused by the Council due to its significant amenity value. This included considerable public comment received against this proposal including a petition with 499 signatures and 11 individually written submissions.
- In 2019, the tree was moved to the Significant Tree Register, aligning with State Government policy.

Heritage Comments:

- The heritage value of the Moreton Bay Fig Tree remains unchanged since the 2001 review.
- The tree continues to be of significance to Fremantle.
- Conservation approach for trees differs from built heritage due to the evolving nature of trees.
- The finite lifespan of trees may necessitate removal as part of care and maintenance.
- Some heritage-protected Moreton Bay Fig Trees in Fremantle were removed due to declining health.

- The arboricultural report confirms the good health of the tree at 195 High Street.
- Although its exact lifespan is uncertain, the tree is considered an exceptional specimen.

Recommendations:

- The heritage value of the tree has not diminished from when it was last reviewed in 2001, and it remains significant to Fremantle.
- Continuous maintenance and monitoring by an Arboriculturist is recommended.
- If the tree significantly declines, does not respond to treatment, and reaches the end of its life, removal can be considered.
- If removal occurs, material should be collected for propagation, and a replacement tree can be planted on-site.

See Attachment 5 for the full heritage assessment.

Independent arborist's report

This Preliminary VTA (Visual Tree Assessment) Report was prepared on 30 November 2023. A site visit inspection was conducted visually on 19 October 2023, without below ground or aerial examination. The report outlines the tree's health, structural status, and its potential for retention in the face of future development.

The report's executive summary indicates that the Ficus macrophylla has high retention value, displaying good health, seasonal growth, and a useful life expectancy of over 40 years. Structural issues like previous pruning, stem failures, and crossing stems can be addressed via ongoing tree management. The tree's root system, impacted by various factors, suggests it can be retained with careful planning.

The report emphasises the need for collaboration with arboriculture experts for future development. It lists considerations such as soil level changes, service alignments, building alignments, and canopy dimensions. Preliminary tree preservation considerations highlight the importance of protecting the Tree Protection Zone (TPZ) during construction, avoiding disturbance to roots, and implementing remedial measures.

To ensure the tree's retention, a comprehensive Tree Retention Plan is recommended, involving expert input, protection of the TPZ, and measures to minimise root and canopy impact. The report suggests selective pruning, supplementary watering, and potential remedial measures for both canopy and root zone. It also stresses the importance of ongoing arboricultural inspections during construction.

The report concludes that the tree's retention is feasible with timely and appropriate implementation of recommendations. It underscores the environmental, habitat, aesthetic, and amenity benefits provided by the tree, advocating for its preservation. The proposed management plan includes monitoring schedules, remedial pruning, and ongoing assessments for long-term health and safety. The recommendations are categorised into short-term, medium-term, and longer-term actions, emphasising the need for collaboration, an Arboricultural Management Plan (AMP), and ongoing monitoring to ensure the tree's longevity.

See Attachment 6 for the full independent arborist's report.

FINANCIAL IMPLICATIONS

The City's Parks and Landscapes team undertakes some maintenance associated with the Moreton Bay Fig at 195 High Street, Fremantle, amounting to a monthly expenditure of $154, or $1,848 per annum, for gutter and roof cleaning. Additionally, the car park on 195 High Street is swept on Mondays and the surrounding paving is washed throughout the year as part of routine operations. Further, the City conducts regular inspections of the tree, with notable proactive measures taken in the past few years that involved pruning limbs that encroached upon the roofline of the adjoining buildings, undertaking dead wooding, and lifting branches over the adjacent footpath and roadway. Unfortunately, the exact costing of this additional maintenance is unavailable.

LEGAL IMPLICATIONS

Local Planning Scheme No. 4 makes provision for the establishment of a register of significant trees and vegetation areas. *Local Planning Policy 1.7* (effectively) requires approval for removal of registered trees. Criteria for assessing nominations and removal of trees from the Register are addressed in *Local Planning Policy 2.23.*

Private property rights between neighbours apply independently of the scheme and policy provisions. Registration of a tree does not remove either the rights or obligations of neighbours, nor does it alter maintenance or responsible management responsibilities for it.

Under the *Local Government Act 1995*, Schedule 3.1, the City has the ability to respond to safety concerns over trees on private property through the issuing of a notice to the relevant property owner(s).

CONSULTATION

The owners of each tree were provided with the respective assessments and other applicable reports for comment. At the conclusion of the engagement period, a submission had been received from each landowner (the submission on 195 High Street, Fremantle has been summarised for brevity):

6 Douglas Street, Fremantle

I note that you do not give the height of the tree in your report.

In the built-up area of Fremantle North of South Street there are very, very few trees as large as this in the small suburban yards and town houses. In this context the tree is very significant.

You state the canopy cover is not significant and yet it shades several back gardens in summer depending on time of day.

In the 25 years I have lived here I have seen many trees removed.

Given all this I would respectfully ask yourself and the elected members to reconsider your decision.

195 High Street, Fremantle

Thank you for the opportunity to address the assessment reports concerning the application to remove the listing of the Moreton Bay fig tree at 195 High Street Fremantle (ID 19-04) from the Register of Significant Trees and Vegetation Areas.

Firstly, we acknowledge the significance of this magnificent tree, which has been a cherished part of our family's property for many years. The emotional connection to the tree is profound, and it is not without careful consideration that we approach the Council seeking its removal from the Register.

We understand the importance of preserving significant trees, but we also believe that, in certain cases, the well-being and quality of life of property owners should be given due consideration. Our family has a longstanding history with this property, dating back to the 1960s when it was purchased… and developed as a pharmacy.

The property, acquired long before any restrictions were imposed, has been subject to increasing limitations over time. The current restrictions, including the heritage listing of the house and the tree on the Register, significantly impact the development potential of the site. The combined area of the tree canopy and house footprint constitutes approximately 40% of the property, creating constraints that affect almost half of the site.

We wish to highlight the financial implications and challenges imposed by these restrictions, particularly in the context of the current commercial environment in Fremantle. The Arborist report recommends extensive efforts to ensure the tree's protection and health, further adding to the burden on the landowner.

We propose the removal of the tree from the Register not as a desire to eliminate the tree but to provide future landowners with the flexibility to assess its feasibility within their development plans. This would enable a balanced decision, and the Council could collaborate with potential developers, offering incentives to retain the tree if desired.

We believe the Council should proactively support and promote the development of the City. Failure to encourage and enable full utilisation the site increases the likelihood of vandalism and vagrancy, posing a threat to its well-being. Furthermore, there is a growing risk of being unable to sustain the upkeep of the heritage house if development is constrained.

Should the tree be considered for future removal, inspiration can be taken from this tree by propagating and planting it in a parkland setting, creating a place where people can find shade for relaxation or children can engage in climbing. We envision this transformation could take place in the four-square park within the same locality, fostering a communal setting that encourages shared experiences. Accompanying the tree with a plaque, narrating its story and significance, and incorporating interpretation elements would enhance the overall experience for visitors.

It is requested that Council consider the human aspect of this request, recognising the long-standing contributions of the property owners to the community. We respectfully request that the Council re-evaluates the listing, taking into account the challenges posed by the tree's current location and its impact on the property's development potential and risks posed to infrastructure and persons.

In summary, this application to remove the Moreton Bay fig tree is grounded in the necessity to address uncertainties, financial burdens, and development constraints imposed by its inclusion in the Register. We respectfully request a thorough reconsideration, considering the points raised in this response and appreciate your courage, empathy, and respect in considering a favourable resolution that takes into consideration the unique circumstances of this property and its owners.

The submission on the Moreton Bay Fig at 195 High Street is supplemented by a detailed document addressing many aspects of the assessment, including the heritage assessment and independent arborist's report. Below is a summary of the points contained therein:

<u>Significance and registration of the tree:</u>

The tree's listing in the Register is based on the assumption that it is the progenitor of other significant trees in Fremantle. However, the absence of substantiated evidence supporting this claim raises uncertainty about the tree's heritage significance, and it is recommended to exclude this criterion until concrete evidence is presented.

In accordance with LPP 2.23, the nomination of trees must be authorised by the landowner. As has been communicated several times with staff at the Council, we have not authorised the listing, making it unauthorised under the current policy.

An application for removal was submitted in February 2023, expecting consideration by April 2023 in accordance with LPP 2.23. However, staff communication suggests a potential delay until February or March 2024. The delay is unacceptable, causing stress, financial repercussions, and negatively affecting the property's marketability.

It is agreed that the tree contributes to the visual landscape. However, this is due to its size and the fact that this is an inner-city commercial property. It therefore obviously stands out as would any tree on a private property in the commercial area of the City.

Independent arborist's report:

The Arborist Report indicates that the tree is currently in good health; however, as is mentioned in all of the reports, it has a limited lifespan and will eventually decline and die.

It is suggested that the tree may live for another 40 years; however, this would need to be nurtured, cared for and protected to a great extent for this to be a possibility. The Arborist is recommending a large scope of work which is beyond the means of the landowner at this time.

As stated in the Assessment Report, the tree is not a remnant native to Western Australia and is not of particular resistance to disease.

Please explain why the arborist's report has made no reference to the fact that the Shot Hole Borer infestation in the City and surrounds is very susceptible to Moreton Bay Fig species, and the implications this has on the future of the tree.

No reports have identified the presence of any significant wildlife habitats. Whilst heat island effect reduction is mentioned in the Arborist Report, this mainly relates to land within private property. A building with verandahs and awnings could offer similar shade.

The Arborist Report, though long-awaited, has limitations in its scope.

The report had a scope biased on the tree being retained rather than being objective and open to its retention and/or removal from the register. Why did it not include investigating the current extent of the root system, and the

likely full extent of the root system should it remain and its effect on services and the foundations of the heritage house on the property? Please explain why the scope was limited as it did not provide any other advice than how to retain and maintain the tree.

The Arborist Report lacks below ground and aerial inspections, and its recommendations are solely focused on retention, omitting alternative scenarios. The Arborist Report's limitations must be acknowledged by decision makers in the context of this request.

The conclusion is not surprising given the scope of the report, which was to comment on the tree's health and structural status for ongoing maintenance.

Impacts on existing and potential development:

The Arborist's report states that: "The subject tree lends itself to future development of this site as the existing constraints… have created a unique opportunity that if developed in collaboration with a suitably qualified arboricultural consultant with experience in tree preservation of significant, historic, veteran trees the tree can be managed and maintained through the development process with limited loss to amenity…"

With due respect, an Arborist has no qualifications or expertise in relation to property development and is not a land developer. The comments made in respect to future development gives little attention to the diminished developable site area or other factors.

As well as the costs involved in carrying out all of the recommendations contained within the Arborist's Report, retention of this tree significantly impacts the development potential of this site. The total area of the site… measures 2,035m^2. …the crown/canopy of… [the] tree extends approximately 470m^2, representing 23% of the site. The heritage-listed house footprint covers around 360m^2, constituting 17.7% of the site. The combined area of the tree canopy and house footprint is conservatively estimated at 810m^2, accounting for 40% of the site. The tree and heritage house footprint pose a notable constraint on site development potential, limiting the available land for development to almost half of the site.

Considering the options available to potential developers, we suggest a balanced evaluation of the tree's value in the context of the site. Collaboration with the City, offering incentives, and exploring a fair compensation strategy should be part of the decision-making process. Encouraging development in the area is seen as a means to address vagrancy, prevent vandalism, create employment opportunities, and foster an active commercial enterprise.

A dilemma arises regarding the owner's responsibility for the tree's preservation, especially when considering the restriction it imposes on rightful development. The fairness and equity of asking the owner to undertake preservation efforts without offering compensation is questionable. In the meantime, recommendations include providing assistance in maintaining the tree, potentially through substantial pruning, and regular upkeep of the hardstand areas beneath its canopy.

There is substantial damage to the retaining wall surrounding the tree and the paving around it has been lifted causing a trip hazard. This is recognised by the Officers' Assessment and Heritage Reports and the Arborist Report. However, as stated in each report, inspection was limited to a visual inspection at ground level. No aerial or below-ground assessments have taken place. As stated in the reports, the assessments are not conclusive, and no assessment has been provided in relation to effects on building/services damages.

In terms of impacts, there is no mention in any of the reports regarding the amount of leaf and fruit fall that occurs. This affects guttering and clogs up drains in the car park area. As well as affecting amenity in terms of unsightliness and untidiness, the leaf and fruit fall also causes a potential slip hazard for pedestrians walking through the car park. The fruit, especially, tends to get squashed by car wheels.

…the Officer's report recognises the potential of the roots to cause disturbance through intrusion and soil displacement. However, no investigation by the City has taken place in regard to effects on sewerage, drainage and other below ground structures.

There have been no structural engineer reports to determine the impact the roots are having/would have on the surrounding buildings and associated infrastructure.

No indication of costs or responsibility for recommended actions has been provided, hindering a comprehensive feasibility assessment. In addition, would these actions be included as part of the current maintenance agreement between the Council and the landowner?

Beyond contribution towards cleaning of gutters, details are sought regarding how the Council has assisted with joint maintenance of the tree since 1995 to satisfy the agreement that is still in place.

<u>Heritage assessment:</u>

The following is an important quote from the Heritage Report which should be considered in the context of this application:

"The separation of heritage buildings, structures and artefacts from heritage trees is in keeping with State Government policy and reflects the need for a differing conservation approach to built heritage places and living heritage trees that grow, age and eventually decline and die."

The tree was excluded from the Heritage List and added to the Significant Tree Register, acknowledging the finite lifespan of trees and the possibility of replacement. This application aligns with the policy, allowing for delisting as is requested.

The Heritage Report makes reference to a previous proposal to demolish the tree in 2001 and a petition against the proposal. This petition from more than 20 years ago featuring signatures from disparate locations, lacks relevance to this current application.

Its acceptance as representative of the local community even at that time is also questioned given that addresses shown on the petition included residents from:

- *all parts of the Perth Metropolitan Region (including Mullaloo, Mirrabooka, Roleystone, Coolbinia, Marmion, Orelia, Parkwood, Bayswater – there are too many to mention);*
- *places out of the Perth region including Mandurah, Toodyay, Dardanup, Dunsborough and others;*
- *out of the State of Western Australia including various towns in NSW, Queensland and South Australia; and*
- *out of Australia including England, New Zealand.*

How is it clear from visiting the site that the heritage value of the Moreton Bay Fig Tree has not diminished or changed?

Clarification is sought on how the heritage value has supposedly remained unchanged since the last review in 2001.

OFFICER COMMENT

In assessing the suitability of nominated trees for inclusion and removal from the Register, the City is guided by Local Planning Policy 2.23 – Register of Significant Trees and Vegetation Areas (LPP2.23) and the criteria for inclusion contained therein.

6 Douglas Street, Fremantle

The Lemon Scented Gum located at 6 Douglas Street, Fremantle is not deemed to meet the criteria contained in LPP2.23 for classification as a significant tree. City officers' recommendation that the tree is not included on the Register is consistent

with this policy; however, the landowner has highlighted that large trees in small suburban backyards are scarce, particularly as numerous trees in the vicinity have been removed over the course of the last 25 years, and they request elected members to carefully consider their nomination.

195 High Street, Fremantle

The Moreton Bay Fig located at 195 High Street, Fremantle is deemed to meet the criteria contained in LPP2.23 for classification as a significant tree. However, the landowner would prefer that the tree is removed from the Register to address uncertainties, financial burdens, and development constraints imposed by its inclusion. City officers' recommendation is consistent with LPP2.23 – that the tree be retained on the Register – though there are several other factors to consider, including ongoing maintenance, and these are discussed in further detail below.

Tree protection:

Local Planning Policy 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4 (LPP1.7) sets out various uses and development that are exempt from the requirement to obtain development approval under Local Planning Scheme No. 4 (LPS4), including:

> 31. *Removal of trees or vegetation areas except where those which are identified on the Register of Significant Trees or Vegetation Areas, or where required to be retained on a site through a condition of development approval.*

Therefore, the inclusion of the tree on the Register serves as the only form of protection that will ensure its preservation. The landowner has suggested that the tree be removed from the Register and that the City provide incentives and support to encourage any prospective developer to retain the tree. However, were the tree to be removed from the Register, there would no regulatory impediment preventing its immediate removal, meaning that the tree's preservation is entirely contingent upon its inclusion on the Register. Furthermore, the City currently has no mechanism in place to incentivise the retention of the tree. This would necessitate the amendment or development of a Local Planning Policy, or an amendment to LPS4, which would have to be carefully considered and would take some time to establish.

Redevelopment:

The effect of the tree as a development constraint is not a consideration of its inclusion on the Register. However, it is acknowledged that any future development proposals would have to consider the tree in their design, as long as it remains on the Register. It must also be noted that a heritage-listed house (Category 2 on the City's Heritage List) stands on the western half of the site, which would almost certainly have to remain as well. It is set back approximately 16 metres from the street, meaning that the location of any new development proposed on the site

would have to be carefully considered for this reason alone. Furthermore, if the tree is to be retained on the Register, the arborist's report mentions the possibility of strategically pruning the tree to facilitate further development, without compromising its integrity.

The financial ramifications of the tree's retention are not a valid planning consideration, nor a consideration under LPP2.23; however, Council may take those matters into account in its decision-making.

In view of the above, City officers further recommend that Council make a commitment to revisit its position upon receipt of a formal redevelopment application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit. Although it is acknowledged that this does not provide the level of certainty that the landowner seeks, it is hoped that it will at least provide an assurance that Council is willing to consider any proposal for redevelopment of the site in a holistic manner and without prejudice.

Maintenance:

The planning framework for the registration of significant trees and vegetation areas, particularly LPP2.23, seeks to strike a balance between recognising trees/vegetation worthy of protection and allowing for specimens to be maintained without requiring further approvals. This is not only to ensure the ongoing health and longevity of registered trees/vegetation, but also to enable safe and responsible management by their owners, with the policy allowing for appropriate pruning or other maintenance.

The City's Parks and Landscapes team undertakes some maintenance associated with the Moreton Bay Fig at 195 High Street, Fremantle, amounting to a monthly expenditure of $154, or $1,848 per annum, for gutter and roof cleaning. Additionally, the car park on 195 High Street is swept on Mondays and the surrounding paving is washed throughout the year as part of routine operations. Further, the City conducts regular inspections of the tree, with notable proactive measures taken in the past few years that involved pruning limbs that were encroaching upon the roofline of the adjoining buildings, undertaking dead wooding, and lifting branches over the adjacent footpath and roadway.

The landowner has questioned whether they should be responsible for tree preservation, given the development restrictions that it imparts, without some form of compensation. They have suggested that the City assist in general tree maintenance, substantial pruning, and upkeep of the surrounding paths and car park.

As noted in the Financial Implications section above, it is understood that the City has been helping with the management of the Moreton Bay Fig, predominantly through weekly sweeping, since an agreement with the landowners in 1995. Despite

the absence of a formalised management plan and therefore the difficulties in estimating costs over time, the maintenance of the tree is already supported by the City. However, should Council wish to offer additional support, City officers would suggest that a management plan is prepared with indicative costings and reported back to Council in April 2024.

Notwithstanding, it is recommended that Council encourage the landowner to prepare a tree maintenance plan for the Moreton Bay Fig, setting out future maintenance requirements, including pruning, obstacle clearance and dead wood removal. Example templates for such a plan are available and can be provided to the landowner.

Registration of the tree:

When the Register of Significant Tree and Vegetation Areas was established, it was done by placing those trees that were included on the City's Heritage List onto the Register by notice under Clause 13A of the City's Local Planning Scheme No. 4, which includes a 21-day community engagement period. The City wrote to the owner of 195 High Street, Fremantle at their nominated postal address, to the effect that the tree was to be moved from the Heritage List to the new Register of Significant Trees and Vegetation Areas.

At its Ordinary Meeting on 27 February 2019, Council subsequently adopted LPP2.23 and authorised revisions to be undertaken to the City's Heritage List as follows:

2. *Adopt Local Planning Policy 2.23 – 'Register of Significant Trees and Vegetation Areas', with modification, in accordance with Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 part 2 clause 4…*

3. *Authorise for the following revisions to be undertaken to the City's Heritage List and Municipal Heritage Inventory:*

   (a) delete the following established trees and vegetation areas from the Heritage List and place them on the Register of Significant Trees and Vegetation Areas:

   - *Tree, 11 Harvest Road, North Fremantle*
   - *Trees, 15 Harvest Road, North Fremantle*
   - *Tree Grove, 21 Harvest Road, North Fremantle*
   - *Trees, 45 Henderson Street, Fremantle*
   - *Moreton Bay Fig, 195 High Street, Fremantle*

While LPP2.23 now requires any nomination for inclusion of a tree on the Register to be authorised by the owner(s) of the land on which the tree is located, LPP2.23 had not yet come into effect when the trees from the Heritage List were added to the

Register, meaning that there was no requirement for authorisation by the landowners.

Annual consideration of nominations:

The City collects nominations for the addition of trees to the Register and requests for removal of trees from the Register throughout the year and considers them together on an annual basis. The submission from the owner of 195 High Street, Fremantle was received by the City in February 2023 and the annual update process was initiated in April 2023. The procedure for administering the Register of Significant Trees and Vegetation Areas states that:

> *A report on trees and vegetation areas requested for removal, along with any public submissions received will be submitted to Council annually (generally between February and April) for a decision on their removal from the Register.*

However, the significant tree review process for 2023 has extended well beyond the initially projected timeline, primarily owing to challenges in procuring the necessary expertise from both internal and external sources for tree assessments. City officers are now acutely aware of this and will take account of it when undertaking any future tree protection initiatives.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

1. **Notes the submissions received in relation to the proposed inclusion of the Lemon Scented Gum at 6 Douglas Street, Fremantle on the Significant Trees and Vegetation Areas Register and the proposed removal of the Moreton Bay Fig at 195 High Street, Fremantle from the same Register, as outlined in the report and attachments.**

2. **Does not include the Lemon Scented Gum located at No. 6 Douglas Street, Fremantle on the Significant Trees and Vegetation Areas Register.**

3. **Retains the Moreton Bay Fig located at 195 High Street, Fremantle on the Significant Trees and Vegetation Areas Register.**

4. **Advises the owner of 195 High Street, Fremantle that the City encourages them to prepare a tree maintenance plan for the Moreton Bay Fig setting out future maintenance requirements, including**

pruning, obstacle clearance and dead wood removal, noting the availability of example templates.

5. **Advises the owner of 195 High Street, Fremantle that while the City will continue to encourage the retention of the Moreton Bay Fig, Council will revisit its position on the tree's inclusion on the Significant Trees and Vegetation Areas Register upon receipt of a formal redevelopment application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit.**

C2402-6 PLANNING INFORMATION REPORT - FEBRUARY 2024

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 14 February 2024
Responsible Officer: Manager Development Approvals
Voting requirements: Simple Majority
Attachments: 1. Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 14 February 2024
Responsible Officer: Manager Development Approvals
Voting requirements: Simple Majority
Attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP003/23
Site Address and Proposal
87-93 Queen Victoria Street, Fremantle – Service station alterations
Current Status
• At its meeting on 14 June 2023, the Joint Development Assessment Panel (JDAP) resolved to approve a development for alterations to the existing Service Station, subject to an additional condition to restrict the sale of non-petroleum products to between 6am and 10pm. • The applicant has submitted an application for review of the condition in the State Administrative Tribunal. • A mediation session between JDAP and the applicant was held in October. • The JDAP has been invited to reconsidered its decision on 12 December 2023, and resolved to substitute the condition with one requiring an operational management plan.

1. Application Reference
DA0127/23
Site Address and Proposal
21 Herbert Street, North Fremantle – Demolition of existing Single house and incidental structures
Current status
• At its meeting held August 2023, the Council resolved to refuse the application in accordance with the officer recommendation. • An Application for Review by the State Administrative Tribunal has been lodged by the owner. • Directions Hearings were held in December, with mediation following on 12 January. A further mediation is scheduled for 1st February.

2. Application Reference
DAP006/23
Site Address and Proposal
8 Point Street, Fremantle – Eight storey mixed use development comprising 215 multiple dwellings and Restaurant/Café and Office uses
Planning Committee Consideration/Decision
• At its meeting held on 22 November 2023, the Council resolved to provide a comment to the JDAP that it supported the Officers recommendation to approve the development. • On 7 December 2023, the JDAP approved the development in accordance with officers' recommendation.

3. Application Reference
DAP007/23
Site Address and Proposal
49 Phillimore Street, Fremantle – Additions and alterations to existing building and four Multiple Dwellings
Council Consideration/Decision
• At its meeting held on 20 December 2023, the Council resolved to provide a comment to the JDAP that it supported the Officers recommendation to approve development. • At its meeting on 17 January 2024, the Joint Development Assessment Panel (JDAP) resolved to approve the development with some amendments to the conditions listed in the Officers Recommendation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council receive the following information reports for February 2024:

1. **Schedule of applications determined under delegated authority; and**

2. **Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review.**

11.2 Strategic and general reports

C2402-7 SOLE SOURCE OF SUPPLY – CITY COLLECTIVE PTY LTD

Meeting date: 14 February 2024
Responsible officer: Manager Strategic Planning and City Design
Voting requirements: Simple Majority
Attachments: Nil

SUMMARY

The purpose of this report is to seek approval from Council to enter a sole source of supply contract with City Collective Pty Ltd to continue to provide strategic design, business planning and advocacy services to the City regarding the Fremantle Oval Precinct Redevelopment project. City Collective Pty Ltd completed a contract for strategic advice and advocacy services in December 2023, having been appointed in August 2023 at a contract value of $98,765 Ex GST. The City's Project Partners (South Fremantle Football Club, Fremantle Football Club and Western Australian Football Commission) co-funded the costs of this contract, with a combined contribution of $45,000.00 Ex GST.

This report recommends that Council authorise to enter a new contract with City Collective Pty Ltd at a total contract value of $185,800.00 Ex GST, to complete the masterplan and business plan for the project. It also seeks support for an appropriate re-allocation of funds in the 2023/24 Mid-Year Budget Review to cover this expenditure from the Fremantle Oval Project account.

BACKGROUND

To advance the redevelopment of the Fremantle Oval Precinct a competitive procurement process was initiated to seek strategic advisory and advocacy services in July 2023. Through this process City Collective Pty Ltd (City Collective) was appointed in August 2023 to lead the Fremantle Oval Precinct Redevelopment project (the Project).

City Collective undertook a review of previous master planning and business case work associated with Fremantle Oval. City Collective also prepared a preliminary masterplan and documentation to assist the City with advocacy to the Federal Government and other stakeholders to understand funding opportunities and confirm high-level support for the project. Positive responses from stakeholders regarding the direction of the Project provided confidence to proceed with a further stage of work to develop a full masterplan and business case to guide the precinct's development.

The key deliverables for Stage 2 include the preparation of a Final Masterplan, a supporting Business Case, Advocacy Plan and a Pitch Document. The scheduling of Stage 2 work is guided by critical milestones, in particular the need to finalise a project business case for consideration by government stakeholders by early-May at the latest. Ahead of this, intensive master planning work and advocacy services are specifically needed to continue to build consensus among stakeholders (e.g. community and government) to gain the support required to meet project objectives.

To maintain momentum of the Project, meet critical timeframes and achieve project objectives, prompt re-appointment of City Collective through a new contract is required.

FINANCIAL IMPLICATIONS

City Collective has recently provided the City with strategic and advisory services to assist the Fremantle Oval Precinct Redevelopment project to the value of $98,765.00 Ex GST for Stage 1 of the project. Contributions to the Stage 1 consultancy costs from the City's Project Partners (South Fremantle Football Club, Fremantle Football Club and Western Australian Football Commission) totalled $45,000.00 Ex GST.

A two-part fee proposal has been received from City Collective for Stage 2 of the Project with a value of $185,800.00 Ex GST. The combined contract value across the Stage 1 and Stage 2 of the project will therefore be $284,565.00 Ex GST. Further financial contributions from the Project Partners are anticipated to assist with the costs of Stage 2.

LEGAL IMPLICATIONS

The ability for Council to enter into sole source of supply agreements is covered under Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, which states:

> *11. When tenders have to be publicly invited*
> *(2) Tenders do not have to be publicly invited according to the requirements of this Division if —*
> *(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.*

As the timeframes for the project are short, seeking alternative quotes is likely to lead to further project costs and higher resourcing needs from the City. City Collective have a unique understanding of the project and its needs owing to their involvement in Stage 1 and a track record of working in similar projects. City Collective are considered the only capable supplier at this time who can achieve the project's goals over the next six months.

The alternative to seeking re-appointment of City Collective is to seek quotes from other suppliers through a new tender process. This process will certainly lead to time delays that would significantly impact the project and put at risk its success.

As the sum of this contract, combined with the value of the contract recently completed, is above the delegation to the CEO to enter into sole source of supply contracts, Council approval is required.

CONSULTATION

Nil

OFFICER COMMENT

The Fremantle Oval Precinct Redevelopment is at a critical stage in the preparation of a masterplan and business case as well as government advocacy to ensure it achieves support and ultimately funding and delivery. The objective of this next stage of the project (Stage 2) is to develop the Project's masterplan and business case and continue advocacy with government to identify funding opportunities and secure funding support. The Project has tight timeframes dictated by Federal and State Government funding and decision-making milestones. Most critical is the need to complete a business case for consideration of government stakeholders by approximately early-May at the latest.

The current consultant, City Collective, has reviewed previous master planning for the site and prepared a strong preliminary masterplan concept that requires further development and exploration. City Collective also prepared an Advocacy Plan which, as implemented, has established significant momentum amongst potential funding partners, particularly through engagement with Federal Government stakeholders.

City Collective are viewed by the Project Working Group as having a very precise skill set and unique knowledge of the project, to be able to execute the next stage of work cost effectively and within the timeframes required. City Collective have performed at an excellent level in Stage 1, meeting project goals, preparing high quality deliverables and working well with the Project Partners. Additionally, City Collective has been instrumental in the success of the project's advocacy initiatives so far.

Based on the relationships that have been established within Stage 1 between City Collective, the City of Fremantle, the Project Partners and neighbouring stakeholders, City Collective is uniquely placed to lead the work of Stage 2 with efficiency. City Collective is experienced at delivering similar projects in collaboration between peak sports institutes, elite sporting clubs, governments and the community and able to apply a well-tested approach to the next stage of work. The fee proposal from City Collective is correctly scoped against needed deliverables, addresses the project objectives well and overall represents good value for money.

Seeking alternative suppliers through a new procurement process at this time is likely to lead to higher projects costs, require more City resourcing (e.g. to undertake a new procurement process) and add further time to the project, putting at risk the meeting of critical deadlines. An alternative supplier would need to quickly re-establish numerous sensitive relationships and come into a strong understanding of the project, prior to being able to focus on key tasks and deliverables.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. **Approves a contract consistent with Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, with City Collective Pty Ltd (ABN 71 612 714 422) for the total contract sum up to $185,800.00 (excluding GST).**

2. **Supports an appropriate re-allocation of funds in the 2023/24 Mid-Year Budget Review to cover this expenditure from the Fremantle Oval Project account.**

C2402-8 YOUTH STRATEGY 2024-2028

Meeting date:	14 February 2024
Responsible officer:	Manager Community Development
Voting requirements:	Simple Majority
Attachments:	1. Youth Strategy 2024 – 2028 2. Youth Action Plan 2023 - 2028

SUMMARY

The City is committed to listening to young people and supporting them to learn new skills, develop social connections and be physically and mentally healthy. A Youth Strategy and Action Plan has been developed to guide engagement with young people.

This report recommends that Council endorses the Youth Strategy 2024 – 2028.

BACKGROUND

The City's new Youth Strategy 2024 – 2028 (the Strategy) is a key informing document for working with young people who live, work, study, recreate and volunteer in Fremantle.

The four focus areas of the Strategy are informed by community engagement conducted by the City in partnership with the Youth Affairs Council of WA (YACWA):

1. Living Learning and Working
2. Healthy and Safe
3. Connected and Accepted and
4. Engaged and Empowered

The Strategy is a concise document kept intentionally brief. It is designed to be public facing and easily accessible by young people and people working in the sector such as teachers, youth workers, state government agencies and community stakeholders.

The Strategy conveys the aspirations of young people as identified through the engagement process and provides information on the key actions and activities.

The Strategy is underpinned by an internal Youth Action Plan that will guide the City's teams through the delivery process. In addition, the Youth Action Plan details the development of the Strategy, findings from stakeholder engagement and demographic analysis of young people aged 12 – 25 living in Fremantle.

It is important to note that while the Strategy will not change, the Youth Action Plan is intended to a be a living document reviewed on an annual basis to adapt to new opportunities and developments in community.

FINANCIAL IMPLICATIONS

The Strategy and Action Plan can be achieved within existing operational budgets. Any new initiatives will be subject to budgetary process and approval.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The City has completed a comprehensive process to develop the Strategy and Action Plan which involved a review of the previous Youth Plan 2012-15 and community engagement.

The peak body for Youth, the Youth Affairs Council of WA (YACWA), was contracted to undertake community engagement from July to December 2022. This was done in partnership with young peer researchers who assisted with engaging young people who live, work, study and/or visit the City of Fremantle. Other key groups consulted were parents and caregivers of young people, groups and organisations that work with young people and City of Fremantle councillors and staff.

The Strategy actions were formulated based on:

- Community and stakeholder engagement
- Demographic data
- A review of current issues and trends
- An assessment of current youth provision in the area and
- The strategic priorities of the City

To ensure that young people had the opportunity to participate in meaningful ways, the consultation was conducted using three different methods:

- Peer researcher engagement: Six young people between the ages of 16 and 25 were trained as peer researchers and worked together to design a youth survey to collect both quantitative and qualitative data.
- Youth survey: 237 young people aged 12 to 25 completed the survey, answering questions about their connection to the Fremantle community, the benefits and challenges of living in the area, barriers to participation and issues that are important to them.
- Youth workshops with external organisations: 12 interviews were conducted with representatives of external organisations that provide services to young people in Fremantle. Feedback was gathered on three recurring issues: limited spaces and places for young people, an increase in young people experiencing homelessness and an increase in young people presenting with mental health needs.

The consultation conducted by YACWA gathered valuable insights into young people’s perspectives on the City of Fremantle. The feedback highlighted

the appreciation for the City's unique attractions, historical buildings, vibrant shopping precincts, picturesque beaches and rich arts and community culture. Tertiary students expressed satisfaction related to studying in a unique setting and benefiting from proximity to the City centre and social opportunities.

Additionally, the consultation revealed areas for growth and improvement where the City of Fremantle can enhance support for young people. Concerns raised by young participants encompassed limited access to mental health resources, the increasing cost of living, insufficient employment prospects across various sectors, occasional feelings of insecurity within Fremantle and a desire for greater involvement in youth advocacy initiatives.

Relevant findings from recent consultation undertaken with the community as part of the 2025 to 2035 Strategic Community Planning process have also been considered in the finalisation of the Strategy. Young people under the age of 18 years made up 15% of respondents through this engagement program. Young people aged 18-24 years made up 14%. Findings from these interactions further support an overall increase in how the City engages with young people; affordable access to food and entertainment services (with reduced focus on alcohol consumption); improvements to public safety within the city centre; and targeted promotion of key events or activities happening within the City of Fremantle.

OFFICER COMMENT

The new Youth Strategy aligns with the City's Strategic Community Plan 2015 – 2025 Health and Happiness outcomes:

1. Fremantle is a welcoming, safe and caring place that celebrates and actively supports diversity.
2. Partner with the community to build capacity for social inclusion, connectivity and capital.

The Strategy has also been informed by recent consultation undertaken as part of the new Strategic Community Plan 2025 to 2035.

Key initiatives from the Youth Strategy are underway including the recent launch of the Change Makers youth leadership program. This program has attracted 10 young people aged 18 – 30 years and will build capacity and understanding to assist participants in making a valuable contribution to Council decision making processes.

The inclusion of a new Youth Grant program endorsed in the 2023/24 budget was implemented with three new youth focussed projects approved in the October 2023 funding round.

An annual progress report will be provided to Council outlining the key achievements of the Strategy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council adopts the Youth Strategy 2024 – 2028, provided in Attachment 1.

C2402-9 VERGE GARDEN POLICY

Meeting date:	14 February 2024
Responsible officer:	Manager Parks and Landscape
Voting requirements:	Simple Majority
Attachments:	1. Verge Garden Policy 2. Verge Garden Guidelines 3. Community Engagement Report

SUMMARY

The City of Fremantle encourages and supports residents to develop and maintain verge gardens to achieve social, environmental and economic values for the community through the Verge Garden Policy, Verge Garden Guidelines and verge garden assistance programs.

This report recommends that Council adopt the updated Verge Garden Policy and note the Verge Garden Guidelines. Officers will also submit verge garden assistance programs responding to community requirements as part of the annual budget process.

BACKGROUND

The City of Fremantle encourages and supports residents to develop and maintain verge gardens to achieve social, environmental and economic values for the community through the Verge Garden Policy. Verge Gardens support strategic objectives of the City including:

- Green Links (Greening Fremantle: Strategy 2020)
- Canopy (Urban Forest Plan, 2017)
- Water (Water Conservation and Efficiency Plan 2020-2025).

The current Verge Garden Policy was adopted by Council in September 2017. The focus of it is encouraging verge gardens from an amenity and biodiversity perspective, outlining the City's support for verge garden implementation and maintenance, and defining material use on the verge. The Verge Garden Policy was supported by the Creating Your Verge Garden document which outlined the practical design, implementation and maintenance for verge gardens.

FINANCIAL IMPLICATIONS

Council adopted the following budget for the 2023/24 financial year:

IP Activity Project: 100914 - Verge Garden Scheme		Income	Expenditure
100914.4391	Verge Garden Scheme Reimbursement Inc – Other (WaterCorp Grant)	(10,000)	
100914.6823	Verge Garden Scheme Contract Exp - General		15,000
100914.6865	Verge Garden Scheme Materials Exp - General		17,960

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation was undertaken via My Say in August and September 2021 to seek feedback regarding the Verge Garden and Street and Reserve Tree Policy's. A total of 171 participants completed the survey.

Of those, 19 participants have accessed the native plant subsidy scheme, 13 have requested a street tree and 9 have accessed free recycled tree pruning mulch from the recycling centre.

OFFICER COMMENT

The aims of the updated Verge Garden Policy are to enable residents to improve the social, environmental and economic benefits of verges, while also improving the effectiveness and access to verge garden assistance. To support the updated Verge Garden Policy, the Verge Garden Guidelines have been updated.

The intent of the Policy, Guidelines and City assistance is to make it as easy as possible for residents to create a verge garden aligned with City strategy.

Verge Garden Policy

The key focus areas of the Verge Garden Policy are:

<u>Approvals</u>

An owner of land may, on the part of the verge directly bordering the land, install a verge garden in accordance with this Policy.

Where the land is owned or managed by a third party, the written permission of the land owner or manager is required prior to installing a verge garden. The intent of this statement is to allow residents to create verge gardens on underutilised verge areas with the adjacent land owner or manager's permission.

Social Values

The Policy encourages the use of verges for community connection and improved health and wellbeing by providing social spaces and improved amenity. Verge garden planning should consider play, pedestrian and cyclist comfort, social spaces with seats or benches, community libraries and toy libraries. The importance of linking up neighbourhood verge gardens, to create a strong sense of place and improved amenity for pedestrian and cyclists is highlighted. Residents are also encouraged to use verges as productive spaces with edible gardens, herbs and vegetable planters.

Environmental Values

The important environmental functions of verges include biodiversity, fauna habitat, storm water management, low water use and green corridor connections. The creation of fauna friendly verges by using habitat items such as insect hotels, logs and boulders, and plants that also provide food sources. The importance of linking up neighbourhood verge gardens to create green corridor connections for fauna and improved biodiversity is highlighted. The use of water wise, endemic and Australian plant species is also recommended.

Economic Values

Well planned and maintained verge gardens can provide a range of economic values to the resident and community by reducing maintenance costs while increasing property value. A reduction in the urban heat island can also lead to a reduction in utility costs and improved hard infrastructure asset life.

Acceptable Materials

The Verge Garden Guidelines provide a list of acceptable materials not requiring approval, materials requiring approval and unacceptable materials.

Acceptable materials include:

- Maintained turf.
- Garden of low plants like shrubs, groundcovers, vegetables and herbs.
- Organic mulch (best to choose a waterwise chunky one).
- Irrigation at ground level such as drip or spray.
- Removable planters and raised beds like timber vegetable planters.
- Edging to gardens, turf and inorganic mulch.
- Social infrastructure features such as seats, benches, community libraries and toy libraries as long as they are removable.
- Fauna friendly features such as insect hotels, logs and boulders that are food and shelter sources, but they must be removable.
- Play equipment features such as nature play and swings.
- Hardstands of an "acceptable material" such as trafficable paving including permeable paving, concrete, timber inlays, and/or consolidated inorganic

mulch, or non-loose gravel (if less than 1/3 of the verge area excluding the crossover with the balance being the preferred soft landscaping materials).

Unacceptable materials or structures include those which are:

- Fences
- Unsafe
- Blocking sightlines or presenting a hazard
- Loose or slippery (for example loose gravels)
- Impermeable
- Sharp or prickly
- Weeds
- Artificial turf

Verge Garden Assistance

The City provides assistance with verge garden planning through the Verge Garden Guidelines and other annual events associated with the facilitation of verge gardens. The City will, subject to resource availability and annual budget allocation, assist with implementation and maintenance of verge gardens through annual programs which may include:

- workshops
- mulch
- subsidised plants
- reimbursements or subsidies
- preparation assistance schemes.

These may vary annually to respond to community requirements and will be developed through the annual budget process.

The provision of subsidised plants is the most heavily subscribed part of the City's verge garden assistance program and plant allocations are exhausted annually. Officer's recommend extending this program as it contributes to a primary aim of verge gardens of increasing native, waterwise plants on verges for habitat and biodiversity while decreasing water consumption. Further engagement with schools and commercial/industrial properties is also recommended.

The previous version of the Verge Garden Policy outlined a Verge Preparation Assistance Scheme whereby the City would assist in the preparation of resident's verges. This included removal of soil and turf to 100mm deep and 1.0m from kerb lines, footpaths, and driveways. Mulch was provided based on the cubic meters needed for the allocated verge area. Out of nearly 100 applicants, only 12 verges were able to be prepared within the allocated $15,000 budget. The verge preparation assistance scheme requires extensive administration time and prepares a relatively small amount of verges. Officers recommend directing this budget towards other programs which give access to more of the community such as subsidised plants, mulch and workshops.

Verge Garden Guidelines

The Verge Garden Policy is intended to be read in conjunction with the Verge Garden Guidelines. The Guidelines are the easy to read, practical how to create and maintain a verge garden for residents. The Guidelines cover:

- The importance of verges including who is responsible for verges
- Design considerations including plant species selection guidance and design examples
- Materials including social infrastructure and fauna infrastructure
- Rules including parameters and restrictions for spatial/ratios, setbacks, heights and street trees
- Installation/construction including preparation
- Maintenance.

Should Council adopt the Policy, officers will implement it in time for the autumn 2024 verge garden season.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Council:

1. **Adopt the updated Verge Garden Policy provided in Attachment 1 and note the Verge Garden Guidelines provided in Attachment 2.**

2. **Notes officers will include a provision for verge garden assistance programs as part of the annual budget process, in response to community requirements.**

C2402-10 TREES ON CITY OWNED OR MANAGED LAND POLICY

Meeting date:	14 February 2024
Responsible officer:	Manager Parks and Landscape
Voting requirements:	Simple Majority
Attachments:	1. Trees on City Owned or Managed Land Policy

SUMMARY

The purpose of this report is to present the Trees on City Owned or Managed Land Policy to Council for adoption. The Policy establishes how the City will responsibly manage trees on City owned or managed land to increase canopy cover and improves tree protection requirements.

This report recommends Council adopt the Trees on City Owned or Managed Land Policy.

BACKGROUND

The City of Fremantle is committed to responsibly managing its trees to increase canopy cover now and into the future. The urban forest provides social, economic and environmental values to the community such as reducing heat island effect, provision of shade, improved biodiversity, providing a sense of place, among many others. Responsible tree management supports the following strategic objectives of the City:

- Protect and enhance the city's natural landscapes and biodiversity (Greening Fremantle Strategy)

The current Street and Reserve Tree Policy was adopted by Council in September 2017 and requires updating. The new Trees on City Owned or Managed Land Policy sets out how the City will undertake tree management including tree planting, pruning, removal, assessment requests, protection during development, and how the City will respond to damage to its trees. It also enables the use of street tree attachments.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The new Trees on City Owned or Managed Land Policy will provide the backing to recoup the full valuation of the trees in removals as a result of development or vandalism.

City trees are currently covered by the following City Policies and standards:

- Street and Reserve Tree Policy
- Crossover Policy
- Verge Garden Policy
- SG46 Fremantle suburban footpaths Policy
- Australian Standards AS4373: Pruning of Amenity Trees
- Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia).

The Trees on City Owned or Managed Land Policy will replace the Street and Reserve Trees Policy.

CONSULTATION

Consultation was undertaken via My Say in August and September 2021 to seek feedback regarding the Verge Garden and Street and Reserve Tree Policy's. A total of 171 participants completed the survey. Of those, 18 participants specifically mention trees, 10 would like more trees to be planted and 13 have requested a street tree.

OFFICER COMMENT

Trees are a central feature in landscapes and contribute to the character and image of the city. They help create attractive streetscapes and reserves and provide social, economic and ecological services to the community including:

- reduction in air pollution
- control of storm water
- mitigation of wind and noise
- improved biodiversity
- shade and reduced UV exposure
- reduced heat island effect and energy demand
- enhanced sense of place and wellbeing
- increased property values
- carbon dioxide reduction
- visual screening and
- encouragement of outdoor activity.

Responsible tree management will help the City achieve the objectives identified in the Greening Fremantle: Strategy 2020 and the Urban Forest Plan.

The aim of the Trees on City Owned or Managed Land Policy is to enable the City to maintain and increase canopy cover through responsible management of its trees. The Policy applies to trees on City owned and/or managed land. The Policy does not apply to trees on land not owned and/or managed by the City.

The key focus areas and changes in the Trees on City Owned or Managed Land Policy are:

Tree planting

The Policy establishes a strong position regarding tree planting, clearly stating that tree planting takes precedence over individual preferences of nearby property owners.

Tree pruning and maintenance

The key change in this section is that property line pruning has been removed as a valid reason to prune City trees. Instead, trees will be pruned to remove branches that present an unacceptable risk to building or structures.

Tree removal

The Policy states the valid reasons for which the City may remove trees and that any trees removed will be replaced in the next available planting season.

Tree assessment requests

The Policy sets the expectations regarding tree assessment requests by residents. A key change is that pruning and removal requests are being replaced by assessment requests as it is the City's responsibility to determine what works, if any, the tree may require.

Tree protection adjacent to development sites

The Policy establishes the minimum fencing requirements for Tree Protection Zones for trees adjacent to demolition and development sites.

Bonds

The Policy stipulates that bonds may be held by the City for activities that have the potential to damage City trees.

Street trees and crossover/driveways

The Policy establishes minimum setbacks required between crossovers/driveways to City trees based on the diameter of their trunk and how requests for reduced setbacks will be managed.

Street tree removal and replacement at development sites

The Policy establishes that tree removals will only be approved if there are no other reasonable design options, with applicants being required to compensate the City for the costs associated with removal, replacement and full valuation of the tree.

Street tree attachments

The Policy will allow street tree attachments (i.e. swings) to be installed as long as they meet the requirements outlined in the Verge Garden Guidelines.

Damage to trees

The Policy establishes the City's position regarding damage to trees, clearly articulating that reported incidents will be investigated and that the City may infringe, seek to recoup costs or take further legal action towards those responsible.

To adopt the Trees on City Owned or Managed Land Policy, Council will need to rescind the Street and Reserve Tree Policy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. **Rescind the Street and Reserve Tree Policy.**

2. **Adopt the Trees on City Owned or Managed Land Policy, as shown in Attachment 1.**

C2402-11 'FRIENDS OF' GROUPS POLICY

Meeting date:	14 February 2024
Responsible officer:	Manager Parks and Landscape
Voting requirements:	Simple Majority
Attachments:	1. 'Friends of' Groups Policy 2. 'Friends of' Groups Manual

SUMMARY

The City of Fremantle currently has five active 'Friends of' Groups which work in partnership with the City towards the ecological conservation and restoration of their chosen natural areas. These partnerships have been informal in nature with the City providing support in an ad-hoc manner. The 'Friends of' Groups Policy and Manual, supported by a budget allocation for implementation, aims to formalise the support of Friends of Groups by the City.

This report recommends Council adopts the 'Friends of' Policy as shown in Attachment 1, and note officers will include a provision of $22,000 to support the activities of the 'Friends of' Groups for consideration in the 2024/25 budget process.

BACKGROUND

The City of Fremantle currently has five active 'Friends of' Groups which work in partnership with the City towards the ecological conservation and restoration of their chosen natural areas. Until now, these partnerships have been informal in nature with the City providing support in an ad-hoc manner. The 'Friends of' Groups Policy seeks to formalise those partnerships while reducing the administrative burden to the groups so they can focus on the conservation activities they enjoy. The associated 'Friends of' Groups Manual provides additional detail on implementing the 'Friends of' Policy.

Providing support for friends of groups is an objective of the Greening Fremantle: Strategy 2020 Actions "3.1 Review and develop management plans and programs for community group participation in design, implementation and ongoing management of POS and other green spaces", "3.2 Provide and promote grant opportunities for community partnering projects" and "3.3 Develop the City's capacity to assist "Friends of" and other groups for the implementation of enhancement plans".

FINANCIAL IMPLICATIONS

The Policy will require an annual budget to provide financial support for the 'Friends of' Groups activities. The proposed amount for the Financial Year 2024/25 is $22,000. This would allow for each of the five groups to access up to $4,000 each and include an additional 10% for administration fees for a sponsor to manage the finances of unincorporated groups.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Active 'Friends of' Groups were contacted via email in July 2023 to seek their comments regarding the proposed Policy and the Annual Work Plan. Their comments were incorporated into the Policy and into the Manual. Furthermore, a Revegetation workshop was held for the 'Friends of' Groups on 14 September 2023 which provided an opportunity to collate the key concerns of the participants.

OFFICER COMMENT

Friends of Groups provide great benefit to the local community, natural areas and the City. They contribute to conservation of natural areas, provide education to the community, and build community connections among many other benefits.

Currently, the City liaises with 'Friends of' groups each year to identify their needs to maximise the success of bush care activities on City managed land within the existing operational budget and provides supporting documentation for Friends of groups grant applications. The City liaises with and supports Friends of groups through the year to implement their activities, coordinate works and co-host events. Activities are consistent with City management or operational plans for each respective natural area. However, this is currently managed in an ad-hoc way, with no clearly set expectations.

The aim of the Policy and Manual is to:

- clarify expectations, roles and responsibilities between the City and Friends of groups
- build capacity of Friends of groups to operate and achieve their goals
- ensure best practice conservation land management is undertaken
- facilitate community participation in operational planning for natural areas
- provide financial support to 'Friends of' groups (subject to budget approval)
- reduce the administrative burden to the groups so they can focus on the activities they love
- enable the City to meet its Work Health and Safety requirements.

There are various external grants programs available to 'Friends of' groups such as Coastwest grants and State NRM Community Stewardship Grants. It is common for these to require a minimum 50:50 cost sharing arrangement, often with the applicants' cost contribution comprised of a mix of in-kind and financial contributions. There is potential to attract additional external funding for activities within City-managed land that contributes to the implementation of the respective natural area's management or operational plan should 'Friends of' Groups be able to apply to the City for matching contributions through an increased budget provision to do

so. It is worth noting that, as cited by Volunteering Australia, the return on investment for every dollar invested in volunteers is $4.50.

Officers recommend Council adopt the Policy and Manual, supported by a budget allocation for implementation, to formalise the support of Friends of Groups by the City.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council adopts the 'Friends of' Policy as shown in Attachment 1 and note officers will include a provision of $22,000 to support the activities of the 'Friends of' Groups for consideration in the 2024/25 budget process.

C2402-12 APPOINTMENT OF WORKING GROUPS

Meeting date:	14 February 2024
Responsible officer:	Director Planning, Place and Urban Development
Voting requirements:	Simple Majority
Attachments:	1. City Plan Terms of Reference 2. ED Strategy Terms of Reference 3. Freo 2029 Terms of Reference

SUMMARY

This report has been prepared in response to informal discussions within Council around the potential benefits of establishing working groups – consisting of elected members and senior staff – to focus on important and strategic matters. The intention is for these groups to:

- **Have a specific focus / outcome / deliverable.**
- **Work to a short timeframe.**
- **Report back to Council.**

This report suggests an approach to establishing these new working groups in a consistent manner, as well as suggesting a list of subject matters that are appropriate for a working group, as well as discussing priorities.

This report recommends that Council supports the overall approach and purpose of establishing internal Working Groups; agrees to the initial priorities and Terms of Reference for setting up the initial three groups; and nominates and endorses elected member representation.

BACKGROUND

The City of Fremantle has a wide range of strategic matters that will be advanced in 2024, and beyond. Recent conversations between elected members and the executive team have discussed the potential benefits of establishing focus groups with the following purpose / aim:

- To assist with alignment on key initiatives, programs or projects between senior staff and elected officials.
- To achieve a 'quick sprint' action on a specific issue / part of program or project.
- To build relationships and collaboration across the organisation and with/between elected members.
- To enable elected members to get more involved in key issues important to them, and report back to the broader Council team.
- To maintain a strategic focus on key council activities.

FINANCIAL IMPLICATIONS

There are no Financial Implications to this Report. All new Working Groups have no authority to directly spend funds or amend existing budgets without seeking Council approval.

LEGAL IMPLICATIONS

There are no Legal Implications to this Report.

CONSULTATION

There has been no community consultation in the development of this report. However, there is likely to be significant community engagement with many of the subject matters that are explored and attended to by Working Groups. In these instances, further reporting to Council will be scheduled as an integrated part of specific projects.

OFFICER COMMENT

Potential Groups
Potential areas of strategic interest, programs or initiatives that might benefit from the establishment of a joint group are listed below, together with suggested prioritisation:

Initial Groups (start now)

City Economy	Contribution to the development and framing of the City's economic development strategy.
City Plan – *Part 1*	Developing stakeholder engagement strategy and testing the proposed engagement tools.
Freo 2029	Issues, opportunities and developing a strategic framework.

More detail around the three proposed initial Working Groups can be found in the Draft Terms of Reference, shown in the Attachments.

Subsequent Groups (initiate in 3+ months)

Sustainability	Engagement ideas for community emission reduction.
Operations Centre	Future planning, project scoping.
City Plan – *Part 2*	Exploring development/ built form scenarios.

Heritage	Priorities for heritage area reviews / policy development.
Social Services	Strategic review and community priorities.
Community Safety	Review strategic framework.
Sport and Recreation	Strategic review and priorities

The above listed working groups are noted for establishment at a later stage and will be brought back to Council for further consideration and appointment.

Membership
It is suggested that membership of each group is generally limited to 4 people minimum, and 8 maximum with roughly equal numbers of staff and elected members. It is noted that small groups are easier to self-manage; find meeting times; keep each other accountable and focused on a specific task / deliverable.

Scope / Term
Scope should be clearly defined with one or two deliverables that can be quantified or measurable. Duration of each group will be determined by scope, but it is envisaged that each term would be between 2 – 6 months. Anything over 6 months would indicate the scope is too ambitious and either needs scaling back or a different governance model developed.

Governance
The City has an existing Council policy for the naming and function of Working Groups, Reference Groups and Liaison Groups - Council Policy - Internal Groups:

Internal Group Framework **This framework does *not* include internal advisory committees or external groups not controlled by the City.**					
Category	**Purpose**	**Outcomes**	**Duration**	**Membership**	**Facilitation**
Working group	Work collaboratively with council to develop a council strategy/plan or to develop a specific project.	Determined by the group once the purpose is defined.	Disbands on adoption of the strategy/plan or project plan. May convert to a reference group once the planning is complete.	Elected members, community members and/or groups, external professionals in a relevant field, or from a relevant organisation, City officers.	Chaired by a member appointed by the group.
Reference group	Provide feedback to and receive updates and progress from council on a project or council plan/strategy that is in progress.	No specific outcome – Information sharing forum related to a specific project or plan/strategy.	Disbands once the plan or project is complete. If plan or strategy, may act as a working group to develop or renew plan.	Elected members, community members and/or groups, external professionals in a relevant field, or from a relevant organisation, City officers.	Facilitated by an appropriate City officer selected by CEO/Director.
Liaison group	Engage in general dialogue with the council on subjects that are relevant to the group or general business of the Council.	No specific outcome – Information sharing forum.	Ongoing	Elected members, community members and/or groups, City officers.	Facilitated by an appropriate City officer selected by CEO/Director.

The proposed new working groups fit within the existing classification of a Working Group. It is noted that the scope of the new groups will be focussed, with clear deliverables and timeframes, as outlined in the terms of reference and adopted by Council.

Although the core membership of each group is anticipated to be elected members and senior staff, the Chief Executive Officer may invite external members to a Working Group, to bring specific expertise or community representation to the discussion. It is envisaged that this would be initiated by the Working Group and recommended to the CEO for the consideration.

VOTING AND OTHER REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. **Supports the establishment of Working Groups consisting of elected members and senior staff, to advance specific strategic issues, based on the overall approach and purpose set out in this report;**

2. **Approve the following Terms of References, for the establishment of the initial three working groups:**

   a. **City Plan (Part 1) Working Group (Attachment 1)**
   b. **City Economy Working Group (Attachment 2)**
   c. **Freo 2029 Working Group (Attachment 3)**

3. **Note the Chief Executive Officer may invite external members to a Working Group, to bring specific community representation to the discussion, should a particular Working Group consider that this may be advantageous.**

4. **Endorses the following elected members to be representatives on the following Working Groups:**

City Economy	**City Plan (Part 1)**	**Freo 2029**
EM Nomination	*EM Nomination*	*EM Nomination*
EM Nomination	*EM Nomination*	*EM Nomination*
EM Nomination	*EM Nomination*	*EM Nomination*
EM Nomination	*EM Nomination*	*EM Nomination*

11.3 Committee and working group reports

Nil.

11.4 Statutory reports

Nil.

12. 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.

13. 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.

14. Late items

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

Nil.

15. Confidential business

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

Nil

16. Closure