Agenda

Ordinary Meeting of Council

Wednesday, 26 May 2021, 6.00pm

City of Fremantle

CITY OF FREMANTLE

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday**, **26 May 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

Philip St John
Chief Executive Officer

21 May 2021

Table of Contents

Contents		Page
1.	**Official opening, welcome and acknowledgement**	**1**
2.	**Attendance, apologies and leave of absence**	**1**
3.	**Applications for leave of absence**	**1**
4.	**Disclosures of interest by members**	**1**
5.	**Responses to previous public questions taken on notice**	**1**
6.	**Public question time**	**7**
7.	**Petitions**	**7**
8.	**Deputations**	**7**
8.1	**Special deputations**	**7**
8.2	**Presentations**	**7**
9.	**Confirmation of minutes**	**7**
10.	**Elected member communication**	**7**
11.	**Reports and recommendations from committees**	**8**
11.1	**Planning Committee 5 May 2021**	**8**
PC2105-2	MCLAREN STREET, NO. 15 (LOT 25), SOUTH FREMANTLE DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION OF A SINGLE STOREY SINGLE HOUSE WITH AN ANCILLARY DWELLING – (NB DA0508/20)	8
11.2	**Finance, Policy, Operations and Legislation Committee 12 May 2021**	**16**
FPOL2105-7	GRANTS AND SPONSORSHIP POLICY	16
FPOL2105-8	BUDGET AMENDMENTS - APRIL 2021	26
FPOL2105-9	ADOPTION OF THE ANNUAL REPORT AND SETTING THE DATE FOR THE ANNUAL GENERAL MEETING OF ELECTORS	31
FPOL2105-10	ADOPTION OF THE COUNCIL AND COMMITTEE MEETING SCHEDULE FOR THE PERIOD OF JULY 2021 TO JUNE 2022	34
FPOL2105-11	DELEGATED AUTHORITY REGISTER REVIEW 2021	37

11.3 Strategic Planning and Transport Committee 19 May 2021 **42**

SPT2105-1 SOUTH TERRACE, NO. 65 (LOT 12), FREMANTLE – SIX STOREY HOTEL, OFFICE AND SHOP (SDAU REFERRAL) – (NB/JK DA0111/21) 42

SPT2105-2 SCHEME REVIEW: AMENDMENT 84 – NORMALISATION OF COMPLETED STRUCTURE PLAN AREAS - INITIATION 58

SPT2105-3 AMENDMENT 85 TO LPS 4 – CORRECTION OF LOCAL & NEIGHBOURHOOD CENTRE NOMENCLATURE 70

SPT2105-4 REVIEW OF WHITE GUM VALLEY LOCAL PLANNING POLICIES 75

12. Reports and recommendations from officers **84**

C2105-1 KINGS SQUARE – 'WHAT'S IN A NAME?' PROJECT FINDINGS 84

C2105-2 MONTHLY FINANCIAL REPORT - APRIL 2021 91

C2105-3 SCHEDULE OF PAYMENTS APRIL 2021 96

C2105-4 STATEMENT OF INVESTMENTS – APRIL 2021 98

C2105-5 CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION PANEL – RECOMMENDATION OF INDEPENENT PANEL MEMBER 103

13. Motions of which previous notice has been given **106**

14. Urgent business **106**

15. Late items **106**

16. Confidential business **106**

C2105-6 APPOINTMENT OF ACTING CEO 106

17. Closure **106**

CITY OF FREMANTLE

Ordinary Meeting of Council

Agenda

1. Official opening, welcome and acknowledgement

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 Sam Wainwright – Leave of absence

3. Applications for leave of absence

_____ requests a leave of absence from _____to _____ 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 28 April 2021:

Questions received from Andrew Luobikis

Question 1

FPOL2104-12:

It was noted on the council website that the 2020-2021 Rates notice that the Rate in the dollar would increase 10%. From the council site "Ten Percent will see an increase of less than two percent, and 16 percent of ratepayers will see their rates go up by more than two percent."

A) Will this be reflected when advertised to the public?

B) can the city publish the rate increase over the last ten years at current NPV?

C) Why when on average ratepayers saw a 10% reduction in property values and GRB assessment by the Valuer General last year but no respite was given as many suffered during the COVID pandemic, do we see multiple businesses get tens of thousands of dollars for rates Etc. waived, and up to $5000 grants for street parties?

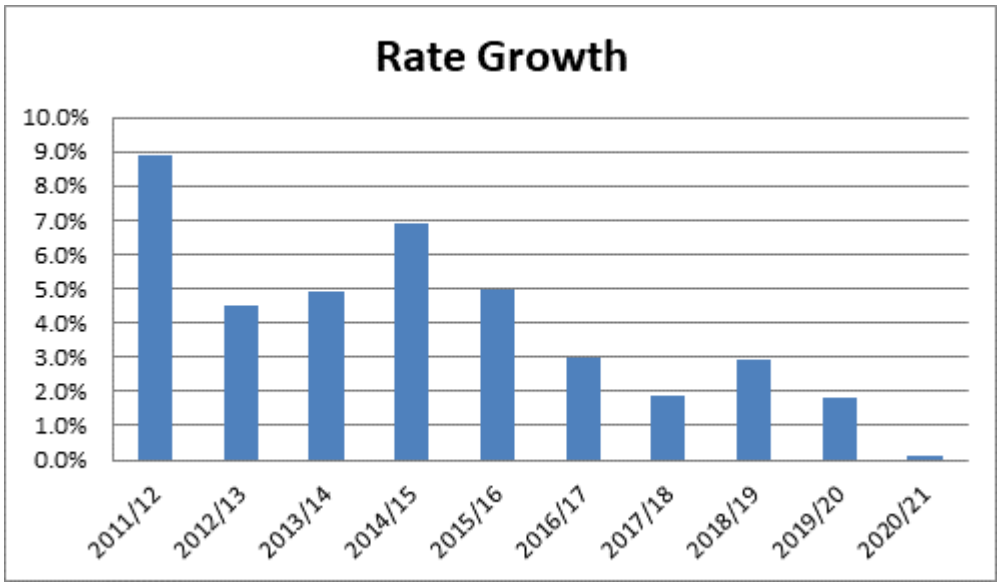
D) In light of COVID hardships, Will all ratepayers be given payment concession options without penalty for quarterly of 6 monthly or discount if paid in full similar to other councils like Rockingham did last year?

Response

Please note this question is regarding this year's rates (2020-2021). In response:

A) Rates 2020-2021 were advertised to the public on 16 May 2020.

B) The City does not have an NPV calculation for past rate increase but does have the below information:



C) The City provides various support for businesses and open opportunities to receive financial support for events. These are provided in accordance with the terms and conditions at the time.

The City provides an option of fortnightly and weekly direct debit payment for rates to allow ratepayers to spread payments over the year to ease their financial burden. The City has also developed a Hardship Policy accessible to all ratepayers to ensure that those in financial stress or position of vulnerability have the

Question 2

Why was my question from last Ordinary meeting dated 24/3/21 regarding FPOL2103-11 not reflected accurately as written on notice and verbally on the night to show this motion and who the motion was from being Councillor Pemberton?

Response

Your Question is provided on page 20 of the Minutes of the ordinary council meeting held on 24 March 2021.

The City's response to the question is provided at page 6 of the Agenda of the ordinary council meeting held on 28 April 2021.

Question 3

FPOL2104-3:

The Fremantle oval master plan mentions "Optional underground parking" Why when Fremantle has lost so much parking and revenue to the City, along with increased density and population/visitors would the City not make this a mandatory requirement?

Response

The estimated cost of providing underground parking below the new club facilities is in excess of $2.7m. This would only deliver approximately 70 bays. This would be a very expensive option per car bay. The City is currently looking at other car parking options, within the Fremantle Oval precinct and at a broader level across the city centre, to investigate better value for money solutions, should an increase in parking bays be determined as necessary. However, the option of building an underground carpark under the new club facilities is not yet ruled out.

Question 4

PC2104-9:

A) Why has a traffic study not been done with respect to this Heart of Beaconsfield Master plan to ensure with increased density and population better transport infrastructure is put in place for vehicle traffic? Wouldn't the previously proposed Roe8/9 and the Fremantle bypass have resolved any future concerns?

B) What other plans does the City have to engage the State/Federal Government on ameliorating this problem for the future considering South Street and other arterial roads are already clogged with traffic?

Response

A) The Heart of Beaconsfield Masterplan is a non-statutory masterplan seeking to guide and assist to coordinate various redevelopment proposals anticipated in the area. It will be a point of reference for landowners and the City as they undertake more detailed planning for development of their sites. Some of the development shown is already provided for in statutory plans. Where new/additional development is proposed, it will require further statutory plans to be produced for approval and traffic impacts will be assessed as part of that process, when further detail and greater certainty of likely density, form and layout can better inform the traffic assessment. From a general perspective, the additional development indicated in the Heart of Beaconsfield is considered unlikely to be beyond the capacity of the local road network. The Roe Highway was planned as part of a cross-metropolitan regional road network, and freight route - it was not intended to service local mainly residential movement and cannot be regarded as a solution for localised congestion and traffic concerns.

B) Improved public transport is already identified as a priority along South Street through the transport plan component of the State's Perth and Peel @ 3.5 Million plan, and the master planning project has supported and recognised this. The City has been working with the South West Group and adjoining Councils to advocate advancement of second tier public transport improvements for some time. The Fremantle-Murdoch (South Street) route was recently listed as a priority project by Infrastructure Australia as a result of some of the work being done by this group.

Questions received from the Fremantle Society

Question 1

During FY2019-20 there were 3 significant asset devaluations. These significant loss adjustments are fundamental in understanding the council's FY2019-20 comprehensive loss of $32,886,286. Why is no commentary provided on these adjustments in the monthly agenda in the month they happen, particularly the $59,528,111 devaluation?

Please provide details of these new valuations:

(1) devaluation of land $59,528,111,

(2) loss on disposal/demolition of property $6,843,638, and

(3) devaluation of investment property $6,391,253.

Response

The change in asset revaluation surplus was a net decrement of $24,403,166 in 2019-20 due to the fair value adjustment for land asset and building asset classes. These revised fair values are as at 30 June 2020 which were finalised and processed at the end of October 2020 as part of end of financial year. The issue regarding notification was raised by an elected member at the March Ordinary Council meeting and follow-up information was provided via supplementary advice. The spreadsheet in the additional information document provides a complete picture of these adjustments.

(1) Details in attached spreadsheet

(2) Details in attached spreadsheet

(3) Details in attached spreadsheet

Question 2

How is the council satisfied there is no fraud (even immaterial) given significant weaknesses identified in the audit report, plus all the Information System weaknesses and poor IS rating identified by the auditor?

Response

The City has provided various audit reports by the Auditor General to the Audit and Risk Committee over the past two years. The Audit Committee has asked for the list of actions from these reports to be included and updated at subsequent meetings so the Committee may keep abreast of the City's progress towards completing these actions.

Question 3

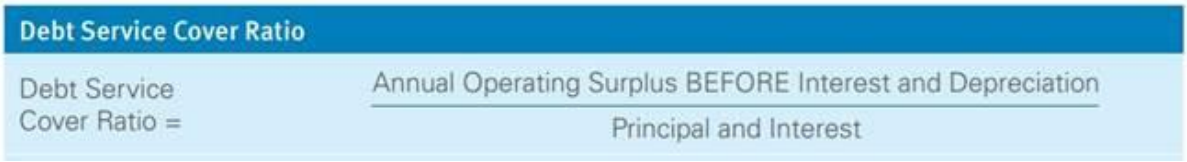
What is the formula calculation (actual figures – starting point plus adjustments) to show how council has imputed new (but contradictory) unaudited ratios that now meet expected standards?

Response

The formula's for the ratios with the calculation based on audited figures and calculation with adjustments are as follows:

1. Debt Service Ratio

Formula



Calculation with audited figures:

Annual operating surplus before interest and depreciation		(5,625,883)			
Net result		(8,483,120)			
- less: non-operating grants, subsidies and contributions	-	(4,389,469)			
- add: interest expense	+	351,141			
- add: depreciation	+	6,895,565	(5,625,883)	=	-2.457
Debt service cost		2,289,858	2,289,858		
- principal repayments on loans	+	1,973,881			
- add: interest repayments on loans	+	315,977			

Calculation with adjustment for one off book entries (loss on sale of assets and fair value of Investment Property):

Annual operating surplus before interest and depreciation		7,609,008			
Net result		(8,483,120)			
- add: one-off loss on sale of assets	+	6,843,638			
- add: one-off fair value Investment Property	+	6,391,253			
- less: non-operating grants, subsidies and contributions	-	(4,389,469)		=	3.323
- add: interest expense	+	351,141			
- add: depreciation	+	6,895,565	7,609,008		
Debt service cost		2,289,858	2,289,858		
- principal repayments on loans	+	1,973,881			
- add: interest repayments on loans	+	315,977			

2. Operating Surplus Ratio

Formula

Operating Surplus Ratio

$$\text{Operating Surplus Ratio} = \frac{\text{(Operating Revenue MINUS Operating Expense)}}{\text{Own Source Operating Revenue}}$$

Calculation with audited figures:

Operating Revenue Minus Operating Expense		(12,872,589)			
Net Result	+	(8,483,120)			
- less: Non-Operating grants, Subsidies and contributions	-	(4,389,469)	(12,872,589)		
Own Source Operating Revenue		67,665,869	67,665,869	=	-0.190
- add: rates	+	46,963,336			
- add: fees and user charges	+	18,479,788			
- add: service charges	+	8,596			
- add: interest income	+	1,297,001			
- add: profit on disposal of assets	+	43,901			
- add: reimbursements and recoveries	+	873,247			

Calculation with adjustment for one off book entries (loss on sale of assets and fair value of Investment Property):

Operating Revenue Minus Operating Expense		362,302			
Net Result	+	(8,483,120)			
- add: one-off loss on sale of assets	+	6,843,638			
- add: one-off fair value Investment Property	+	6,391,253			
- less: Non-Operating grants, Subsidies and contributions	-	(4,389,469)	362,302		
				=	0.005
Own Source Operating Revenue		67,665,869	67,665,869		
- add: rates	+	46,963,336			
- add: fees and user charges	+	18,479,788			
- add: service charges	+	8,596			
- add: interest income	+	1,297,001			
- add: profit on disposal of assets	+	43,901			
- add: reimbursements and recoveries	+	873,247			

Further details on all financial ratios are available on the department of local government's webpage.

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 found on the City of Fremantle's Website, or upon entering the meeting.

7. Petitions

Petitions to be presented to council.

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 2018.

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 2018.

9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 28 April 2021

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 committees

11.1 Planning Committee 5 May 2021

PC2105-2 MCLAREN STREET, NO. 15 (LOT 25), SOUTH FREMANTLE DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION OF A SINGLE STOREY SINGLE HOUSE WITH AN ANCILLARY DWELLING – (NB DA0508/20)

Meeting Date: 5 May 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments:
1. Development Plans

Additional information:
1. City's Heritage Assessment
2. Applicant's Heritage Assessment
3. Applicant's Structural Report
4. Applicant's Mould Report
5. Site photos

SUMMARY

Approval is sought for the demolition of the existing Single house and the construction of a Single house with Ancillary dwelling.

The proposal is referred to the Planning Committee (PC) as the proposal includes the demolition of a dwelling in a heritage area. 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:

- **Demolition of a dwelling in a heritage area**
- **Primary street setback**
- **Boundary walls**

The application is recommended for refusal on the basis of the heritage significance of the existing house and its contribution to the McLaren Street streetscape and the South Fremantle Heritage Area.

PROPOSAL

Detail

Approval is sought for the demolition of an existing Single house, and the construction of a Single house with an Ancillary dwelling at the rear.

The applicant has submitted the following documents in support of the proposed demolition:

- Heritage assessment by Hocking Heritage
- Structural report of the existing house
- Mould report of the existing house.

Development plans are included as attachment 1.

Site/application information

Date received:	20 November 2020
Owner name:	Gabriele Zugaro
Submitted by:	Chross Homes and Developments Pty Ltd
Scheme:	Residential R30
Heritage listing:	South Fremantle Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P

CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal included the demolition of a dwelling in a Heritage Area and discretion was sought under the R-Codes and LPS4. The advertising period concluded on 11 December 2020, and no 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. 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:

- Demolition of a dwelling in a heritage area
- Primary street setback
- Boundary walls

The above matters are discussed below.

Background

The subject site is located on the southern side of McLaren Street between South Terrace and Parmelia Street in South Fremantle. The site has a land area of approximately 625 m² and is currently a Single house. The site is zoned Residential and has a density coding of R30. The site is not individually heritage listed but is located within the South Fremantle Heritage Area, which triggers the need for a heritage assessment.

The existing dwelling, dating back to its construction in 1899, is a single storey masonry and decramastic tile cottage, with a symmetrical façade, central front door flanked on either side by windows. The façade visible from the street is a later brick addition which was added to enclose the original veranda.

Heritage Assessment

Applicant's Justification for Demolition

In response to the City's heritage assessment, the applicant commissioned Hocking Heritage to assess the property. The full report is included as Additional Information 1 however generally finds:

- The cement render is failing in a number of places and exploratory tests show that the place is likely of limestone construction, which could indicate heritage significance. However, the same tests show the underlying limestone to be rubble and dust, and in poor condition. This is supported by the provided structural report (Additional Information 3).
- The original house facade which cannot be seen from the street now presents with a brick veneer which appears to have been stuck to the rendered finish. It is unknown when the facade was rendered but the owner confirms it was rendered at the time his father purchased the place. The brick veneer is of no heritage significance. The render beneath the brick veneer is also of no significance.

- It is unknown what condition the limestone beneath the render is in. Cement render is harmful to both brick and stone substrate and removal may cause damage even under the guidance of an experienced heritage builder. Tests from the inside show rubble only.
- The windows to the front rooms are non-original and of no significance.
- The floor of the front two rooms consists of timber floors and skirting likely circa 1950s.
- The ceilings are non-original and have been replaced at some point.
- Evidence throughout the interior of the house shows bubbling drummy plaster indicating rising damp issues, spongy floorboards indicating issues with the floor structure and failing external render. Exploratory tests undertaken internally have shown a variety of results including sandy mortars behind the render, rubble stone construction which may have been used as wall filler when the windows were altered, random bricks and hard cement renders. The original construction of the property appears to be in variable condition.
- A further report undertaken by Airborne Building Solutions confirmed there were moisture levels of 999 which had progressed up the walls to over 1200mm from floor level. The floor structure was recorded as displaying dry rot.
- Due to the recorded levels of pathogenic fungi (Aspergillus/Penicillium and Cladosporium) the property has been deemed to be a health and safety hazard by Airborne Building Solutions (see Additional Information 4).
- In conclusion, the only potential heritage significance of the property is of the original verandah and the front two rooms. However, the streetscape appearance of the house has been significantly altered over the years such that these elements are obscured or no longer extant, and there is no consistent heritage housing typology along McLaren street.
- The house does not meet the threshold for inclusion on the heritage list and is considered to have little or no heritage significance.

The implication is that the walls are so degraded that removal of the cement render would be impractical as the underlying walls are not structurally sound and would have to be entirely replaced, thus negating the heritage significance of the original materials.

Officer's Assessment

The original 1899 cottage is still located on the site with the original form being clearly evident, although the place has undergone much change over the years. When comparing the aerial photograph with the 1908 Sewerage Diagram the various elements of building, additions and outbuildings can still be identified.

As briefly described above, the dwelling is a single storey masonry (likely limestone) and decramastic tile cottage with a symmetrical façade, central front door flanked on either side by windows. The dwelling has been modified over time including the infill of the original verandah with a new brick facade. The original street elevation remains in situ, behind the new façade, with timber framed casement windows, being replacements of the likely original double hung sash windows. The side walls appear to have been rendered over with masonry render. The roof to the house, although not its original material, retains its original form being a hipped roof over the front two rooms of the house and various skillion roofs to the rear.

To the rear of the cottage there are numerous outbuildings, some of which are likely early or original. There have been many ad hoc additions to the outbuildings over the years with sheds for various activities such as bottling tomatoes and housing chickens. The rear garden retains many elements of the way of life of the self sufficient, hardworking and resourceful European Migrants who arrived on our shores during the post WWII period.

Although the dwelling has been altered over time, demonstrating the influence of the European Migrants of the post WWII era, the original floor plan, original masonry walls, original timber floors and some original outbuildings remain intact. Most notably, the underlying structure and form of the dwelling is intact and clearly visible from the street.

The existing dwelling is considered to be of cultural heritage significance, and its demolition would have a major impact on the aesthetic value of the dwelling and the significance of the South Fremantle Heritage Area due to its current streetscape contribution and value.

In accordance with clause 4.14 of LPS4, demolition can only be supported where a house has little or no heritage significance and does not contribute to the heritage significance of the locality.

In this instance the structure and form of the original cottage is clearly evident and the cottage forms part of a collective existence of modest sized cottages in McLaren Street and South Fremantle. The existing cottage is therefore considered to make a positive contribution to the significance of the Heritage Area and its demolition is not supported.

It is therefore recommended that any future redevelopment of the subject site should include the retention and conservation of the front section of the dwelling including at a minimum, the front two rooms and central corridor under the main hipped roof with any addition to be constructed to the rear of this section of the cottage where more flexibility could be applied in order to meet the owners needs and current living requirements.

Proposed Dwelling

Notwithstanding the Officer's recommendation regarding the proposed demolition above, Officers have also carried out an assessment of the proposed new Single house and Ancillary dwelling. The proposed replacement dwelling including the Ancillary dwelling complies with the deemed-to-comply requirements of LPS4, the R-Codes and Council Policy, including the site area and floor area of the Ancillary dwelling, with the exception of the following:

Primary Street Setback

Element	Requirement	Proposed	Extent of Variation
Street setback	7 m	5 m	2 m

Prevailing streetscape

Address	Requirement	Setback	Extent of Variation
7-9 McLaren St	7 m	4 m	3 m
11 McLaren St		4 m	3 m
13 McLaren St		7.8 m	Complies
Subject Site		*5 m*	*2 m*
17 McLaren St		6 m	1 m
19 McLaren St		10.7 m	Complies
21 McLaren St		3 m / 5 m*	4 m / 2 m

*3 m to the gable window, 5 m to the remainder of the house.

The primary street setback is considered to meet the Design principles of policy LPP 2.9: Residential Streetscape in the following ways:

- The existing streetscape varies in regard to setbacks (see Figure 1 below). Note that as per LPP 2.9, the street setback is measured to the main wall of the house and does not include a verandah, porch, etc.

Figure 1: McLaren Street Streetscape. Blue line is approximate 5m proposed setback.

- The proposal is generally in line with or behind three of the six houses within the streetscape and can therefore be considered to be consistent with the prevailing streetscape as per clause 1.2(i) of the policy.

Boundary Walls

Element	Requirement	Proposed	Extent of Variation
West (garage)	1 m	Nil	1 m
West (main house)	1.5	Nil	1.5 m

The boundary walls are considered to meet the Design principles of the R-Codes in the following ways:

- The existing main house is located on the boundary, and the new house will have a boundary wall length less than that which currently exists, therefore improving the light and ventilation to the adjoining property.
- The boundary wall is single storey and abuts a path on the adjoining site providing access to the rear of the adjoining house.
- The garage boundary wall abuts a vegetated area. The adjoining house has a large outdoor living area further to the south and east that will be minimally impact from the proposed boundary wall.
- There is an existing boundary wall to the rear of the site composed of a jumble of various outbuildings. The new garage boundary wall will replace these buildings and have a smaller footprint than the existing conglomeration of boundary walls.

CONCLUSION

Officers acknowledge the potential problems with the current condition of the existing dwelling, however, on balance, conclude that there is sufficient intact original fabric remaining and the overall structure and form positively contributes to the cultural heritage significance of the South Fremantle Heritage Area. As such, the proposal is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE RECOMMENDATION ITEM PC2105-2
(Officer's recommendation)

Moved: Cr Geoff Graham **Seconded: Cr Rachel Pemberton**

Planning committee acting under delegation 1.1:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of the existing house and construction of new single storey Single house and Ancillary dwelling at No. 15 (Lot 25) McLaren Street, South Fremantle, as detailed on plans dated 19 November 2020, for the following reasons:

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

Carried: 5/1

For
Cr Geoff Graham, Cr Andrew Sullivan, Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin

Against
Cr Marija Vujcic

Cr Geoff Graham requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Marija Vujcic.

11.2 Finance, Policy, Operations and Legislation Committee 12 May 2021

FPOL2105-7 GRANTS AND SPONSORSHIP POLICY

Meeting date: 12 May 2021
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: 1. Grants and Sponsorship Policy
Additional information: 1. Nil

SUMMARY

The purpose of this report is to present the Grants and Sponsorship Policy to Council for endorsement.

The policy is a consolidated approach to the management of financial assistance requests across the City. Currently one-off grant, sponsorship and in-kind funding requests are administered organisation wide through various funding programs, managed by multiple business units.

This report recommends that Council adopt the Grants and Sponsorship Policy, as provided in Attachment 1 and repeal the following policies:

a) Community Development Funding Policy SG22,
b) Event Sponsorship Policy SG59,
c) Donations Policy SG54, and
d) Sister Cities Funding Policy OP44.

.

BACKGROUND

At the Ordinary Council Meeting, 9 December 2020, Council resolved:

1. That a draft policy be prepared for further consideration by Council based on the following guiding principles:
    a. Transparency- implementation of clear and effective processes which reflect good governance principles and demonstrate accountability for the expenditure of public funds.
    b. Strategic alignment- ensuring contribution towards the achievement of the City's Strategic Community Plan.
    c. Collaboration- developing mutually beneficial partnerships and relationships to ensure long term benefits for the City.
    d. Equity- ensuring fairness in the distribution of resources in a manner which is socially inclusive and accessible.
    e. Sustainability- promoting self-sufficiency and intergenerational equity through capacity building to meet the City's long-term aspirations and future needs.

2. That the Policy include a number of distinct funding streams, namely:
   a. Arts (two rounds a year)
   b. Community (two rounds a year)
   c. Economic Development (open all year)
   d. Occasional and one-off donations
   e. Events Support (open all year)
   f. Venue Support (open all year)
3. That each funding stream includes clear criteria for assessment of applications and has a separate line item in the annual budget. (to enable transparent budget allocation).
4. The policy includes a process to deal with requests that fall outside of the policy, or for which there is insufficient budget allocation.
5. The policy includes a process for when and how recognition of any support is made by beneficiaries.
6. The policy includes a process for transparency recording the decisions made under the policy.
7. That the report on the draft policy, for further consideration by Council, referred to in Part 1 above include;
   a) Acknowledgement that support for community and economic development may be in the form of discount or waivers for rent, rates and/or hire costs for community organisations and social enterprises.
   b) Consideration of the criteria for setting, granting, recording and acknowledging such contributions, whether set out in this draft Policy or another relevant policy of the City.

The City provides varying levels of financial, non-financial, and value in-kind support to partner with the community, organisations and business in building capacity for the social, economic and cultural life of the City. Council recognises the importance in supportive partnerships to assist in the achievement of the objectives and outcomes of the Strategic Community Plan 2015-2025.

The Grants and Sponsorship Policy has been drafted as per the endorsed guiding principles and seeks to deliver a responsible and strategic distribution of one-off: grants, sponsorship and value in-kind support. Providing an overarching framework for the management of funding provision (monetary, value in-kind and reduction in fees and charges) this policy will ensure the responsible and strategic distribution of City resources through a considered and transparent decision-making process

The policy includes the following funding programs:

Sponsorships				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Strategic Alignment**
1. Economic Development	Supporting initiatives, programs, and activations that deliver an economic and visitation benefit to Fremantle.	Ongoing	• Monetary • Value in-kind • Reduction fees and charges	• City of Fremantle Strategic Community Plan 2015-2025 • Economic Development Strategy • Destination Marketing Strategic Plan • All relevant Policies
2. Community Events	Sponsorship program supports activities, initiatives and events that deliver a community benefit to Fremantle.	Ongoing	• Monetary • Value in-kind • Reduction fees and charges	• City of Fremantle Strategic Community Plan 2015-2025 • All relevant Policies
Grants				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Specific Eligibility Criteria**
3. Community	Support for programs and activities that address a specific need or provide a benefit to the Fremantle community.	Two rounds per year	• Monetary • Value in-kind	• Organisations with incorporation status • Applicants with an eligible auspice • Not for profit organisations
4. Arts	Strengthen the vibrant Fremantle arts sector through activation and support	Two rounds per year	• Monetary • Value in-kind	• Organisations with incorporation status • Individuals with an ABN • Applicants with an eligible auspice
5. Venue Support	Provide assistance to eligible groups via the discount of Fremantle venue and reserve hire fees.	Ongoing	• Value in-kind	• Not for profit organisations • Community groups • Educational bodies • Charitable event organisers
6. Neighbourhood Quick Response	Support for projects to further strengthen Fremantle	Ongoing	• Monetary • Value in-kind	• Unincorporated ‘grass-roots’ community groups, City Precinct Groups

	neighbourhoods and build community resilience.			• Individuals with evidence of neighbourhood support for the project
Individual Assistance				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Specific Eligibility Criteria**
7. Sporting Assistance	Supporting the local sporting clubs and individuals	Ongoing	• Monetary	• City of Fremantle resident • Club located in City boundaries • Incorporated and unincorporated sporting clubs
8. International relationships - Student Exchange Program	Offer local young people assistance toward expenses related to their participation in an official student exchange program.	Ongoing	• Monetary	• Full time student • Aged between 16 and 21 • City of Fremantle resident
9. Positive Ageing Assistance Fund	Assistance for older residents to maintain their independence and to remain in their home for longer.	Ongoing	• Monetary	• City of Fremantle resident • Aged 60 and over • Pensioner or health care concession card
Donations and Rebates				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Specific Eligibility Criteria**
10. Donations	Assist local groups and individuals in Fremantle. May also be used to provide disaster relief donations.	Ongoing	• Monetary	• Not for profit organisations • Community groups • Educational bodies • Charitable event organisers • Declared disaster events
11. Waste Minimisation	Rebate for residents to purchase minor infrastructure (i.e. worm farm) and cloth nappies, reducing waste sent to landfill	Ongoing	• Monetary	• City of Fremantle resident • 1 rebate per household

FINANCIAL IMPLICATIONS

Funding assistance (grants, sponsorships, donations, rebates, fees and charges) operational costs are set through the annual Council budgetary process, or as varied by Council resolution.

Requests for funding that fall outside of this policy or where there is insufficient budget allocation are to be submitted to Council for assessment and approval.

Council are to be notified of all funding decisions pertaining to the policy through half yearly reports submitted to the Audit and Risk Management Committee.

LEGAL IMPLICATIONS

The policy is a consolidation of the existing Community Development Funding Policy SG22 adopted June 2009, Event Sponsorship Policy SG59 adopted August 2014, the Donations Policy SG54, adopted November 2012, Sister Cities Funding Policy OP44 adopted 24 November 2010.

CONSULTATION

The intent of the policy has been developed collaboratively with officers representing Community Development, Arts and Culture, Events, Economic Development, Waste and Governance business units.

The policy will contribute to the realisation of the City of Fremantle Strategic Community Plan 2015-25, Economic Development Strategy, Destination Marketing Strategic Plan, and associated relevant policies.

OFFICER COMMENT

The new policy outlines the City's key funding programs and presents clear financial and governance accountability whilst enabling the organisation to remain responsive to meeting the changing needs of the community and business sector.

A. Individual funding programs will have specific criteria with applications assessed and approved subject to relevant administration processes. Approvals will be made in accordance with the City's Delegated Authority Register.

B. Funding programs have separate budget line items for the annual budgetary consideration processes.

C. The Policy includes a process to deal with requests that fall outside of the policy, or for which there is insufficient budget allocation.

D. The Policy clearly outlines the expectations of Council acknowledgement from beneficiaries.

E. To support the transparency of decisions made under this Policy the City will make all funding outcomes, including direct sponsorship publicly accessible through the website.

F. The City will implement a grants administration software to coordinate and streamline the management of City funding application requests and subsequent assessment considerations. Adhering to the endorsed guiding principles it will allow for:
   - Defined financial and governance accountability processes
   - Effective and transparent administration of funding
   - Increase collaboration and informed decision making between business units.

The City recognises the vital contribution of community and business in developing and delivering projects that contribute to a vibrant and sustainable City. The Grants and Sponsorship Policy sets a framework consistent with relevant City strategies governing the City's cultural, community, economic and social objectives.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2105-7
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Doug Thompson**

1. Council adopt the Grants and Sponsorship Policy, provided in Attachment 1.

2. Council repeal the following policies:
   a) Community Development Funding Policy (SG22),
   b) Event Sponsorship Policy (SG59),
   c) Donations Policy (SG54), and
   d) Sister Cities Funding Policy (OP44).

Carried: 6/0
Cr Marija Vujcic, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

ADDITIONAL OFFICER COMMENT

Some confusion relating to the "Sporting Assistance funding program", being listed under the "Individual Assistance" section but also applying to clubs was raised at the 12 May, Finance, Policy, Operations and Legislation Committee.

In response it is now being recommended that those sections are separated for clarity.

AMENDED OFFICER RECOMMENDATION

Council:

1. Council adopt the Grants and Sponsorship Policy, provided in Attachment 1.

2. Council repeal the following policies:

a) Community Development Funding Policy (SG22),

b) Event Sponsorship Policy (SG59),

c) Donations Policy (SG54), and

d) Sister Cities Funding Policy (OP44).

3. Adopt an additional amendment to clarify separate requirements relating to Sporting Club Assistance (clubs) and Sporting Assistance (individuals) as shown in the below table, red text (for removal) and green text (for inclusion).

Sponsorships				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Strategic Alignment**
1. Economic Development	Supporting initiatives, programs, and activations that deliver and economic and visitation benefit to Fremantle.	Ongoing	• Monetary • Value in-kind • Reduction fees and charges	• City of Fremantle Strategic Community Plan 2015-2025 • Economic Development Strategy • Destination Marketing Strategic Plan • Relevant Policies
2. Community Events	Sponsorship program supports activities, initiatives and events that deliver a community benefit to Fremantle.	Ongoing	• Monetary • Value in-kind • Reduction fees and charges	• City of Fremantle Strategic Community Plan 2015-2025 • Relevant Policies
Grants				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Specific Eligibility Criteria**
3. Community	Support for programs and activities that address a specific need or provide a benefit to the Fremantle community.	Two rounds per year	• Monetary • Value in-kind	• Organisations with incorporation status • Applicants with an eligible auspice • Not for profit organisations
4. Arts	Strengthen the vibrant Fremantle arts sector through activation and support	Two rounds per year	• Monetary • Value in-kind	• Organisations with incorporation status • Individuals with an ABN • Applicants with an eligible auspice
5. Venue Support	Provide assistance to eligible groups via the discount of Fremantle venue and reserve hire fees.	Ongoing	• Value in-kind	• Not for profit organisations • Community groups • Educational bodies • Charitable event organisers

6. Neighbourhood Quick Response	Support for projects to further strengthen Fremantle neighbourhoods and build community resilience.	Ongoing	• Monetary • Value in-kind	• Unincorporated 'grass-roots' community groups, City Precinct Groups • Individuals with evidence of neighbourhood support for the project
7. Sporting Club Assistance	**Support for local sporting clubs.**	**Ongoing**	• **Monetary**	• **Club located in City boundaries** • **Incorporated and unincorporated sporting clubs**

Individual Assistance

Program	Description	Open for Applications	Levels of Support	Specific Eligibility Criteria
~~**7.**~~ **8. Sporting Assistance**	Supporting ~~the local sporting clubs and individuals~~ access for young people to participate in community sport programs and assistance for young people to compete or officiate in their chosen sport at a state, national or international level.	Ongoing	• Monetary	• City of Fremantle resident • Aged 21 and under
9. International relationships - Student Exchange Program	Offer local young people assistance toward expenses related to their participation in an official student exchange program.	Ongoing	• Monetary	• Full time student • Aged between 16 and 21 • City of Fremantle resident
10. Positive Ageing Assistance Fund	Assistance for older residents to maintain their independence and to remain in their home for longer.	Ongoing	• Monetary	• City of Fremantle resident • Aged 60 and over • Pensioner or health care concession card

Donations and Rebates				
Program	**Description**	**Open for Applications**	**Levels of Support**	**Specific Eligibility Criteria**
11. Donations	Assist local groups and individuals in Fremantle. May also be used to provide disaster relief donations.	Ongoing	• Monetary	• Not for profit organisations • Community groups • Educational bodies • Charitable event organisers • Declared disaster events
12. Waste Minimisation	Rebate for residents to purchase minor infrastructure (i.e. worm farm) and cloth nappies, reducing waste sent to landfill	Ongoing	• Monetary	• City of Fremantle resident • 1 rebate per household

FPOL2105-8 BUDGET AMENDMENTS - APRIL 2021

Meeting date: 12 May 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2020/2021 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2020/21 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2020/2021 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

***Local Government Act 1995*:**

Section 6.2 (1)
The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31st August each year.

Section 6.8 (1) and (2)
The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure —
(a) is incurred in a financial year before the adoption of the annual budget by the local government;
(b) is authorised in advance by resolution by Absolute Majority; or
(c) is authorised in advance by the July or president in an emergency.

Where expenditure has been incurred;
(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

***Local Government (Financial Management) Regulations 1996*:**

Regulation 33A
A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1st January and 31st March each year.

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2020/2021 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	Grant funded budget of $50,000 for project to purchase and install: • Small storage shed to be located between current change rooms and Surf Lifesaving Club; • 20 metres of Beach Matting (To be installed for the summer period October - March), Beach Wheelchair, Beach Walker, 2 sets of Gecko Traxx (Wheelchair attachments to enable all beach access) and Sensory Tent for events; • To complement existing new accessible toilet facilities, local Café, concrete paths ACROD Parking bays This project is fully funded by the grants from the Department of Social Services Community therefore nil budget impact. However, as it's a new asset the annual maintenance cost estimate is $4,000pa thereafter.					
Grant	300xxx.4227	Design and construct – Leighton Beach - Access	0	50,000		50,000
Exp	300xxx.1606		0		(50,000)	(50,000)
1.2	Budget for 2 new road projects from roads to recovery grant and municipal funds: • Budget of $31,000 requested for Project Resurface R2R - Coode St ($5,000 muni) • Budget of $27,582 requested for Project Resurface R2R - Pamment St ($5,271 muni) These two renewal projects have been approved by Department of Infrastructure as part of Road to Recovery projects. The budget for these two projects is being funded by reallocation of muni contribution, road to recovery grants and savings from Ferres St project, Jones St project and repurpose of Stevens St project. Stevens St project is repurposed as contractor is unavailable due to COVID travel restrictions.					
Exp	300178.1606	P-11951 - Resurface R2R - Ferres Street	(70,000)		25,193	(44,807)
Grant	300178.4219		66,871	(22,064)		44,807
Exp	300179.1606	P-11922 - Resurface R2R - Jones Street	(50,000)		8,756	(41,244)
Grant	300179.4219		47,976	(6,732)		41,244
Exp	300180.1606	P-11906 - Resurface R2R - Stevens Street	(75,000)		40,000	(35,000)
Grant	300180.4219		69,882	(34,882)		35,000
Exp	300xxx.1606	Pxxxxx - Resurface R2R - Coode St	0		(31,000)	(31,000)
Grant	300xxx.4219		0	26,000		26,000
Exp	300xxx.1606	Pxxxxx - Resurface R2R - Pamment St	0		(27,582)	(27,582)
Grant	300xxx.4219		0	22,311		22,311

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

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

a) The proposed expenditure is a maximum of 5% or $50,000 (whichever is the lesser) above the budgeted amount, and
b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
Nil						

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
Nil						

End of financial year adjustments for 30 June 2020 are still ongoing therefore further budget amendments for carried forward projects will be presented to Council next month. Once completed the final overall effect on the end of year surplus, unspent grant funds and reserve funds movements for carried forward projects will be reported to Council through the budget amendment report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2105-8
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Doug Thompson**

Council approve the required budget amendments to the adopted budget for 2020/2021 as outlined below:

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	Grant funded budget of $50,000 for project to purchase and install: • Small storage shed to be located between current change rooms and Surf Lifesaving Club; • 20 metres of Beach Matting (To be installed for the summer period October - March), Beach Wheelchair, Beach Walker, 2 sets of Gecko Traxx (Wheelchair attachments to enable all beach access) and Sensory Tent for events; • To complement existing new accessible toilet facilities, local Café, concrete paths ACROD Parking bays This project is fully funded by the grants from the Department of Social Services Community therefore nil budget impact. However, as it is a new asset the annual maintenance cost estimate is $4,000pa thereafter.					
Grant	300xxx.4227	Design and construct – Leighton Beach - Access	0	50,000		50,000
Exp	300xxx.1606		0		(50,000)	(50,000)
1.2	Budget for 2 new road projects from roads to recovery grant and municipal funds: • Budget of $31,000 requested for Project Resurface R2R - Coode St ($5,000 muni) • Budget of $27,582 requested for Project Resurface R2R - Pamment St ($5,271 muni) These two renewal projects have been approved by Department of Infrastructure as part of Road to Recovery projects. The budget for these two projects is being funded by reallocation of muni contribution, road to recovery grants and savings from Ferres St project, Jones St project and repurpose of Stevens St project. Stevens St project is repurposed as contractor is unavailable due to COVID travel restrictions.					
Exp	300178.1606	P-11951 - Resurface R2R - Ferres Street	(70,000)		25,193	(44,807)
Grant	300178.4219		66,871	(22,064)		44,807
Exp	300179.1606	P-11922 - Resurface R2R - Jones Street	(50,000)		8,756	(41,244)
Grant	300179.4219		47,976	(6,732)		41,244
Exp	300180.1606	P-11906 - Resurface R2R - Stevens Street	(75,000)		40,000	(35,000)
Grant	300180.4219		69,882	(34,882)		35,000
Exp	300xxx.1606	Pxxxxx - Resurface R2R - Coode St	0		(31,000)	(31,000)
Grant	300xxx.4219		0	26,000		26,000
Exp	300xxx.1606	Pxxxxx - Resurface R2R - Pamment St	0		(27,582)	(27,582)
Grant	300xxx.4219		0	22,311		22,311

Carried en-bloc: 6/0
Cr Marija Vujcic, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

FPOL2105-9 ADOPTION OF THE ANNUAL REPORT AND SETTING THE DATE FOR THE ANNUAL GENERAL MEETING OF ELECTORS

Meeting Date: 12 May 2021
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: 1. 2019-20 Annual Report
Additional information: Nil

SUMMARY

Each year the City is required to hold a General Meeting of Electors to consider matters arising with respect to the previous financial year. In order to set a date for the 2020 General Meeting of Electors, Council is required to have both received the audit report for the prior period as well as having accepted the Annual Report.

A copy of the draft Annual Report for the year ended 30 June 2019 is attached for consideration by Council.

In addition to acceptance of the Annual Report, approval of Council is sought to set the date of the Annual General Meeting of Electors 2020.

This report recommends that Council accept the City of Fremantle 2019-20 Annual Report as attached to this report, advertise the availability of the Annual Report and set the date for the Annual General Meeting of Electors 2020.

BACKGROUND

The Annual Report, as attached to this report, is in final draft format, with minor changes to be made to correct any typographical errors.

If Council approves the adoption of the Annual Report and the setting of the date of the General Meeting of Electors 2020, statutory advertising notifying the availability of the annual report and meeting date will be placed in the local newspaper. Online copies of the annual report will be made available on the City's website with a small number of printed copies available at the Civic Centre and Library and on request.

The annual report contains an abridged version of the financial report however the full version of the financial report will also be made available on the City's website as a separate document.

FINANCIAL IMPLICATIONS

The financial implications of this report are primarily the costs associated with external printing of the Annual Report as required.

LEGAL IMPLICATIONS

Section 5.27 of the *Local Government Act 1995* states that the City must hold a general meeting of electors once for each financial year, within 56 days of the acceptance of the Annual Financial Report and that the matters to be discussed are as prescribed.

Section 5.53 of the Local Government Act states that the City is to prepare an annual report for each financial year, containing the following:

- a report from the mayor or president; and
- a report from the CEO; and
- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year; and
- such information as may be prescribed in relation to the payments made to employees; and
- the auditor's report for the financial year; and
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
    - the number of complaints recorded in the register of complaints; and
    - how the recorded complaints were dealt with; and
    - any other details that the regulations may require; and
    - such other information as may be prescribed.

CONSULTATION

The holding of an Annual General Meeting of Electors contributes towards the aims of the City by providing the opportunity to:

- Undertake community consultation;
- Measure the City's performance.

OFFICER COMMENT

Council has a guiding policy regarding the holding of annual general meetings of electors and special meetings of electors which outlines council's preference for holding the City of Fremantle's Annual General Meeting of Electors in a way that better meets the needs of its community.

This report recommends the acceptance of a date for the Annual General Meeting of Electors in consideration of both the legislation and Council's Policy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority required.

COMMITTEE RECOMMENDATION ITEM FPOL2105-9
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Doug Thompson**

Council:

1. **Adopt the City of Fremantle 2019 - 2020 Annual Report, provided in Attachment 1.**

2. **Advertise the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.**

3. **Set the date for the Annual General Meeting of Electors 2020 as Monday 21 June 2021, in accordance with Section 5.27 of the *Local Government Act 1995*.**

Carried en-bloc: 6/0
Cr Marija Vujcic, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

FPOL2105-10 ADOPTION OF THE COUNCIL AND COMMITTEE MEETING SCHEDULE FOR THE PERIOD OF JULY 2021 TO JUNE 2022

Meeting date: 12 May 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. City of Fremantle Schedule of Council and Committee Meetings 2021-2022
Additional information: Nil

SUMMARY

In accordance with the *Local Government Act 1995*, at least once per year, Council is required to resolve the days, times and place of the Ordinary Council and Committee meetings to be held in the next 12 months.

This report recommends that Council adopt the City of Fremantle Schedule of Council and Committee Meetings for the period of 1 July 2021 to 30 June 2022.

BACKGROUND

Council meetings provide the community and stakeholders with the opportunity to attend a formal meeting of Council or Committee.

The City of Fremantle traditionally holds Ordinary Council meetings on the fourth Wednesday of each month, and Committee meetings on the first three Wednesdays of the month.

In past years, Council has agreed to hold fewer meetings in December and January, as Council recognises that many members of the community are enjoying holidays during this period and may miss their opportunity to comment on a council item at this time.

Should the Council or Committee meeting dates change during the year, an update will be published on the City's website.

Agendas and Minutes for all meetings and details relating to attendance and speaking at meetings will be made available on the City's website.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

The Chief Executive Officer must publish Council and Committee meeting details on the City's website, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

CONSULTATION

No consultation is required.

OFFICER COMMENT

In November 2020, the schedule of council and committee meetings during the remainder of the period to June 2021 was amended to hold; the Strategic Planning and Transport Committee and the Audit and Risk Management Committee on an alternate monthly schedule as follows:

February	Audit and Risk Management Committee
March	Strategic Planning and Transport Committee
April	Audit and Risk Management Committee
May	Strategic Planning and Transport Committee
June	Audit and Risk Management Committee

This report recommends Council continue the current cycle of Committee and Ordinary Council meetings with the inclusion of the CEO Performance Review Committee, as shown in the table below, from July 2021.

The following Council and committee meetings are held on Wednesdays, on a ***monthly*** meeting cycle. These meetings start at 6.00pm:

Week 1	Planning Committee
Week 2	Finance, Policy, Operations and Legislation Committee
Week 4	Ordinary Meeting of Council

The following Committee meetings are held on the third Wednesday, on an ***alternate monthly*** meeting cycle. These meetings start at 6:00pm:

Week 3	Strategic Planning and Transport Committee Audit and Risk Management Committee

The following Committee meeting is held on the first Monday, on a ***bimonthly*** (every other month) meeting cycle. This meeting starts at 4:00pm:

Week 1	CEO Performance Review Committee

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2105-10
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Doug Thompson**

Council adopt the City of Fremantle Schedule of Council and Committee Meetings, to be held during the period of July 2021 to June 2022, shown in attachment 1.

Carried en-bloc: 6/0
Cr Marija Vujcic, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

ADDITIONAL OFFICER COMMENT

Advice has been received that key personnel, needed to be in attendance at the CEO Performance Review Committee Meetings, is not available to attend meetings as currently outlined in the schedule for adoption.

It is therefore recommended that the schedule for CEO Performance Review Committee meetings be amended to enable these meetings to be held on the first Wednesday of every other month prior to the Planning Committee Meeting.

AMENDED OFFICER RECOMMENDATION

Council adopt the City of Fremantle Schedule of Council and Committee Meetings, to be held during the period of July 2021 to June 2022, shown in attachment 1; and

a. include the amendments shown in the below table in red text (removal) and green text (addition):

CEO Performance Review Committee	**~~2 August~~** **4 August**	**4:00 pm**
CEO Performance Review Committee	**~~4 October~~** **6 October**	**4:00 pm**
CEO Performance Review Committee	**1 December**	**4:00 pm**
CEO Performance Review Committee	**~~7 February~~** **2 February**	**4:00 pm**
CEO Performance Review Committee	**~~4 April~~** **6 April**	**4:00 pm**
CEO Performance Review Committee	**~~6 June~~** **1 June**	**4:00 pm**

FPOL2105-11 DELEGATED AUTHORITY REGISTER REVIEW 2021

Meeting date: 12 May 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments:
1. Delegated Authority Register (Council Delegations) 2021/2022

Additional information:
1. Delegated Authority Register 2020/2021

SUMMARY

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

This report recommends that Council acknowledge that a review has been undertaken, and revoke all current delegated authority and adopt the reviewed delegations contained in the Delegated Authority Register 2021/2022, as attached.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the authority it has delegated at least once every financial year. The City's current Delegated Authority Register was last reviewed and adopted by Council on 24 June 2020.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

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

In some instances, Acts and Regulations require that Council make a direct appointment to a person or class of persons. These acts do not contain a provision to allow the CEO to make a sub delegation. For example, the *Food Act 2008* allows an Enforcement Agency (Local Government) to delegate authority but does not allow the CEO to sub-delegate that authority.

In addition, where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government. For example, The *Environmental Protection Act 1986* allows for the appointment and the granting of delegated authority directly to local government Environmental Health Officers by the Department of Environment Regulation.

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

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

CONSULTATION

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

OFFICER COMMENT

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

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

The table below details the recommended changes to the council delegations contained in the Delegated Authority Register 2021/2022.

Delegated authority register 2020/2021	Delegated authority register 2021/2022	Comment /Changes made
2.6 Determine grants and sponsorship allocations	2.6 Determine grants and sponsorship allocations	Reporting requirement has been added: “Must be reported to the Audit and Risk Management Committee.” (To ensure regular reporting through Council)
2.13 Appointment of Acting Chief Executive Officer	- - -	This delegation has been deleted as there is an existing council policy that outlines the limitations adopted by Council. (Delegation is considered unnecessary)
2.14 Appoint authorised persons	- - -	This delegation has been deleted as the amendment to section 9.10 of *Local Government Act 1995* provides for the CEO of a local government to authorise persons under the Act.

Delegated authority register 2020/2021	Delegated authority register 2021/2022	Comment /Changes made
All delegations following those recommended for deletion in Part 2: Delegations to the Chief Executive Officer	- - -	Renumbering remaining Part 2 delegations – to accommodate delegations that are recommended for deletion
3.16 *Caravan Parks and Camping Grounds Act 1995* Appoint authorised officers	- - -	This delegation has been deleted as the amendment to section 9.10 of *Local Government Act 1995* provides for the CEO of a local government to authorise persons under the Act.
3.18 *Public Health Act 2016* Appoint authorised persons	3.17 *Public Health Act 2016* Functions of an Enforcement Agency	• Delegation has been amended: "Council delegates to the Chief Executive Officer authority to **exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the *Public Health Act 2016*.**" This will ensure the City has adequate powers and capacity to implement, monitor and enforce its powers and duties of the Act, and provides for more timely administration of the Act. • Renumbering – as delegation 3.16 is recommended for deletion, delegations following have been renumbered accordingly.
All delegations following delegations recommended for deletion in Part 3: Delegations from other Legislation	- - -	Renumbering remaining Part 3 delegations – to accommodate delegations that are recommended for deletion.
3.24 *Control of Vehicles (Off Road areas) Act 1978* Appoint authorised officers	- - -	This delegation has been deleted as the amendment to section 9.10 of *Local Government Act 1995* provides for the CEO of a local government to authorise persons under the Act.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2105-11
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Doug Thompson**

Council:

1. **Revoke the Delegated Authority Register 2019/2020 and all council delegations contained within; and**

2. **Adopt the Delegated Authority Register 2020/2021 provided in Attachment 1 and all council delegations contained within.**

Carried: 6/0
Cr Marija Vujcic, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

Proposed amendment submitted by Cr Doug Thompson

Amend the officer's recommendation as follows:

Council:

1. **Revoke the Delegated Authority Register 2019/2020 and all council delegations contained within; and**

2. **Adopt the Delegated Authority Register 2020/2021 provided in Attachment 1 and all council delegations contained within;**

3. **Request that the following clause (currently contained in the City's Meeting Procedures Policy) be removed**

"9.16 Delegated decisions of committee

1. ***A committee member, with the support of at least one other committee member, may cause a decision of committee, made under delegated authority, to be referred to Council for final decision."***

And replaced with:

"9.16 Delegated decisions of committee

1. ***A committee member may, prior to committee exercising its delegation, move a procedural motion to cause the matter to be referred to Council for final decision."***

Reason for amendment

The current method of Committees making decision under delegated authority and then two members deciding to send the matter to Council under clause 9.16 is fundamentally flawed. The principle on which we operate is that the majority vote is the decision. This clause undermines that principle with potential for a legally made Council decision to be changed, even if this is not the intent.
Committees making decisions under delegation are acting as Council. Two EM's cannot refer a decision of Council, (after that decision has been made) to any future meeting of Council or a committee but that is what is happening currently under Clause 9.16.
The way to resolve this is to require any decision on sending a decision that committee has the power to make to mirror what we do at Council. The only difference to a Council deferral is that a committee deferral to Council needs to be taken before committee has voted on the substantive recommendation. In other words, the committee indicates its decision to not exercise its delegation in regard to a particular item and refers it to Council for decision.

11.3 Strategic Planning and Transport Committee 19 May 2021

SPT2105-1 SOUTH TERRACE, NO. 65 (LOT 12), FREMANTLE – SIX STOREY HOTEL, OFFICE AND SHOP (SDAU REFERRAL) – (NB/JK DA0111/21)

Meeting Date: 19 May 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Extract of Applicants Submission

SUMMARY

In accordance with Part 17 of the *Planning and Development Act 2005*, the Western Australian Planning Commission has referred an application for a six storey Hotel with Offices and Shops at 65 South Terrace, Fremantle, to the City of Fremantle for comment. The application has been lodged with the Commission under the *Planning and Development Amendment Act 2020* as part of the State government response to COVID-19.

The proposal has been considered in accordance with 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 a recommendation.

It is recommended that the Strategic Planning and Transport Committee advise the WAPC that the proposed development is generally supported subject to further analysis of the potential impacts on the amenity of the locality and other specific design modifications.

PROPOSAL

Detail

Approval is sought for a six storey, plus basement, building comprising Hotel and Office uses at 65 South Terrace, Fremantle on the corner of Suffolk Street. The proposed specifically includes:

- 100 hotel bedrooms over levels 1 to 5
- 82sqm conference rooms and Gym (for hotel guest use) at ground level
- 27sqm commercial unit at ground level fronting South Terrace
- 210sqm (approximate) of office space on level 6 with an accessible external terrace area
- 82 sqm bar / café on ground level facing the northern corner
- 43 parking bays at basement and ground level
- 14 bicycle bays at basement level

Vehicle access is provided via a single width crossover on Suffolk Street (to basement parking) and a secondary single width crossover on South Terrace (ground level parking). Pedestrian entrance to the Hotel and Office lobby is via South Terrace, however direct access to the bar/café and conference rooms is provided at the northern corner and via Suffolk Street respectively.

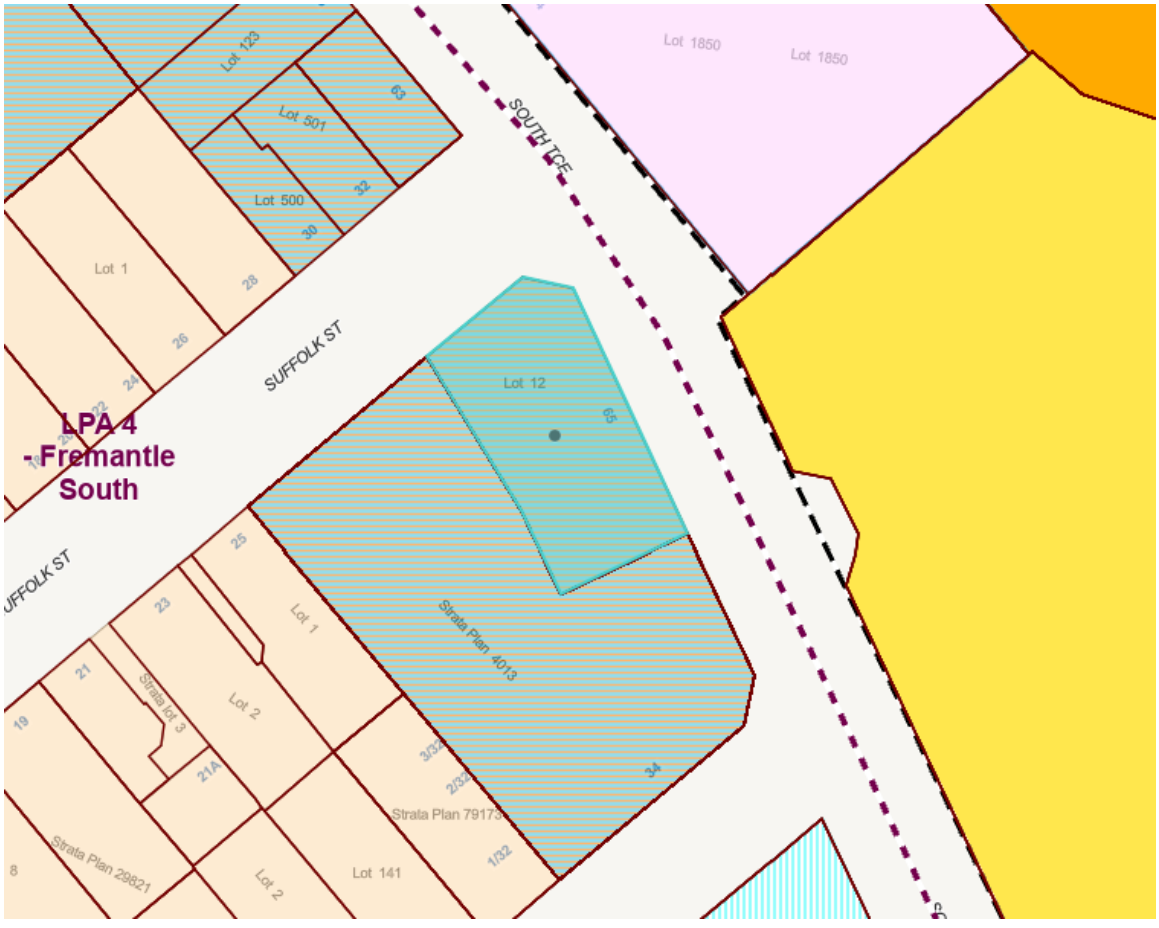
The applicant describes the proposed building design approach as restrained, including its material palette that represents the proposed hotel brand whilst delivering a building which references the local heritage.

The proposed materials include face brick and mosaic tile walls, curved corner windows, filigreed metal screens and aluminium sunshades.

Development plans are included as attachment 1.

Site/application information

Date received:	17 March 2021
Submitted by:	WAPC
Scheme:	Mixed Use R35
Heritage listing:	Limestone Features
Existing land use:	Vacant lot
Use class:	Hotel, Office, Shop
Use permissibility:	A, P, A



OFFICER COMMENT

Background

The subject site is located on the southern corner of South Terrace and Suffolk Street, Fremantle, along a key entry route into the Fremantle CBD. The site has a land area of approximately 1169 m² and has been a vacant lot since the early 1990s.

The site is zoned Mixed Use and has a density coding of R35. The lot is located within sub area 4.3.1 of the South Fremantle Local Planning Area. The site is not located in a Heritage Area, however it is individually heritage listed for limestone features.

The immediately surrounding area varies in its zoning, built form and its land use. Immediately adjoining the site to the south and west is the Arundel Court residential development, which comprises of an eight storey residential building and car parking area. This is site also zoned Mixed Use with a density coding of R35.

Suffolk Street to the west is typically characterised by single and two storey residential dwellings, with many being identified for their cultural heritage significance for their contribution to the streetscape including a row of State Registered Terraces (No. 19 – 23) on the western side of the adjoining Arundel Court car park. This area is zoned Residential, with the properties fronting Marine Terrace zoned Mixed Use. Both areas have a density coding of R35.

Opposite the site to the north-east and south-east is an existing at grade public car park, Fremantle Oval and Fremantle Hospital. Fremantle Hospital is characterised by eight storey buildings. Both Fremantle Oval and Fremantle Hospital are reserved under the Metropolitan Region Scheme for Civic and Cultural Purposes and Public (Hospital) purposes respectively.

The site is located approximately 100 metres from the South Terrace and Norfolk Street intersection, where the City Centre zone starts. The site is also located within 250m of a high frequency bus route and within 800m of the Fremantle Train Station.

The site has a long history of previous planning proposals, generally seeking approval for a building envelope of three to four storeys in height. A variety of uses have been considered for the site over the last 20 years, including a backpackers hostel, a private hospital, a medical centre, consulting rooms and some private residential (apartment) use.

The most relevant previous applications include a four storey, plus basement mixed use development comprising a hospital, medical centre, and multiple dwellings. This application was refused by Council in 2008 as it was inconsistent with the building height provisions of LPS4. The decision was appealed to the SAT who, in 2009, upheld the decision providing the following reasons (summarised):

- There is a legal ability to approve a height variation under clause 4.8.1 (formerly 5.8.1) of LPS4, subject to the development meeting the four considerations of the clause, however, the SAT was not satisfied that the proposed development met the considerations.

- The variation to the wall height proposed would be detrimental to the character, and thus the amenity of the locality, because the height would be incongruous and unsympathetic to the South Terrace streetscape. Predominantly, the reasoning was that the development presented with a nil setback to three of the four boundaries and thereby made it read as being a part of the South Terrace streetscape, particularly the western side of the street, which is composed predominantly of single or single and a half storey buildings of heritage significance. The hard-edged nature of the entirety of the proposed development, combined with the design and the bulk was considered out of character with the streetscape. The implication was that had the development been set back from the street, similar to Arundel Court and, to a lesser extent, the Fremantle Hospital, the development might have been considered to read as separate enough from the existing streetscape so as not to detract from the amenity of the street.
- The SAT was not satisfied that the four storey development effectively graduated the scale between buildings of various heights within the locality. SAT accepted that scale is not simply height, but is a product of bulk, built form, architectural design and setbacks. As the development occupied the whole of the site, unlike Arundel Court next door, it would not effectively graduate the scale between buildings of various heights.
- The SAT was not satisfied that the development would conserve the cultural heritage value of the adjoining corner store building as it would not have provided an appropriate visual setting for the corner shop.
- The SAT was not satisfied that the development would preserve traditional building forms and streetscapes or relate to the scale, height, form and mass of existing buildings.
- The SAT opined that a three storey development, with the third storey set well back from the street, would be a more appropriate outcome, consistent with the locality.

Figure 1: Proposed development as viewed from the corner of Suffolk Street and South Terrace.

Subsequent to the SAT decision, in June 2010 Council approved a three storey Medical Centre, Hospital and Multiple Dwelling development (see corner presentation in Figure 2 below).

Figure 2: Approved development as viewed from the corner of Suffolk Street and South Terrace.

Approvals for an extension to the term of development were applied for and issued in 2012, 2014 and 2016. In 2017 a further extension of time was refused.

Community Consultation

The WAPC is responsible for community consultation for all significant development applications submitted under the *Planning and Development Amendment Act 2020*. The application was advertised between 26 March and 30 April 2021. Submissions on the proposal were directed to the WAPC.

To assist in the WAPC's consultation process, the City provided a link to the Department of Planning, Lands and Heritage on its MySay Freo website. It is noted that the City was copied into a couple of submissions from nearby residents, however the WAPC will be required to give consideration to the comments raised in all submissions received.

Planning Assessment

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 and relevant Council local planning policies.

The site is zoned Mixed Use and has a density coding of R35. The site is located within sub area 4.3.1 of the South Fremantle Local Planning Area. The table below includes details of the assessment against the key LPS4 requirements of Land Use, Building Height, Car Parking and Bicycle Parking. The proposal is deemed to be compliant with the City's planning requirements with the exception of Building Height and Car Parking.

Element	Requirement	Proposed	Extent of Variation
Land Use			
Land Use Table		Hotel 'A' Office 'P' Shop 'A'	Discretionary Land Uses
Building Height LPA4 – Fremantle South – Sub Area 4.3.1	7m	20.6m	13.6 m
Car Parking			
Hotel Hotel Bar (82 sqm) Office (210 sqm) Reception Centre (Conference Rooms) (82 sqm) Shop (27 sqm)	1 bay/bedroom = 100 1 bay/2.5 sqm= 33 1 bay/30 sqm = 7 1 bay/5 people (assuming 1 person per 4 sqm) = 4 1 per 20 sqm (minimum 2) = 2 Total = 146	31 bays for Hotel guests + 12 bays for employees = 43 bays	103
Bicycle Parking			
Hotel Hotel Bar (82 sqm) Office (210 sqm) Reception Centre (Conference Rooms) (82 sqm) Shop (27 sqm)	Nil *Class 1:* 3 *Class 3:* 3 *Class 1 or 2*: 1 *Class 3:* Nil *Class 3*: Nil *Class 1:* Nil *Class 3:* Nil *Total* *Class 1:* 3 *Class 2:* 1 *Class 3:* 3	*Class 2:* 14 in the basement	*Class 1*: 3 *Class 3:* 3

In regard to the above assessment, Officers can provide the following comments.

Land Use

Hotel and Shop uses are both 'A' uses and an Office is a 'P' use in the Mixed Use Zone. Ordinarily, an 'A' use is not permitted unless Council has advertised the proposed use for public comment and exercised its discretion to grant planning approval. An assessment of the suitability of the proposed uses would consider their consistency with the aims and objectives of LPS4, the compatibility of the proposed development with its setting and context and the likely environmental and social impacts it may have on the locality.

The location of the site is considered appropriate for the proposed uses including a Hotel, as it is within close proximity to the City Centre and across from the Fremantle Oval. The site is situated on the corner of South Terrace and Suffolk Street, which allows easy access to the nearby commercial and entertainment precincts without unduly impacting nearby residential properties. The site is separated from the single residential lots to the west by the road reserve, and separated from the south by the Arundel Court carpark. The land use in and of itself is considered an appropriate use of the site.

Building Height

Where the proposed building height exceeds the maximum permitted height of LPS4, Council can exercise discretion and grant approval for additional height in accordance with Clause 4.8.1.1 of LPS4 which reads as follows:

4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following—

- *(a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- *(b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- *(c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
- *(d) any other relevant matter outlined in Council's local planning policies.*

In regard to this proposal, the subject site is located immediately adjacent to Arundel Court (No. 1-77/34 Arundel Street), which is located within the same sub area of LPS4 and contains an eight storey Multiple dwelling development with a maximum height of 23.38m AHD. The height of this existing adjoining development 'triggers' the ability for the proposed height of the subject site to be considered under the variation clause of the City's scheme. In regard to (a) to (d) above, Officers consider the primary considerations would be the impact on the units within Arundel Court, and whether the height effectively graduates the scale between buildings within the locality.

The six storey development is primarily a Hotel development. The sixth floor includes two office tenancies accessible via a separate Office lobby on the ground floor. The Office floor, being a minor component of the overall development, is considered to somewhat unnecessarily add to the height of the proposed development, being approximately in line with the lift overrun of the Arundel Court development. However it is noted that the sixth floor is set well back from the street, will not be visible from the street from the immediate locality, and does not contribute to the extent of overshadowing. As such, although the floor will be visible from more distant views the floor itself is integrated into the design of the building and is considered as part of the following assessment.

In regard to the potential amenity impacts of the development on the amenity of occupants of Arundel Court, officers consider the most significant impact to be the degree to which the proposed development overshadows the courtyard and northern elevation of the apartment building during mid winter. The applicant has submitted a series of overshadowing diagrams to illustrate the amount of shadow cast by the development, however the proposal does not provide a qualitative assessment of the impact. As identified by the City's Design Advisory Committee the applicant should provide additional details to demonstrate that living areas of the adjoining residential building is protected from the impacts of the amount of shadow cast by the development at the scale proposed.

In regard to the degree to which the development graduates the heights of the existing buildings, it is noted that the SAT decision found that three storeys was a more appropriate height for the site given the design of the previous proposal and the existing scale of the immediate context. The design of the proposed development, subject to modifications recommended by the City's Design Advisory Committee, is considered to be of a quality that will make a positive contribution to the City's built environment containing elements that help mitigate the bulk and scale of the building. Although the design of the proposal is considered to be of substantially higher quality than previous proposals considered for the site, the scale of the immediately surrounding context is likely to make it difficult to support the proposal under a strict application of clause 4.8.1.1 of LPS4.

It is however noted that the context of the locality is currently undergoing changes with some significant developments expected to occur in the short to medium term. These include the new police station directly across from the subject site, and the newly released Fremantle Oval Masterplan. No plans have been released for public viewing for the police station, however, City Officers anticipate a four to five storey development on the site. That adjacent site has an existing natural ground level higher than the subject site, which will give more prominence to any future building and contribute to a further gradation in scale between the Fremantle Hospital and Arundel Court.

Ideally, any change in maximum allowable height for the area should be part of a holistic approach to the general South Terrace locality and form part of an amendment to the City's Local Planning Scheme No. 4 in regard to the maximum allowable heights around the City Centre. It is noted, however, that such a review and amendment would take some time to approve through the Western Australian Planning Commission and require a reallocation of City resources. Such a review is within the City's long-term strategic planning intentions but is some way off.

Notwithstanding a strict application of clause 4.8.1.1, the proposal is considered to have merit and is worthy of consideration under Part 17 of the *Planning and Development Act 2005.* Given the anticipated future changes within the locality, the quality of the building design, and the overall bulk and appearance of the building, the development is generally considered to fit within the existing and desired future context and character of the immediate and broader locality as demonstrated in the distant views provided in the applicant's submission.

Car parking

Where a development does not provide the minimum number of parking facilities Council may waive or vary the parking requirements where the proposal satisfies certain criteria in accordance with Clause 4.7.3 of LPS4. The subject site is appropriately located to access alternative parking and public transport options. The lot is situated within walking distance of the City Centre and approximately 800 metres from Fremantle Train Station. Further, a car park and a number of on-street car parking bays are readily available one block away along Alma Street. The proposed development is considered to include an adequate provision of on site car parking.

In regard to bicycle parking, the City's requirements are considered to be well below the demand particularly considering the improvements to the cycle network in Fremantle. As such, it is recommended that the number of bike racks be increased to a minimum compliant amount as shown in the table above to encourage alternative modes of transportation and offset the reduced provision of on site car parking bays.

The plans indicate one on site loading bay and one male and one female End of Trip facilities. The provision of these facilities is considered acceptable for the proposed development.

It is noted that the proposed vehicle crossover on South Terrace will require the removal of an existing semi-mature Ulmus parvifolia (potted elm) street tree. The existing tree is considered to make a positive contribution to the South Terrace streetscape and its retention is strongly encouraged. The City recommends that the WAPC encourage the applicant to reduce the width of the crossover to the minimum required to service the site and consider shifting the crossover further north along South Terrace to the approximate location of the proposed replacement tree, where it can be sited between existing trees. Should the crossover be approved in its current location, the existing tree should be transplanted to the location of the proposed new tree. Preparation of the tree for a transplanting should commence 12 months ahead of its removal and include an appropriate aftercare maintenance program of watering and fertilising for 3 to 5 years. As a final resort, the tree should be replaced with a new potted elm, however it is noted that even at its largest size it would not be of a comparable size to the existing which is consistent with the other street trees adjacent to the site.

Heritage

The subject site is listed on the City's Heritage List and MHI for 'limestone features' which exist on along the Suffolk Street and western boundaries of the site. The applicant has submitted a Heritage Assessment which concludes similar findings to the Heritage

Assessment obtained by the City in 2010, when it considered a previous proposal for the site. The limestone walls were constructed, using uncharacteristically large blocks, in the 1960's with the construction of the former service station on site. These particular limestone walls are not characteristic of the historic 19th century limestone walls, identified throughout Fremantle by the City in the 1980's and are considered to be of little to no significance and, consistent with previous decisions of Council, their removal is supported.

Other Matters

It is noted that the proposal includes the following elements, which are supported or recommended for appropriate conditions of approval should the WAPC approval the development.

- The project has committed to implement 4 star Green Star design requirements in line with the City's policy *LPP 2.13: Sustainable Buildings Design Requirements*.
- The development includes a landscaping plan which should implemented prior to occupation of the development and maintained for the life of the development.
- Although waste will be collected by a private company, a final Waste Management Plan and Delivery Management Plan should be submitted.
- The entrances should be modified to ensure appropriate pedestrian and vehicle sightlines.
- The Traffic Impact Statement indicates left in left out turns from both vehicle access points. Any impact on the median island, drainage and/or pedestrian crossing will need to be optioned and presented for further review to the City.

Design Quality

Prior to the receipt of the Significant Development Application by the Department of Planning, Lands and Heritage (DPLH), the proponent (Yolk Property Group), held preliminary discussions with the City of Fremantle including a preliminary presentation of the proposed design to the City's Design Advisory Committee. Preliminary plans were considered by the Committee at its meetings held on 14 September 2020 and 14 December 2020. Minutes of these meetings have been provided to the DPLH. Given the history of the pre-lodgement presentations to the City's Design Advisory Committee, the DPLH and the City have agreed to present the formal application to the City's Design Advisory Committee for its final comment. Comment from the City's Design Advisory Committee will form part of the DPLH (SDAU) assessment of the application for determination by the Commission in accordance with Part 17 of the *Planning and Development Act 2005.*

The proposal was presented to the City's Design Advisory Committee on 12 April 2021. A copy of the Minutes has been provided to the DPLH and are attached. The City's DAC has identified a number of design strengths of the proposal and provided comments and recommendations in accordance with SPP7.0 Design of the Built Environment, as detailed below.

Strengths

- The proposed height, bulk and mass of the development is considered to be an appropriate response to the corner site having regard to the context of the hospital buildings and Arundel Court.
- The improvements to the western façade including the additional detailing and setback is positive.
- Additional facade treatment to the southern elevation has assisted in improving its presentation to the public realm. In particular the corner returns of windows at the south elevation improves the termination of the blank southern aspect.
- The inclusion of Juliette balconies (safety, amenity) is supported and provides high quality amenity and facade articulation and interest.
- The details of the depth and recessed articulation evident in the facade modelling is commended and is key to the Panels support of the materiality of the development.
- The proposed pallet of materials including curved glass, face brick, perforated metal and ceramic tiles is supported.
- The intent to include feature limestone wall cladding at the basement car park entry is encouraged.
- Confirmation that all hotel room windows as well as windows to the corridors are operable.
- The proposed investment in placing most cars in an underground car park creates the opportunity for a vibrant and active ground plane and is commended.
- Active, engaged and protected ground plane incorporating conference, cafe, commercial/retail and hotel entry uses, which largely screen on grade car parking and service dock.
- The intent to deliver a 4 star green star energy rated building is encouraged.

Recommendation

The SDAU (DPLH) is advised that the City of Fremantle Design Advisory Committee supports the design of the proposed six storey mixed use development subject to the following:

1. The proponent satisfactorily demonstrating that the overshadowing impact of the development will not adversely impact on primary living spaces within the adjoining Arundel Court building and therefore not detrimentally impact on the amenity of the occupants of this existing residential development.
2. Further consideration being given to the façade treatment of the ground level, particularly adjacent to the vehicle access areas, to optimize activation, fenestration and streetscape engagement.
3. Further consideration being given to the treatment of the southern elevation, including the provision of a greater recess to the corridor windows and a recessed break in the parapet above the windows, to further mitigate the bulk and scale of this elevation.
4. Further consideration being given to improving the functionality and amenity of the ground floor level, including legibility for users, opportunities for further interaction with the street from within the ground level and the necessary functional requirements of the commercial spaces.

Officers agree that the design quality of the proposed development responds appropriately to each of the Principles of Good Design and will make a positive contribution to the built form in Fremantle. Officers recommend that the WAPC encourage the applicant to submit amended plans in response to the above points 1 to 4.

The applicant's response to point 1 above will require further review to ensure that the amenity of the occupants of the adjoining Arundel Court development are not adversely affected by the proposed height of the development.

Officers understand that the applicant is currently reviewing the comments and recommendations of the City's DAC and intends to submit amended plans to the DPLH that respond to points 1 to 4 above.

Economic Benefit

The significant development pathway under Part 17 of the Act requires that applicant to demonstrate that the project is 'shovel ready' to begin construction within 12 months of approval, and that it provides an economic benefit to the locality.

The applicant's submission includes an Economic Benefit Report which concludes that the proposed development is estimated to generate the following benefits:

- A $27.5 million contribution to the development investment in Fremantle;
- 81 direct and indirect construction jobs, adding approximately $10.5 million to the WA economy with much of this locally;
- 46 ongoing direct and indirect jobs in hospitality, hotel operations and commercial industries;
- An additional 25,550 overnight visitors to the City yearly with an estimated expenditure of $3.5 million per year.

Although the WAPC will be responsible for determining if the proposal satisfies their expectations in regard to economic benefit, it is acknowledged that the development will make a positive contribution to Fremantle's visitor and tourism economy.

Conclusion

The proposed development has been considered in accordance with LPP 1.11: Planning and Development Act 2005, Part 17 Development Application Submissions. Officers acknowledge that the proposal development is capable of being considered under LPS4, however the proposed building height may not strictly satisfy all the criteria of the scheme's building height variation clause. Notwithstanding this assessment the bulk and scale of the proposed development is considered to be compatible with the Arundel Court development, the Fremantle Hospital buildings and expected future developments in the immediate locality including the future Fremantle Police Station and potential development around Fremantle Oval.

The proposed development is considered to be of a high design quality that will make a positive contribution to the built environment of Fremantle and deliver positive short and long term benefits to the Fremantle economy.

Subject to a satisfactory response to the issues raised above, Officers recommend that the WAPC be advised that the Council generally supports the proposed mixed use development.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25
The proposed development is considered to make a positive contribution to the diverse economy of Fremantle. The development will increase the number of hotel rooms available in Fremantle and tourism economy, increase the number of visitors to and workers in Fremantle within close proximity of the CBD and its amenities.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICERS RECOMMENDATION

Moved: Cr Su Groome **Seconded: Cr Doug Thompson**

That the City of Fremantle advise the Western Australian Planning Commission that it supports the proposed six storey mixed use development at 65 (Lot 12) South Terrace, Fremantle subject to the following:

A. Following the submission of additional information relating to the proposed overshadowing of the adjoining development (Arundel Court), the WAPC being satisfied the development will not adversely impact on the primary living spaces within this residential building and thereby having minimal impact on the amenity of the occupants of this existing development.

B. The WAPC requiring the submission of amended plans to address the following recommendations by the City of Fremantle's Design Advisory Committee:
   - Further consideration being given to the façade treatment of the ground level, particularly adjacent to the vehicle access areas, to optimize activation, fenestration and streetscape engagement.
   - Further consideration being given to the treatment of the southern elevation, including the provision of a greater recess to the corridor windows and a recessed break in the parapet above the windows, to further mitigate the bulk and scale of this elevation.
   - Further consideration being given to improving the functionality and amenity of the ground floor level, including legibility for users, opportunities for further interaction with the street from within the ground level and the necessary functional requirements of the commercial spaces.

C. The WAPC requiring the submission of amended plans to relocate the South Terrace vehicle crossover further to the north (to the location of the proposed new street tree) to avoid the requirement to remove an existing street tree. If the street tree is to be removed, it must be transplanted to a location along South Terrace in accordance with the City's instructions.

D. The WAPC requiring the submission of amended plans to provide a minimum of 14 Class 1 or 2 bays (as proposed) and 3 Class 3 bicycle racks in accordance with the minimum requirements of LPS4.

E. Any approval be subject to standard conditions requiring the submission or satisfaction of the following:
- Retention of stormwater on site;
- Containment of development wholly within the boundaries of the site;
- Submission of final details of the proposed materials and finishes of the building;
- Submission of a final Waste Management Plan;
- Submission of a final Landscaping plan with requirements for its implementation and ongoing maintenance;
- Implementation of a 4 star green star building design;
- Provision of suitable sightlines at the vehicle entries;
- The submission of a construction management plan;
- The protection of street trees during construction; and
- And ongoing compliance for the life of the development.

AMENDMENT 1

Moved: Cr Doug Thompson **Seconded: Cr Geoff Graham**

Add a part 2 to read as follows:

2. Committee requests Officers to request an extension of time for submitting the City's comments to the WAPC until the Ordinary Council Meeting on 26 May 2021 because the Committee is unable to exercise its delegated authority due to the lack of five voting members.

Amendment carried: 4/0
Cr Su Groome, Cr Doug Thompson, Cr Geoff Graham, Cr Sam Wainwright

AMENDMENT 2

Moved: Cr Su Groome **Seconded: Cr Doug Thompson**

Add a condition F to part 1 to read as follows:

F. The WAPC requiring the submission of amended plans that illustrate compliance with the National Construction Code in regard to access for people with a disability and accessible car parking, to ensure that the current design can accommodate these requirements, including that a specified number of rooms have the necessary design features to enable use by people with a disability.

Amendment carried: 4/0
Cr Su Groome, Cr Doug Thompson, Cr Geoff Graham, Cr Sam Wainwright

Cr Sam Wainwright moved part 1 and 2 of the Officer's and Committee recommendation separately, as follows:

COMMITTEE RECOMMENDATION ITEM SPT2105-1
(Officer's recommendation)

Moved: Cr Sam Wainwright **Seconded: Cr Doug Thompson**

1. **That the City of Fremantle advise the Western Australian Planning Commission that that it supports the proposed six storey mixed use development at 65 (Lot 12) South Terrace, Fremantle subject to the following:**

A. Following the submission of additional information relating to the proposed overshadowing of the adjoining development (Arundel Court), the WAPC being satisfied the development will not adversely impact on the primary living spaces within this residential building and thereby having minimal impact on the amenity of the occupants of this existing development.

B. The WAPC requiring the submission of amended plans to address the following recommendations by the City of Fremantle's Design Advisory Committee:

- **Further consideration being given to the façade treatment of the ground level, particularly adjacent to the vehicle access areas, to optimize activation, fenestration and streetscape engagement.**
- **Further consideration being given to the treatment of the southern elevation, including the provision of a greater recess to the corridor windows and a recessed break in the parapet above the windows, to further mitigate the bulk and scale of this elevation.**
- **Further consideration being given to improving the functionality and amenity of the ground floor level, including legibility for users, opportunities for further interaction with the street from within the ground level and the necessary functional requirements of the commercial spaces.**

C. The WAPC requiring the submission of amended plans to relocate the South Terrace vehicle crossover further to the north (to the location of the proposed new street tree) to avoid the requirement to remove an existing street tree. If the street tree is to be removed, it must be transplanted to a location along South Terrace in accordance with the City's instructions.

D. The WAPC requiring the submission of amended plans to provide a minimum of 14 Class 1 or 2 bays (as proposed) and 3 Class 3 bicycle racks in accordance with the minimum requirements of LPS4.

E. Any approval be subject to standard conditions requiring the submission or satisfaction of the following:

- **Retention of stormwater on site;**
- **Containment of development wholly within the boundaries of the site;**
- **Submission of final details of the proposed materials and finishes of the building;**
- **Submission of a final Waste Management Plan;**
- **Submission of a final Landscaping plan with requirements for its implementation and ongoing maintenance;**
- **Implementation of a 4 star green star building design;**
- **Provision of suitable sightlines at the vehicle entries;**
- **The submission of a construction management plan;**
- **The protection of street trees during construction; and**
- **And ongoing compliance for the life of the development.**

F. ***The WAPC requiring the submission of amended plans that illustrate compliance with the National Construction Code in regard to access for people with a disability and accessible car parking, to ensure that the current design can accommodate these requirements, including that a specified number of rooms have the necessary design features to enable use by people with a disability.***

Lost: 0/4
Cr Sam Wainwright, Cr Geoff Graham, Cr Doug Thompson, Cr Su Groome

COMMITTEE RECOMMENDATION ITEM SPT 2105-1

Moved: Cr Sam Wainwright **Seconded: Cr Doug Thompson**

Committee requests Officers to request an extension of time for submitting the City's comments to the WAPC until the Ordinary Council Meeting on 26 May 2021 because the Committee is unable to exercise its delegated authority due to the lack of five voting members.

Carried: 4/0
Cr Su Groome, Cr Doug Thompson, Cr Geoff Graham, Cr Sam Wainwright

The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

SPT2105-2 SCHEME REVIEW: AMENDMENT 84 – NORMALISATION OF COMPLETED STRUCTURE PLAN AREAS - INITIATION

Meeting date: 19 May 2021
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Agenda attachments:
1. Amendment maps

Additional information:
1. LPS4 Scheme Review Report 2020 Recommendations
2. WAPC Decision on LPS4 Scheme Review Report 2020

SUMMARY

The purpose of this report is to consider an amendment to Local Planning Scheme No. 4 (LPS4) to 'normalise' completed structure plans in development areas where development has been mostly or fully realised. These development areas are:

- **Development Area 7 - Southern portion, around Mather Road south of Lefroy Road quarry**
- **Development Area 8 - Bellamy Street, Edwards College site**
- **Development Area 12 - former Kim Beazley School site [WGV]**

The amendment proposes to replace the Development zone in each of these areas with the respective reserves, zones and density codings of the approved structure plan, and remove obsolete clauses from Schedule 6 of the scheme.

The amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*.

The report recommends that Council:

1. **Initiate basic Scheme Amendment 84 and process it in accordance with the provisions of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Make a minor amendment to Local Planning Policy 3.15 (applicable to the Kim Beazley school / WGV site) to reference the Local Development Plan approved over Lot 11 to update controls and reduce potential confusion over the development potential of this site in light it its recent subdivision.**

BACKGROUND

In 2019, the City undertook a review of Local Planning Scheme No.4 and in February 2020, Council adopted the recommendations of the review report (SPT2002-4). These recommendations included pursuing some administrative amendments to the scheme and staging a series of issue and area-based reviews to update specific aspects of the scheme (refer Additional Information attachment 1 for recommendations in full).

The Western Australian Planning Commission (WAPC) supported the report's conclusions subject to a modification to require the preparation of a new Local Planning Strategy prior to any further substantive amendments to the planning scheme (refer attached letter of advice – Additional Information 2): this was on the basis that the WAPC does not appear to have formally adopted the existing Local Planning Strategy in its approval of Local Planning Scheme No. 4 in 2007.

Work on updating the Local Planning Strategy is progressing, with a draft expected to be submitted to Council later this year. Parallel with this work, the 'short term' administrative updates to the scheme outlined in recommendation 2a of the Review Report are being progressed to maintain the scheme's currency and meet state requirements. One of these proposes rationalisation of Development zones. The purpose of this report is to consider 'normalisation' of structure plans for those Development zone areas where development has been essentially completed, and the Development zoning and structure plan are consequently no longer necessary. This involves rezoning of completed lots from 'Development' zone to the zone or reserve specified in the approved Local Structure Plan to which the site has been developed. Deletion of obsolete clauses of Schedule 6 of the scheme outlining the requirements for completed Development Areas is also proposed.

The maintenance of town planning instruments contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

OFFICER COMMENT

Three development areas have been identified where development has been mostly or fully realised in accordance with the approved structure plans:

- Development Area 7 – Southern portion of development area, around Mather Road south of Lefroy Road Quarry
- Development Area 8 - Bellamy Street, Edwards College site
- Development Area 12 – former Kim Beazley School site [White Gum Valley]

1. Development Area 7 - Southern portion of development area, around Mather Road south of Lefroy Road Quarry

In 2008, the WAPC approved a structure plan for the southern portion of Development Area 7. This structure plan is known as the Mather Road Structure Plan and applies to the area on the corner of Mather and Clontarf roads. The main new internal road created by the structure plan and subsequent subdivision has been named Butterworth Place.

The structure plan, provided in Figure 1, is a map with no accompanying material. The map outlines the following information: lot layout; public open space location; residential zone locations and density coding; and tree planting locations. The structure plan does not provide any other planning provisions, meaning that development proposed in the structure plan area is assessed in accordance with the scheme and Residential Design Codes ('R-Codes').

Figure 1 - Mather Road Structure Plan, which is a portion of Development Area 7 – Lefroy Road Quarry.

The structure plan includes 40 lots. Subdivision and development in this portion of the development area has occurred in accordance with the approved structure plan. Two lots remain undeveloped [21 and 23 Mather Road], one of which [23] received development approval on 17 March 2021.

The proposed scheme amendment would rezone this portion of the development area, in accordance with the approved structure plan, from development zone to:

- Open Space reserve, and
- Residential zone with density codes including R20, R40 and R50.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan.

Specific lot details, which are the subject of the proposed amendment, are provided in Table 1.

Rezone from development area to:	Apply density coding	Address - Beaconsfield
Residential	R20	Mather Road: Lots 25 (No. 23) and 26 (No. 25)
Residential	R40	Keady Way: Lot 14 (No.8), Lot 15 (No.6), Lot 16 (No.4), Lot 17 (No.2), Lot 18 (No.1), Lot 19 (No.3), Lot 20 (No.5), Lot 21 (No.7). Mather Road: Lot 24 (No.21) Butterworth Place: Lot 1 (No.20), Lot 2 (No.22), Lot 3 (No.24), Lot 4 (No.23), Lot 5 (No.21), Lot 6 (No.19), Lot 7 (No.17), Lot 8 (No.14), Lot 9 (No.12), Lot 10 (No.10), Lot 11 (No.8), Lot 12 (No.6), Lot 13 (No.4), Lot 22 (No.3), Lot 23 (No.5).
Residential	R50	Vickridge Close: Strata Lots 1-5 (Nos. 8, 6, 4, 2,1), 6-14 (Nos. 19, 17, 15, 13, 11, 9, 7, 5, 3), Lot 15, Lot 16 (No. 15F).
Public open space reserve	N/A	Lot 30 (Sardelic Park, No.30 Butterworth Place, Beaconsfield)

Table 1 – Lot details, zones and density codes in the Mather Road Structure Plan.

2. Development Area 8 - Bellamy Street, Edwards College site

In 2008, the Council approved the Taylor's College Structure Plan over Development Area 8 (referred to in the scheme as 'Bellamy Street - Edwards College'). The development area is in eastern O'Connor and was the location of Taylor's College, which relocated from the site in January 2006. Edwards College Reserve, located within the development area, explains the name given to the development area.

The structure plan provides the following information: context analysis; site analysis; statutory and strategic planning considerations; community consultation outcomes; public open space location; and, residential zone locations and density coding. The structure plan does not provide any other planning provisions meaning that development under the structure plan is assessed in accordance with the Residential Design Codes. The structure plan map is provided in Figure 2.

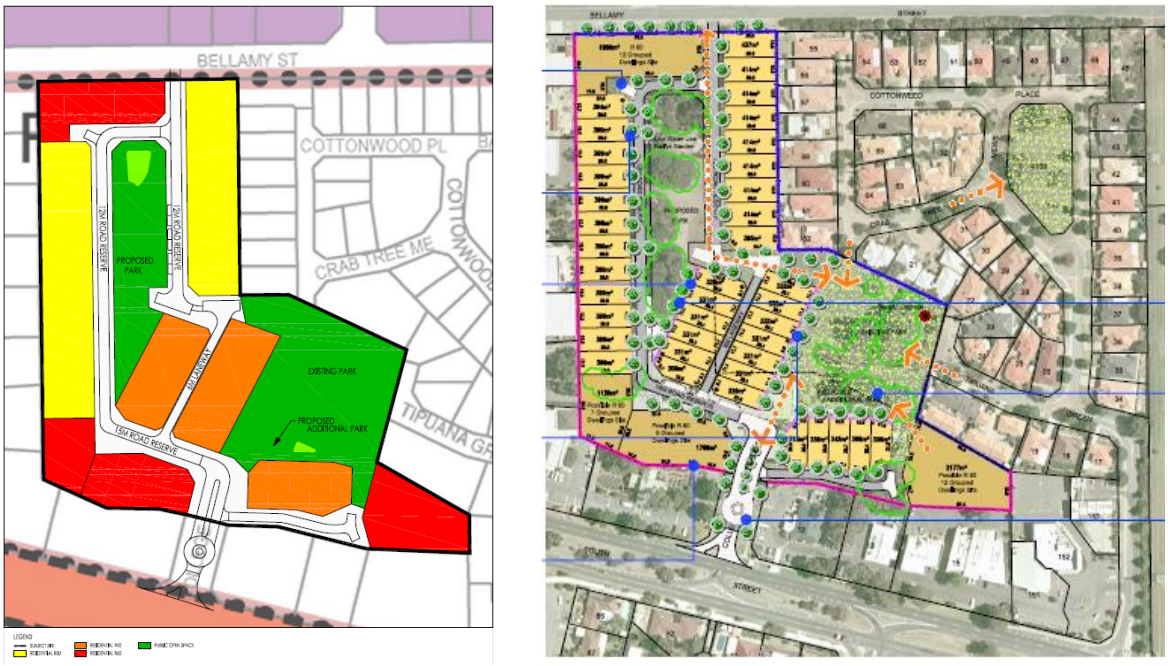


Figure 2 - Taylor's College Structure Plan (left) and landscape plan showing individual lots (right), Development Area 8.

The structure plan includes 43 lots. Subdivision and development of land in Development Area 8 has occurred in accordance with the approved structure plan. One lot remains undeveloped [14 Terrene Lane]: development approval for this lot appears to have lapsed.

Properties on the western side of the development area, neighbouring the industrial zoned land, have notifications on their certificate of title which advise current and prospective owners that these lots may be subject to noise, odour and other amenity impacts resulting from the neighbouring industrial/commercial estate. In the future, it may be appropriate to consider the extension of the existing industrial interface area along Bellamy Street and Lander Street, to help ensure the retention of the industrial estate and compatibility with adjacent residential uses. This can be considered in the review of industrial area buffers, identified as a project in the Scheme Review Report.

Restricted covenants apply to residential lots along Terrene Lane and Delrosso Place to ensure that development provides a suitable interface with, and adequate surveillance of, adjacent public open space. Specifically, the covenants require low fencing and orientation of structures toward the parkland. These would remain in place irrespective of the zoning.

The proposed scheme amendment would rezone the development area, in accordance with the approved structure plan, from development zone to:

- Open Space reserve, and
- Residential zone with density codes including R30, R40 and R60.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan. Council may like to note, however, that should the Medium Density Code be approved as drafted, a number of lots in this area may be eligible for the density bonuses offered under the draft Code. However given the relatively recent development of these lots in accordance with the structure plan, further redevelopment in the near future would seem unlikely.

Specific lot details, which are the subject of the proposed amendment, are provided in Table 2.

Rezone from development area to:	**Apply density coding**	**Address – O'Connor**
Residential	R30	College Corner: Lot 103 (No.15), Lot 104 (No.17), Lot 105 (No.19), Lot 106 (No.21), Lot 107 (No.23), Lot 108 (No.25), Lot 109 (No.27), Lot 110 (No.29), Lot 111 (No.31), Lot 112 (No.33), Lot 113 (No.35), Lot 114 (No.37). Wexford Way: Lot 116 (No.1), Lot 117 (No.3), Lot 118 (No.5), Lot 119 (No.7), Lot 120 (No.9), Lot 121 (No.11), Lot 122 (No.13), Lot 123 (No.15), Lot 124 (No.17).
Residential	R40	Terrene Lane: Lot 125 (No.14), Lot 126 (No.12), Lot 127 (No.10), Lot 128 (No.8), Lot 129 (No.6), Lot 130 (No.4), Lot 131 (No.2), Lot 132 (No.1), Lot 133 (No.3), Lot 134 (No.5), Lot 135 (No.7), Lot 136 (No.9), Lot 137 (No.11). Delrosso Place: Lot 138 (No.1), Lot 139 (No.3), Lot 140 (No.5), Lot 141 (No.7), Lot 142 (No.9).
Residential	R60	College Corner: Strata Lots 1-20 (No.7), Strata Lots 1-9 (No.39). Delrosso Place: Strata Lots 1-18 (No.13).
Public open space reserve	N/A	Lot 8001 (Edwards College Reserve, No.6 College Corner, O'Conner) Lot 8002 (Lookout Park, No.12 College Corner, O'Connor)

Table 2 – Lot details, zones and density codes in the Taylor's College Structure Plan.

3. Development Area 12 - Kim Beazley School [White Gum Valley) – 'WGV'

In 2014, the WAPC approved a structure plan for Development Area 12, known as the White Gum Valley (formerly Kim Beazley school site) Structure Plan or "WGV". The development area is in White Gum Valley and was the former site of the Kim Beazley School, which closed in 2008.

The structure plan provides the following information: land description; regional, district and local site contexts; strategic and statutory planning framework; site analysis; design vision; public open space location; and, residential zone locations and density coding. The structure plan does not provide any other planning provisions.

The structure plan, residential density plan and lot layout are provided in Figures 3 to 5.

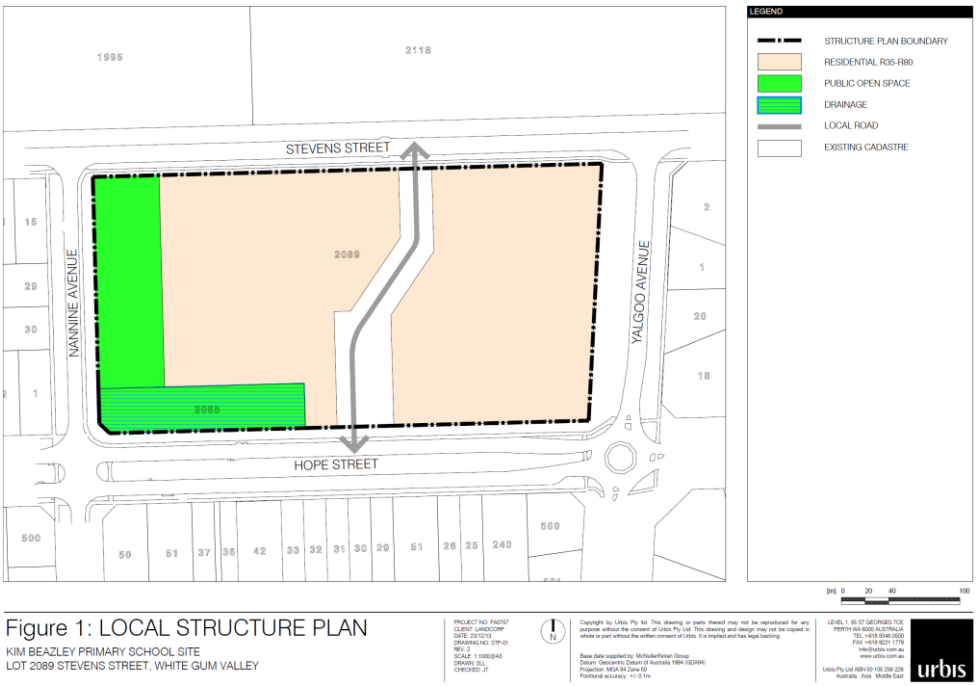


Figure 3 – Local structure plan, from White Gum Valley former Kim Beazley school site, local structure plan (2013), showing the intended zones, public open space reserve and drainage reserve.

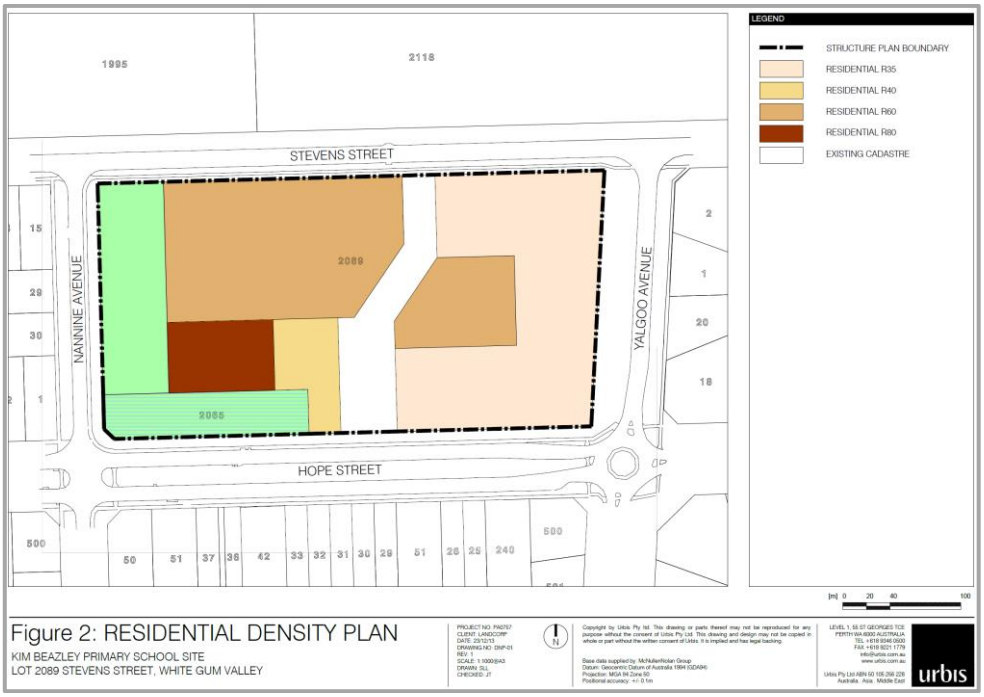


Figure 4 – Residential density plan, from White Gum Valley former Kim Beazley school site, local structure plan (2013), showing the residential density coding.

Figure 5 – Map from Local Planning Policy 3.15 - White Gum Valley - Former Kim Beazley School Site (2014), showing the lot layout.

The structure plan includes 28 lots. Subdivision and development of land in Development Area 12 has mostly occurred in accordance with the approved structure plan, except for Lot 11 (explained below). Most of these lots have been developed, resulting in 67 completed dwellings.

In 2018, the WAPC approved a six lot, survey-strata subdivision of Lot 11 (No.3) Mouquet Vista, including a common property access lane. The average lot size of the subdivision is 266m^2, equivalent to residential density coding R35. On referral from the WAPC, the City recommended refusal of the subdivision because of inconsistencies with the approved structure plan's R60 density coding however the WAPC approved the subdivision subject to approval of a Local Development Plan to guide development of the site. This was approved in 2019.

Development assessment across the development area is guided by: *Local Planning Policy 3.15 – Former Kim Beazley School Site – White Gum Valley*; *Local Development Plan Lot 11 Mouquet Vista, White Gum Valley;* the scheme and the Residential Design Codes. It is not proposed to rescind the local planning policy or local development plan and therefore, rezoning of the development area would not affect these controls. A minor amendment to the local policy to reference the approved local development plan for Lot 11 is, however, recommended to reduce confusion over its development potential and to clarify the standards applicable to this site.

One multiple dwelling lot in the structure plan area is yet to be developed: Lot 2 (No.1) Beazley Way. Four townhouse lots located within the six lot, survey-strata subdivision controlled by *Local Development Plan Lot 11 Mouquet Vista, White Gum Valley*, are also yet to be developed. Development approvals for two of these lots were issued in February 2021 [13 Karak Lane and 9 Mouquet Vista].

The proposed scheme amendment would rezone the development area in accordance with the approved structure plan, from Development zone to:

- Open Space reserve,
- Drainage / Waterway reserve, and
- Residential zone with density codes including R35, R40, R60 and R80.

The amendment and proposed rezoning would not affect development opportunities and requirements currently applicable under the structure plan or the local development plan. In the local development plan area (formerly Lot 11), each block is less than 300m^2, meaning that further subdivision under an R60 density coding (the original coding of the structure plan) would not be possible unless as multiple dwellings (with the approved Local Development Plan providing further guidance / restrictions on form) - or with a potential density bonus if provided for in the gazetted version of the Medium Density Code. Built form would continue to be subject to the policy and LDP controls in either event.

Specific lot details, which are the subject of this proposed amendment, are provided in Table 3.

Rezone from development area to:	**Apply density coding**	**Address – O'Connor**
Residential	R35	Karak Lane: Lot 8 (No.15), Lot 9 (No.13), Lot 10 (No.11). Hope Street: Lot 12 (86A), Lot 13 (86B), Lot 14 (No.86C), Lot 15 (No.88A), Lot 16 (No.88B). Yalgoo Avenue: Lot 17 (No.3B), Lot 18 (No.3A), Lot 19 (No.1C), Lot 20 (1B), Lot 21 (1A). Stevens Street: Lot 22 (No.133), Lot 23 (No.131), Lot 24 (No.129), Lot 25 (No.127), Lot 26 (No.125), Lot 27 (No.123), Lot 28 (No.121).
Residential	R40	Beazley Way: Strata Lot 2 (No.12). Mouquet Vista: Strata Lot 1 (No.10), Lot 5 (No.12), Lot 6 (14), Strata Lot 1 (No.16A), Strata Lot 2 (No.16B), Strata Lot 3 (No.16C).
Residential	R60	Beazley Way: Lot 2 (No.1) and Strata Lots 1-24 (No.2). Karak Lane: Strata Lot 2 (No.13), Strata Lot 3 (No.11), Strata Lot 4 (No.9). Mouquet Vista: Strata Lot 1 (No.5), Strata Lot 5 (No.9), Strata Lot 6 (No.7), Strata Lot 7 (No.3).
Residential	R80	Cower Mews: Strata Lots 1-14 (No.3).
Public open space reserve	N/A	Lot 29 (Un-named park, 2-4 Nannine Avenue, White Gum Valley)

Drainage / Waterway reserve	N/A	Lot 2065 Hope Street Swale

Table 3 – Lot details, zones and density codes in the White Gum Valley (formerly Kim Beazley school site) Structure Plan, with variation to accommodate the six lot, survey-strata subdivision of Lot 11 (No.3) Mouquet Vista.

This scheme amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*, for reasons outlined under regulation 34(g):

> *"an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan*" (p.25).

FINANCIAL IMPLICATIONS

There are no financial commitments required to implement the proposed scheme amendment; the amendment can be completed in-house.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation on basic scheme amendments is not required by the *Planning and Development (Local Planning Schemes) Regulations 2015* and is not considered necessary given the proposed amendments are administrative and align with previously advertised and approved documents.

Consultation on amendments to local planning policies is required by *Planning and Development (Local Planning Schemes) Regulations 2015* except where the amendment is considered minor, as is considered to be the case for the proposed amendment to LPP 3.15.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COMMITTEE RECOMMENDATION ITEM SPT2105-2
(Officer's recommendation)

Moved: Cr Sam Wainwright **Seconded: Cr Geoff Graham**

Council:

1. **Pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 84 to the City of Fremantle Local Planning Scheme No. 4 to:-**

   i) **Rezone and reserve lots in the Mather Road Structure Plan area within Development Area 7 - Lefroy Road Quarry, Beaconsfield from Development Zone to Residential zone (density coding R20, R40 and R50) and Open Space reserve to reflect the approved Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
   ii) **Amend the boundary of Development Area 7 to exclude the lots to be rezoned or reserved in the Scheme Amendment Map (Attachment 1).**
   iii) **Rezone and reserve lots within Development Area 8 - Bellamy Street, Edwards College site from Development Zone to Residential zone (density coding R30, R40 and R60) and Open Space reserve to reflect the approved Taylor's College Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
   iv) **Delete Development Area 8 - Bellamy Street, Edwards College site from the Scheme map and Schedule 6 – Development Areas of the Scheme.**
   v) **Rezone and reserve lots within Development Area 12 - Kim Beazley School [White Gum Valley] from Development Zone to Residential zone (density coding R35, R40, R60 and R80), Open Space reserve and Drainage / Waterways reserve to reflect the approved Former Kim Beazley School Site, White Gum Valley Structure Plan, as depicted on the Scheme Amendment Map (Attachment 1).**
   vi) **Delete Development Area 12 - Kim Beazley School [White Gum Valley] from the Scheme map and Schedule 6 – Development Areas of the Scheme.**

2. **Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 84 is a basic amendment for the following reasons:-**

   i) **the amendment satisfies r. 34(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015, basic amendment:* "an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;**

3. **Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation, refer the Amendment to the Environmental Protection Authority for determination of whether an environmental review is required, and process the Amendment in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.**

4. **Amend Local Planning Policy 3.15 'Former Kim Beazley School Site – White Gum Valley' to delete reference to Lot 11 in the heading above Clause 9, and add a new clause 'Lot 11: 15. Refer to approved Lot 11 Mouquet Vista, White Gum Valley Local Development Plan'**

5. **Upon the gazettal of Amendment 84 to Local Planning Scheme No. 4, revoke the local structure plans applicable to the rezoned lots, namely:**
    a. **Mather Road Structure Plan**
    b. **Taylor's College Structure Plan**
    c. **White Gum Valley former Kim Beazley school site**

Carried: 6/0
Cr Sam Wainwright, Cr Geoff Graham, Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Su Groome

SPT2105-3 AMENDMENT 85 TO LPS 4 – CORRECTION OF LOCAL & NEIGHBOURHOOD CENTRE NOMENCLATURE

Meeting date: 19 May 2021
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments: 1. Nil
Additional information: 1. SPP 4.2 Extract – Hierarchy, Role & Characteristics of Centres

SUMMARY

The purpose of this report is to consider an amendment to Local Planning Scheme No. 4 (LPS4) to 'correct' (by reversing) the naming of Local and Neighbourhood Centres to correspond with the categorisation of centres used in State Planning Policy 4.2 'Activity Centres in Perth and Peel'. Currently, the scheme definitions for these two centre types are opposite to those of the Policy, creating confusion.

The amendment is purely administrative and would have no effect on objectives or land use permissibility within both types of centres. However, it would allow the City to reference centres, and their role and zoning, within strategic documents (including the updated Local Planning Strategy currently under preparation) and in discussions with applicants without the complexity and confusion associated with the current misalignment.

The amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*.

The report recommends that Council initiate basic scheme amendment 85 to Local Planning Scheme No.4 and process it in accordance with the provisions of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

In 2019, the City undertook a review of Local Planning Scheme No.4 and in February 2020, Council adopted the recommendations of the review report (SPT2002-4). These recommendations included pursuing some administrative amendments to the scheme and staging a series of issue and area-based reviews to update specific aspects of the scheme.

The Western Australian Planning Commission (WAPC) supported the report's conclusions subject to a modification to require the preparation of a new Local Planning Strategy prior to any further substantive amendments to the planning scheme: this was on the basis that the WAPC does not appear to have formally adopted the existing Local Planning Strategy in its approval of Local Planning Scheme No. 4 in 2007.

Work on updating the Local Planning Strategy is progressing, with a draft expected to be submitted to Council later this year. Parallel with this work, the 'short term' administrative updates to the scheme outlined in recommendation 2a of the Review Report are being progressed to maintain the scheme's currency and meet state requirements. One of these proposes "*review of and alignment of land use definitions with Model Scheme Text and centre nomenclature*". The purpose of this report is to consider a scheme amendment to address this.

The maintenance of town planning instruments contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

OFFICER COMMENT

Activity Centres are a key structural component of cities, and the economic and social exchanges they facilitate, and they are consequently a focal point of urban planning.

State Planning Policy 4.2 'Activity Centres in Perth and Peel' ('SPP 4.2) defines a hierarchy of centres, defining broad roles to each (refer Additional Information 1), from the Perth Capital City, Strategic Metropolitan Centres (including Fremantle City Centre), District Centres, Neighbourhood Centres, Local Centres and Specialised Centres (such as University, hospital and airport precincts). The Policy is under review to improve its efficacy, but the general role and classification of centres in the hierarchy is unchanged.

The City's Local Planning Scheme contains specific zones for City Centre, Local Centre and Neighbourhood Centre.

The stated role for a Neighbourhood Centre and a Local Centre in the City's Local Planning Scheme No.4 (and the supporting Local Planning Strategy) are essentially reversed when compared with the stated objectives of SPP 4.2.

Centre Type	**SPP 4.2**	**Revised Draft SPP 4.2**	**LPS 4**
General comments	*Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium density housing. There are also many smaller local centres such as delicatessens and convenience stores that provide for the day-to-day needs of local communities.*		
Neighbourhood	*Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services*	*Neighbourhood centres are important local focal points that provide for daily to weekly household shopping needs,*	*provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels or where*

		community facilities and a small range of other convenience services. They are also a focus for medium density housing. These centres play an important role in providing walkable access to services and facilities for local communities… Catchment: 2,000-15,000 people	*proposed as part of a mixed use development) which serve the local community and are located within and compatible with residential areas*
Local	*LOCAL CENTRES (Any centre with a shop-retail floorspace under 1500m2 NLA)*	*Local centres provide for the day to day needs of local communities. These centres provide an important role in providing walkable access to services and facilities for local communities*	*provide for weekly and convenience retailing including small-scale shops, showrooms, cafes, restaurants, consulting rooms, entertainment, residential (at upper levels), recreation, open spaces, local offices, cottage industry, health, welfare and community facilities which serve the local community, consistent with the local— serving role of the centre…. encourage the provision of suitable and accessible services to residents of the locality*

This can create confusion in discussions with applicants, and in planning documentation, particularly as standardisation increases and proponents make more automatic assumptions about strategic intent based on name. It is also the type of local variation the planning reform program is seeking to remove (albeit small in scale) in the interests of establishing a more simple, clear and comprehensible planning framework. It is therefore likely to be of concern to the Western Australian Planning Commission when it considers the currency of the planning scheme.

Whilst update of the scheme to align with the state's Model Provisions is proposed to occur as a separate project in due course, inclusion of this 'correction' is proposed separately because of the potential for confusion over its impact. The proposal will have no impact at all on the land use permissibility for centres or individual lots within them and is purely administrative. However, because of the change in zone name, there is potential for landowners to presume that changes are being made to the zoning permissibility. A separate (albeit very simple) scheme amendment has consequently been proposed to remove this anomaly.

This scheme amendment is considered a basic amendment under Part 5 of the *Planning & Development (LPS) Regulations 2015*, for reasons outlined under regulation 34(e):

"(e) an amendment to the scheme so that it is consistent with a State planning policy;"

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The requirements and process for scheme amendments are defined by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015.*

CONSULTATION

Consultation on basic scheme amendments is not required by the *Planning and Development (Local Planning Schemes) Regulations 2015* and is not considered necessary given the proposed amendments are administrative only.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM SPT2105-3
(Officer's recommendation)

Moved: Cr Adin Lang **Seconded: Cr Sam Wainwright**

Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 84 to the City of Fremantle Local Planning Scheme No. 4 to:-

i) Amend Clause 3.2.1 to replace the stated objectives of the Neighbourhood Centre zone with those of the Local Centre zone, and to replace the stated objectives of the Local Centre zone with those of the Neighbourhood Centre zone.
ii) Amend Table 1 Zoning to replace 'Local Centre' in the header row with 'Neighbourhood Centre' and replace 'Neighbourhood Centre in the header row with 'Local Centre'.
iii) Amend Clause 1.6.1 (h) to replace the words 'local centres' with 'neighbourhood centres'
iv) Amend Clause 5.6.1 (c) to replace the reference to the South Street Local Centre with reference to the South Street Neighbourhood Centre

v) Amend the text to replace all other references to 'Local Centre' with 'Neighbourhood Centre' and to replace all other references to 'Neighbourhood Centre' with 'Local Centre' including:

a. Clause 2.1 in Schedule 7
b. Clause 3.1 in Schedule 7
c. Clause 4.1 in Schedule 7
d. Clause 5.1 in Schedule 7
e. Clause 6.1 in Schedule 7
f. Clause 7.1 in Schedule 7
g. Clause 8.1 in Schedule 7
h. Clause 9.1 in Schedule 7

vi) Amend the legend of the scheme map to reverse the designation of 'local centre' and 'neighbourhood centre' zones by replacing the zone name 'local centre' with 'neighbourhood centre' and replacing the zone name 'neighbourhood centre' with 'local centre' within the legend.

2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 84 is a basic amendment for the following reasons:-

i) the amendment satisfies r. 34(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015, basic amendment:* "an amendment to the scheme so that it is consistent with a State planning policy";

3. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation, refer the Amendment to the Environmental Protection Authority for determination of whether an environmental review is required, and process the Amendment in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried: 6/0
Cr Andrew Sullivan, Cr Sam Wainwright, Cr Geoff Graham, Cr Doug Thompson, Cr Adin Lang, Cr Su Groome

SPT2105-4 REVIEW OF WHITE GUM VALLEY LOCAL PLANNING POLICIES

Meeting date: 19 May 2021
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments:
1. D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area
2. D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area
3. D.G.W3 – South Street Local Centre Local Area
4. D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area
5. D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area

Additional information: Nil.

SUMMARY

As part of the ongoing review of the City's local planning policy manual, officers have reviewed local planning policies for the suburb of White Gum Valley. These policies are classified as 'design guidelines' and relate to:

- **Samson and Watkins Streets, Nannine & Wiluna Avenue;**
- **Watkins and Hope Streets, Nannine and Yalgoo Avenues;**
- **South Street Local Centre;**
- **Carrington, Hope and Watkins Street and Minilya Avenue; and**
- **Watkins and Samson Streets, Minilya and Wongan Avenues.**

These policies mostly relate to management of infill development along the rights of way within these precincts and are considered outdated, with many of the provisions superseded by other planning instruments, notably the Residential Design Codes (R-Codes).

This report recommends that Council revokes all five policies.

BACKGROUND

On 26 February 2020, Council considered a report on the status of the City's local planning scheme. This identified (amongst other things) that the City currently has close to 100 local planning polices which cover numerous matters relating to planning and development of land within the Fremantle municipality. A number are quite dated. The scheme review report concluded that the City's planning scheme is satisfactory in its existing form but should be maintained based on an agreed program of projects including "periodic / recurrent / ongoing …. policy review for the purpose of rationalising the policy framework" (SPT2002-4). In addition to maintaining a robust and up to date policy framework, this recommendation responds to the State Government's planning reform agenda which promotes a planning system that is more contemporary and easier to navigate, and more streamlined and consistent.

Maintenance of the local planning framework supports the Capability objectives of the Strategic Community Plan relating to governance. Revocation of superfluous policies reduces unnecessary administrative burden and strengthens the City's efficiency, effectiveness and credibility in review (ie appeal).

As part of a staged review of the City's local planning policy manual, officers have reviewed five local planning policies relating to White Gum Valley. These policies are designated as 'design guidelines' with each detailing development requirements for specific precincts within the suburb. Each policy was prepared in the 1980s or 90s, and none have been reviewed since this time.

OFFICER COMMENT

The following provides a brief summary of each reviewed policy, along with a recommendation. Each policy is provided in its entirety in Attachment 1.

<u>D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area</u>

This policy was adopted in March 1990. It relates to a specific street block bounded by the above-mentioned roads. The policy promotes infill development within the street block and seeks to provide for a coordinated development outcome, by promoting upgrade and use of the right-of-way for access. The document contains six points promoting green title subdivision, dedication and widening of the right-of-way, orientation of dwellings towards the lane, contributions towards upgrade from adjoining development and potential 'cul de sac-ing' of the lane.

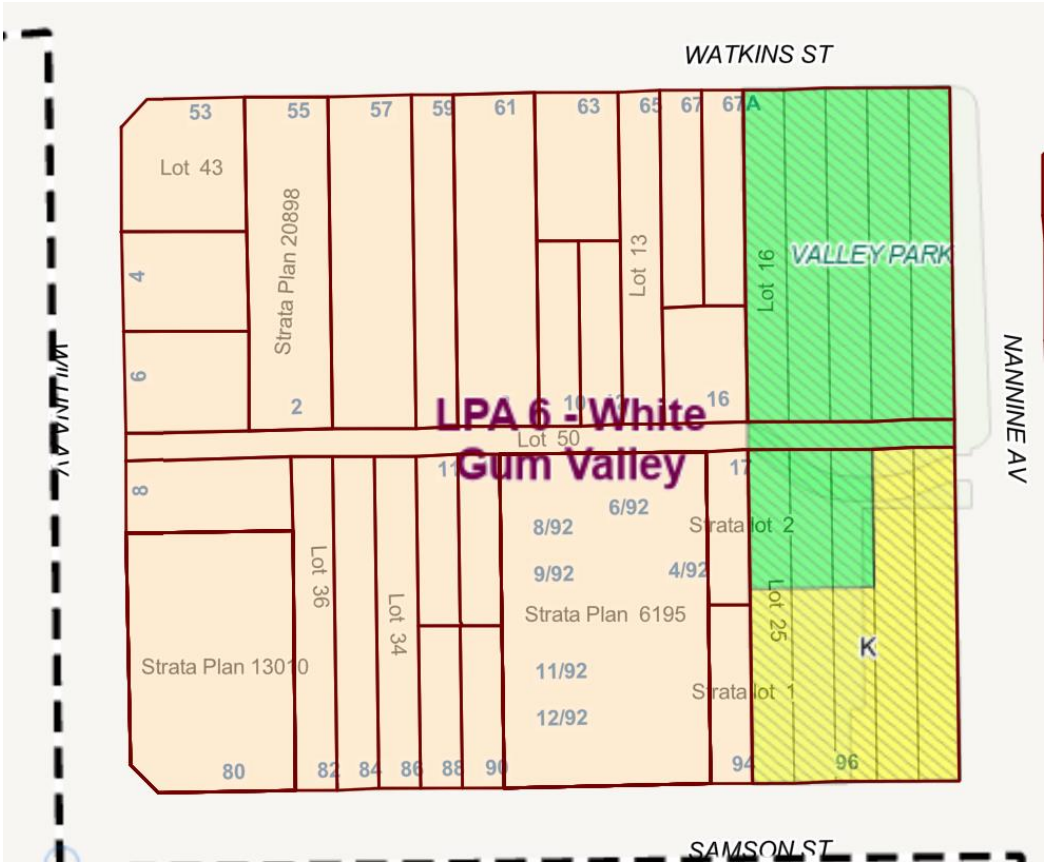


Figure 1 – Street block bounded by Samson and Watkins Streets, Nannine and Wiluna Avenues, White Gum Valley

The policy has limited application, the laneway (Mulberry Farm Lane) having been sealed, drained and residing under the care and control of the City as a City-owned (but undedicated) lane. Matters relating to dwelling orientation and access are addressed by the Residential Design Codes (R-Codes). Green title subdivision is no longer considered preferable to other tenure forms especially given the emergence of survey-strata subdivisions as a common land tenure form in the years after this policy's adoption. For these reasons, the policy is recommended to be revoked. Retrospective contributions to the upgrade of the laneway could no longer be levied in the absence of a clear scheme provision enabling this, however upgrade works necessary to render the laneway suitable to service new subdivision can be applied to subdivision irrespective of the existence of the policy.

Future management (and potential dedication) of the laneway can be considered independent of this policy, under the broader 'Policy and Procedures for the Dedication, Upgrade or Closure of Rights of Way' policy.

D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area

This policy was adopted in June 1991 and applies to a nearby street block. It is similar in function to D.G.W1, however contains provision for 0.5 metres of each site to be ceded to the City for the creation of a widened right-of-way to facilitate vehicle access to infill development. From cadastral information on the City's GIS, it would seem that this has only been achieved for one site within the street block.

Figure 2 – Street block bounded by Watkins and Hope Streets, Nannine and Yalgoo Avenues, White Gum Valley

Notwithstanding, the rear right-of-way (Farrier Lane) has since been sealed and drained by the City and remains under its management as a private lane. It is also noted that the width of the laneway is 6 metres, which is the typical width to facilitate vehicle manoeuvrability, and as such further widening is not required. Other design considerations are appropriately dealt with through other City policies and the R-Codes, and the planning framework more generally. As such, the policy is recommended to be revoked.

D.G.W3 – South Street Local Centre Local Area

This policy was adopted in May 1995 and amended in June 1997. It effectively applies to the South Street Local Centre zone (partly located in Beaconsfield) which is now covered by the more contemporary Local Planning Policy 3.18: Beaconsfield and White Gum Valley Local Centre Areas adopted in December 2017. LPP 3.18 contains a comprehensive set of standards, aligned with LPS4 provisions, that effectively supersedes D.G.W3. As such, the policy is recommended to be revoked.

D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area

Adopted in November 1998 and amended in June 2000, this policy serves a similar function to the first two polices and contains provisions for ceding of land to facilitate laneway widening.

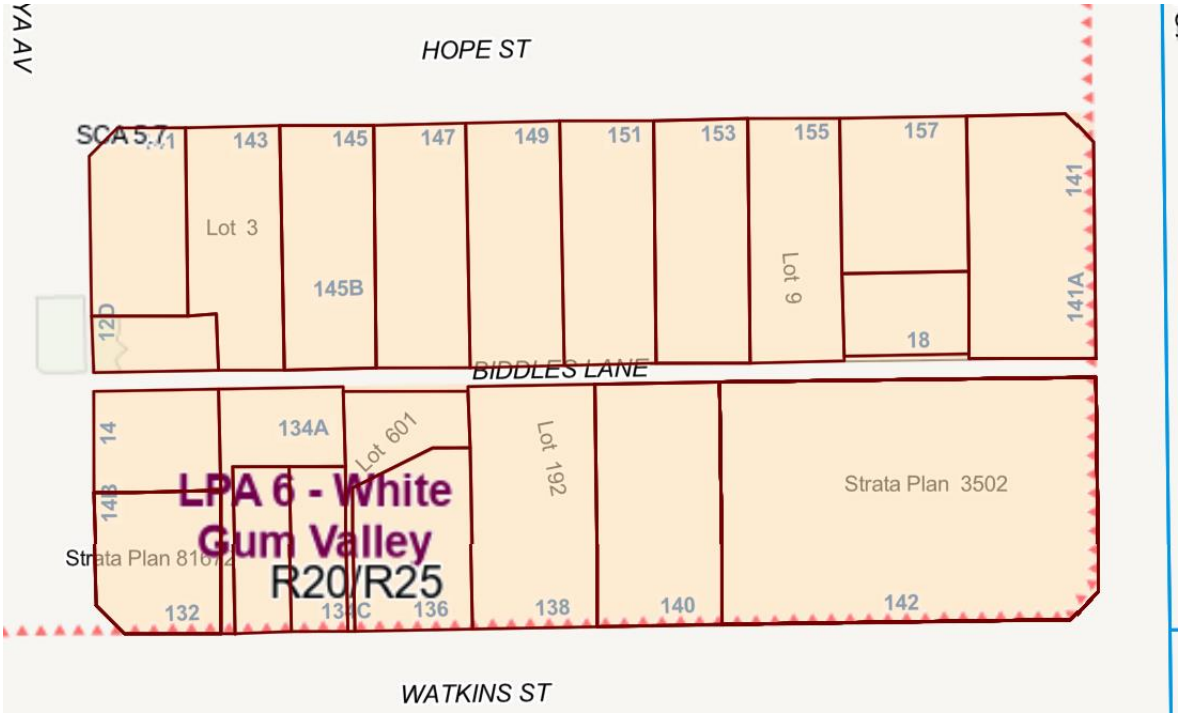


Figure 3 – Street block bounded by Carrington, Hope and Watkins Streets and Minilya Avenue, White Gum Valley

The subject laneway has since been paved, drained and dedicated (as Biddle Lane), however being 4 metres wide is only suitable for one-way traffic. Notwithstanding the policy provisions, subdivisions have been approved within this street block without any ceding of land, with only two rear-facing lots appearing to have achieved this, effectively removing the opportunity for any comprehensive widening of the laneway. Whilst unfortunate, it is recommended that this be accepted and pursuit of widening be abandoned as no longer feasible. As per the previous policies other provisions are superseded by other more contemporary documents. As such it is recommended that the policy be revoked.

D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area.

This policy was adopted by Council in October 1988 and amended in November 1998. It is similar in form and content to D.G.W1, though provides more detailed design direction on the placement of dwellings and open space, appearing to anticipate a recoding then presumably under consideration. As with Biddle Lane, the laneway has been dedicated (as Lois Lane) as well as sealed however widening attempts have been similarly unsuccessful. The policy is recommended be revoked for the reasons already discussed above in relation to D.G.W1.

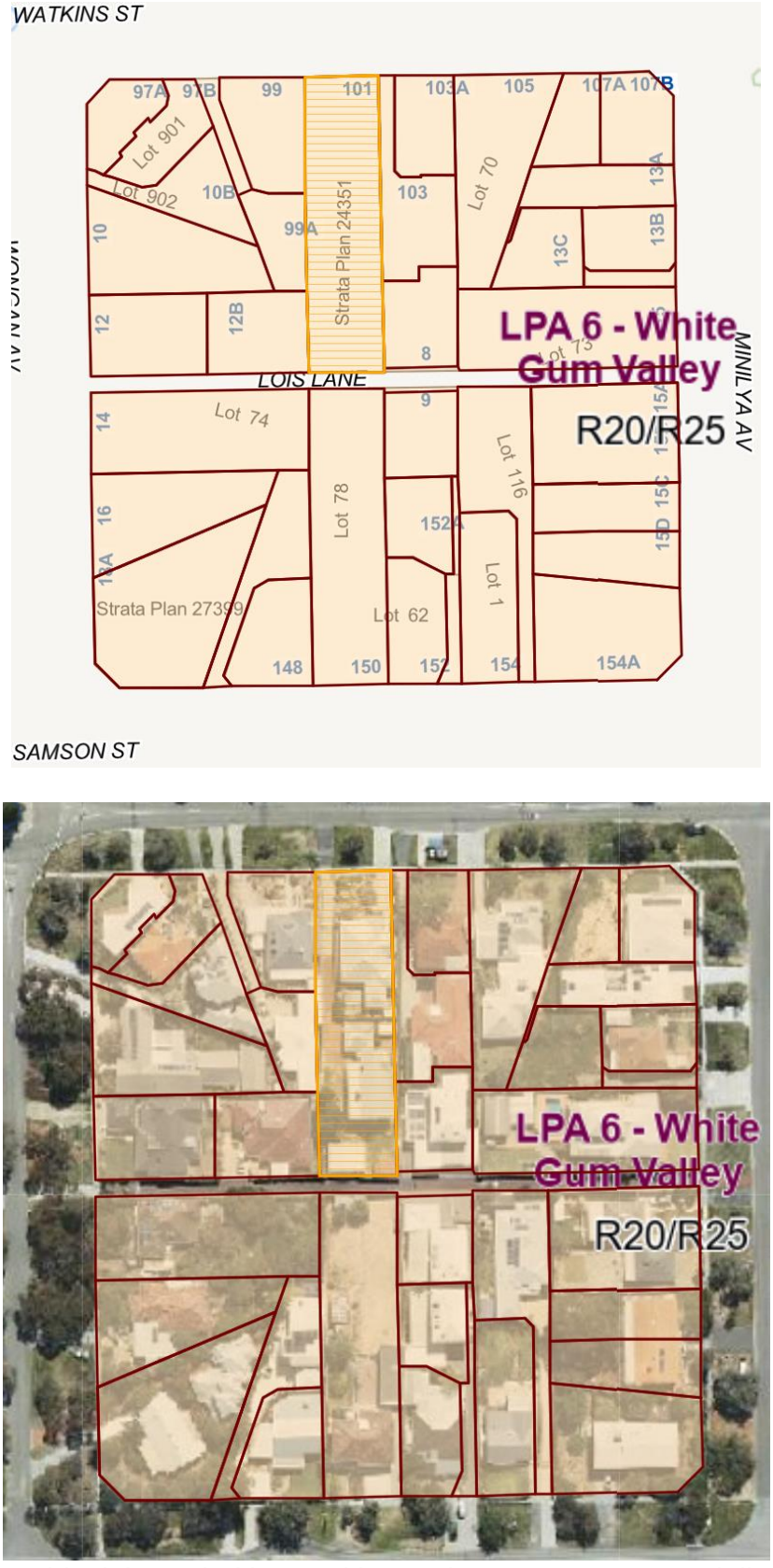


Figure 4 – Street block bounded by Watkins and Samson Streets, Minilya and Wongan Avenues, White Gum Valley

In the event that Council wished to continue to pursue widening of laneways (particularly those under 6m), it would be recommended that this be included as an additional provision in the City's existing policy relating to right-of-way dedication and upgrade – D.A.15. It should be noted that the WAPC will typically only apply such provisions where the laneway has been dedicated, and where the subdivision utilises the laneway for access. This in part explains the inconsistent application of widening in the above examples. Irrespective of the existence of a policy, where a laneway's width proves insufficient to support development / subdivision / vehicle manoeuvring, it would be the responsibility of the applicant to resolve this and ensure adequate provision.

Review of D.A.15 may provide the opportunity to standardise upgrade and contribution condition requests for laneways, taking into account contemporary WAPC requirements. Provisions for lighting easements in particular, may be advisable.

FINANCIAL IMPLICATIONS

Nil: Contributions towards upgrade of laneways referenced in policies existed without the statutory backing of the planning scheme established as necessary and have consequently long-since ceased to be applied to subdivision. Establishment of a retrospective cost recoupment scheme is considered unfeasible.

LEGAL IMPLICATIONS

The procedure for revoking a local planning policy is provided for under Schedule 2, Part 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Consultation is not required for revoking a local planning policy: publication of a digital notice is required, with the option to publish a notice in a local newspaper if the local government considers it appropriate. Given the age and limited application and impact of the policies, digital notification is considered sufficient.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM SPT2105-4
(Officer's recommendation)

Moved: Cr Su Groome **Seconded: Cr Sam Wainwright**

Council:-

1. **In accordance with Schedule 2, Part 2, Clause 6 of the Planning & Development (Local Planning Schemes) Regulations 2015:**

   a. **Revoke the following local planning policies:**
      - **D.G.W1 – Samson and Watkins Streets, Nannine and Wiluna Avenues Local Area.**
      - **D.G.W2 – Watkins and Hope Streets, Nannine and Yalgoo Avenues Local Area.**
      - **D.G.W3 – South Street Local Centre Local Area.**
      - **D.G.W4 – Carrington, Hope and Watkins Streets and Minilya Avenue Local Area.**
      - **D.G.W5 – Watkins and Samson Streets, Minilya and Wongan Avenues Local Area.**

   b. **Publish a notice of the revocations on the City of Fremantle website.**

Carried: 6/0
Cr Andrew Sullivan, Cr Sam Wainwright, Cr Geoff Graham, Cr Doug Thompson, Cr Adin Lang, Cr Su Groome

12. Reports and recommendations from officers

C2105-1 KINGS SQUARE – 'WHAT'S IN A NAME?' PROJECT FINDINGS

Meeting date: 26 May 2021
Responsible officer: Manager City Design and Projects
Decision making authority: Council
Meeting attachments: 1. Engagement Report
Additional information: 1. Supplementary Information

SUMMARY
The purpose of this report is two-fold:

1. **to present a comprehensive report on community feedback, together with details of the process, regarding the 'What's In A Name?' project that explores the idea of renaming Kings Square;**
2. **a recommendation to council, based on community sentiment, as well as actions adopted in its Reconciliation Action Plan, that council considers support for renaming the public space currently known as Kings Square to Walyalup Koort (Meaning: Heart of Fremantle) and to seek formal approval for this from Landgate.**

BACKGROUND
On **8 July 2019**, the City received a letter from the State Government, dated, from the Minister for Aboriginal Affairs and the Minister for Local Government inviting the City to explore opportunities to "preserve and reawaken local languages through place naming."

At its meeting on **24 July 2019,** council approved the Walyalup Reconciliation Action Plan (WRAP), that contained the following specific commitments:

- 14.1 Establish and promote Fremantle as an 'Aboriginal and Torres Strait Islander history and cultural precinct'—a place where tourists and other residents come to learn about our true history, and our ancient and contemporary culture.
- 14.3 seeks to identify opportunities for naming/co-naming locations, streets and parks in and around Fremantle.
- 14.7 seeks to introduce significant symbols of, and information about, Whadjuk culture and history as part of the Kings Square redevelopment.

At its meeting on **26 February 2020**, council passed a resolution to explore the renaming of Kings Square through a community engagement process (refer point 2 below):

Council, in recognition of Traditional Owners, and in the spirit of the City of Fremantle's Walyalup Reconciliation Action Plan 2019-22;

1. *Agrees to name the new Civic Building the 'Walyalup' Civic Centre;*
2. *Request that officers facilitate a community engagement process for the space currently known as 'Kings Square', including the names that have been identified through the consultation to date, which also provides the opportunity for Fremantle residents to contribute their own suggestions, provided they are within the follow parameters:*

- *Generating a sense of civic pride*
- *Directly relevant to Fremantle*
- *Enduring, able to withstand the test of time*

3. *Acknowledges and extends its sincere thanks to the Whadjuk Nyoongar groups and Elders who have contributed to this discussion, thus far.*

FINANCIAL IMPLICATIONS

There are no direct financial implications to this report. Any minor expenses that may result if a decision is made to re-name Kings Square, such as changes to signage, will be covered by existing operational budgets.

LEGAL IMPLICATIONS

Under the provisions in the Land Administration Act 1997, the Minister for Lands has the authority for approving all geographical features, place names or proposed name changes in Western Australia. This authority is delegated to Landgate. Typically, Landgate receive requests from local government authorities and requires evidence that relevant stakeholders and the community have been consulted with as part of the process.

CONSULTATION

Summary

The timeline below indicates the key dates and consultative activities associated with exploring ideas for re-naming Kings Square:

2019

February 2019
Initial conversations about place names during the development of Public Realm Concept Plan.

July 2019
Letter from State Government inviting the City to use Indigenous words in place-naming.

July 2019
WRAP approved by Council – contained specific actions on naming and Kings Square.

August 2019
Initial consultation with Whadjuk Working Party at SWALSC.

November 2019
Initial discussion with WRAP Reference Group.

2020

February 2020
Council resolution to broaden the engagement with the whole community.

COVID-19 *DELAY IN CONSULTATION PROCESS*

September 2020
Project update and feedback from Aboriginal Elders morning tea with the Mayor.

September 2020
Initial Meeting of Kings Square Stakeholder Group.

Oct – Nov 2020
Stage 1 Community Engagement – IDEATION.

November 2020
Kings Square Stakeholder Group Meeting.

2021

Mar – Apr 2021
Stage 2 Community Engagement – PREFERRED NAME.

March 2021
Presentation #2 to WRAP Reference Group.

May 2021
Kings Square Stakeholder Group Final Meeting.

Consultation with Aboriginal Community
As part of developing the WRAP, discussions were held around the importance of recognising Nyoongar culture through 'place' naming. This resulted in specific actions incorporated into the adopted document.

In August 2019, the Whadjuk Working Party (WWP) at South West Aboriginal Land and Sea Council (SWALSC) provided early support for the idea of a name change to Kings Square, and considered Walyalup and Midgegooroo as appropriate names, with a preference for Midgegooroo.

Later in August 2019, the newly formed WRAP Working Group met and discussed the idea of re-naming Kings Square, expressing broad support for the idea. The group noted the recent support from WWP.

In September 2020 further consultation occurred with Aboriginal Elders as part of an ongoing commitment by the City to host a regular meeting between Elders and the mayor and elected members to enable important matters to be discussed. In the same month, two Traditional Owners were invited to be members of the Kings Square Stakeholder Group - to assist the city with guiding the decision-making process.

In March 2021, a project update was presented to the WRAP Reference Group – providing detailed information regarding the broader community consultation process, including the following:

- The results of the Stage 1 Community Engagement: Ideation.
- The short-list of names endorsed by the Kings Square Stakeholder Group.
- The names of the two Traditional Owners who are members of this Group.
- The reasons why the names Manjaree and Whadjuk were removed from the shortlist – noting that Manjaree refers to an actual location near Arthur Head, and Whadjuk relates to a far broader area to be meaningful to the centre of Fremantle.
- Describing the proposed process for Stage 2 Community Engagement and inviting the WRAP Reference Group members to participate.

General support for the process was noted, together with a reaffirmation for the idea of using an appropriate Whadjuk word for the naming of Kings Square.

In May 2021, following the close of Stage 2 'What's In A Name?' each member of the WRAP Reference Group and the Traditional Owners who have contributed to the discussion on re-naming has been thanked for their input; advised of the preferred name 'Walyalup Koort' that came out of the broader community engagement process, and advised that the council will now be considering the matter. The recommendation in this report has the support from the Traditional Owners and local Elders who assist the City deliver the actions under the WRAP.

What's In A Name? – Broad Community Engagement
In response to council's request in February 2020 to consult more broadly with the community through an engagement process, the program 'What's In A Name' was developed. This consisted of two main parts:

Stage 1: Ideation

The community was invited to suggest other names and suffixes that could be considered to go along with the existing Aboriginal names, to form a short-list. Suggestions were requested within three criteria set by Council and they were assessed against this as well as preliminary comment by Landgate.

Key findings:

- The My Say Freo page was visited by 1,120 people in stage one.
- There were 194 submissions (150 online, 39 idea cards, 5 direct email) including input from two local schools.
- There were 128 new name suggestions, of which 70 were unique names.
- The largest theme was Aboriginal names, use of Fremantle with various suffixes and cross-cultural harmony.
- There were 5 suggestions to dual name and a submission from the History Council of Western Australia preferring this option.
- None of the new names passed preliminary assessment however several suggested suffixes as well as the suggestion for dual naming progressed to stage two. Names to be used elsewhere were also identified.
- An additional theme was identified related to the proposed artwork for Kings Square.

Stage 2: Preferred name

The community was then invited to discuss the short-list of names and suffixes around three themes and indicate any preferences.

Key findings:

- The My Say Freo page was visited by over 2,000 people in stage two.
- 182 people participated in the online discussion, who made 275 comments and placed 647 votes on other people's comments.
- 780 owners or occupiers were randomly selected across the City of Fremantle (stratified by suburb population) and invited to participate in a separate survey, some receiving an information pack.
- 110 people returned the random survey (a slightly higher than average return rate for random sampling).
- There was 60.9% positive community sentiment to change the name to recognise Aboriginal people, land and/or culture in the random sample and 39.9% keen to retain the name Kings Square In the online discussion 74.3% of commentary was around changing the name to one of the options and 25.69% commentary around retaining the name 'Kings Square'.
- Walyalup Koort was the most popular name supported by those who wanted to see a new name, in both the random sample and online discussion. Sentiment for this name online was almost entirely positive.
- Kings Square attracted more mixed comments. In the online discussion it attracted the highest amount of negative sentiment and second highest positive.
- The name Midgegooroo Square attracted some support, however, it also attracted a relatively high level of negative sentiment.

- No overall clear community sentiment around the use of dual naming. As a general observation, those in favour of re-naming were against dual naming, whilst some of those who preferred to keep the name Kings Square expressed an openness to dual naming. Traditional Owners have expressed a clear preference not to use dual naming in this instance.
- Overall sentiment from participating businesses around Kings Square was towards change, however with mixed preferences.
- In addition, 7 hard copy surveys, 3 submissions (including the Fremantle Historical Society), 3 direct emails and 1 discussion pack were returned. In summary, 9 of these preferred the name Kings Square be changed but not via dual naming, 4 prefer the name Kings Square retained and 1 preferred dual naming. They are covered in the engagement report.

Refer to **Attachment 1** for comprehensive analysis and summary of the community engagement process 'What's In A Name', including how the opportunity was promoted.

Refer to **Additional Information 1** for further details and specifics of the feedback received in stage two.

What Else Did We Learn?
The two-stage engagement process called for ideas and asked people to consider a shortlist of names was also designed to stimulate community discussion. This process revealed other facts and suggestions the City might be able to use in other projects:

1. Other people worthy of recognition, namely Marion Bell who was a local adventurer and businesswoman. She established a charabanc business in Fremantle, was the first woman to drive around Australia (with her daughter), ran the Fremantle Taxi Service and reformed the Citizens Ambulance service. A preliminary check showed the name 'Bell' might not pass the eligibility test for road naming due to similar road names in proximity, however other ways to honour Marion Bell can be investigated.

2. A general desire to see all cultural influences in Fremantle recognised and celebrated. In stage one there was a particular emphasis on Italian migrants but the option to recognise this via place naming had a mixed response in stage two. It is therefore suggested that other opportunities can be explored through the *'Celebrating Fremantle's Southern and Eastern European Migrants'* project.

3. A desire to recognise our shared history and for increased knowledge and understanding of traditional custodians and Whadjuk culture. This aspect also had support from many who did not support changing the name Kings Square. The story around Midgegooroo, Yagan's father, is little known and could be better shared with the community.

Kings Square Stakeholder Group (What's In A Name?)
In September 2020, the City invited key stakeholders associated with Kings Square to form a reference group to assist with the community engagement process. Representatives on this group were:

- Representative from St John's Anglican Church, Kings Square.
- 2x Traditional Owners.
- CEO from the Fremantle Chamber of Commerce.
- Managing Director, Sirona Capital.
- Executive from Department of Communities.
- An elected representative from the City.

The Group met on several occasions to guide the process and review community feedback. Upon completion of Stage 2 Engagement, and review of the input from the community, the Group made the following concluding statement at its meeting on 14 May 2021:

> "*The Kings Square Stakeholder Group wishes to thank the City for inviting us to be part of this participative process.*
>
> *In full consideration of community sentiment, we unanimously support a name change to Walyalup Koort, meaning the Heart of Fremantle.*
>
> *It is our opinion, also based on community sentiment and a clear preference from Traditional Owners, that the place should be renamed and not dual-named. The Stakeholder Group also considers that keeping the renaming simple will assist with wayfinding, branding and marketing of public events in the city's main civic space – welcoming people back into the heart of Fremantle."*

OFFICER COMMENT
Exploring the idea of re-naming Kings Square started in late 2018 / early 2019 when new plans for the public realm were being discussed. Since then, many decisions and discussions have occurred that have given momentum to this idea.

A growing amount of work is being undertaken within the City and the State of Western Australia in understanding and recognising Aboriginal culture and within this – how little is known of ancient languages, such as the Nyoongar language and Whadjuk dialect. In 2019 the State Government wrote to the City, inviting Fremantle to look at ways to conserve and promote language by using Indigenous words in place naming.

When adopting the latest WRAP in 2019, the council committed to various actions, including looking for opportunities to use Indigenous words for place names, as well as ways to acknowledge Whadjuk culture in the Kings Square Redevelopment.

By early 2020, there was growing interest among Traditional Owners and local Elders to look at re-naming Kings Square to a culturally appropriate Whadjuk name. In February 2020 the Council decided that this conversation needed to be expanded to engage with the broad Fremantle community.

The engagement process 'What's In A Name?' was designed specifically to provide an opportunity for people to contribute their own suggestions and share their thoughts on the idea of renaming the space known as 'Kings Square'.

By encouraging 'open' online conversations, sending out invitations specifically to Fremantle residents through random surveys and visiting surrounding businesses, the City was able to capture an indication of community sentiment on the key issue – whether to change the name from Kings Square.

Stage one indicated a clear preference expressed by those who engaged in the process for an Aboriginal name, which in Fremantle should be a local Whadjuk Nyoongar name.

Based on the results of stage two there would appear to be community sentiment, ranging from 60-75% of participants, to change the name from Kings Square. For those supportive of change, the clear preference was for the name Walyalup Koort. This name is supported by Traditional Owners and representatives from the City's WRAP Reference Group as well as the Kings Square stakeholder group made up of place-based representatives.

It is acknowledged that a reasonable percentage of people who engaged in the process, ranging from 25-40%, were opposed to changing the name from Kings Square.

The City designed the engagement process to be accessible to all Fremantle residents and businesses and actively encouraged individuals and groups to participate. Although the engagement findings from 'What's In A Name?' process is only a sample of the entire Fremantle community, analysis of the findings is considered to provide the City with a snapshot of community sentiment on this issue.

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required.

OFFICER'S RECOMMENDATION
Council

1. **Receives this report on the community engagement 'What's In A Name?' that explores the idea of re-naming Kings Square;**

2. **Supports the use of Whadjuk Nyoongar words "Walyalup Koort" (meaning: Heart of Fremantle) for renaming Kings Square;**

3. **Refers the above resolutions to Landgate, for formal approval by the State Government for changing the name of the place currently called Kings Square to Walyalup Koort;**

4. **Expresses a sincere thank you to everyone who engaged in this process and expressed their individual opinions in a thoughtful and respectful manner.**

C2105-2 MONTHLY FINANCIAL REPORT - APRIL 2021

Meeting date: 26 May 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 30 April 2021
Additional information: Nil

SUMMARY

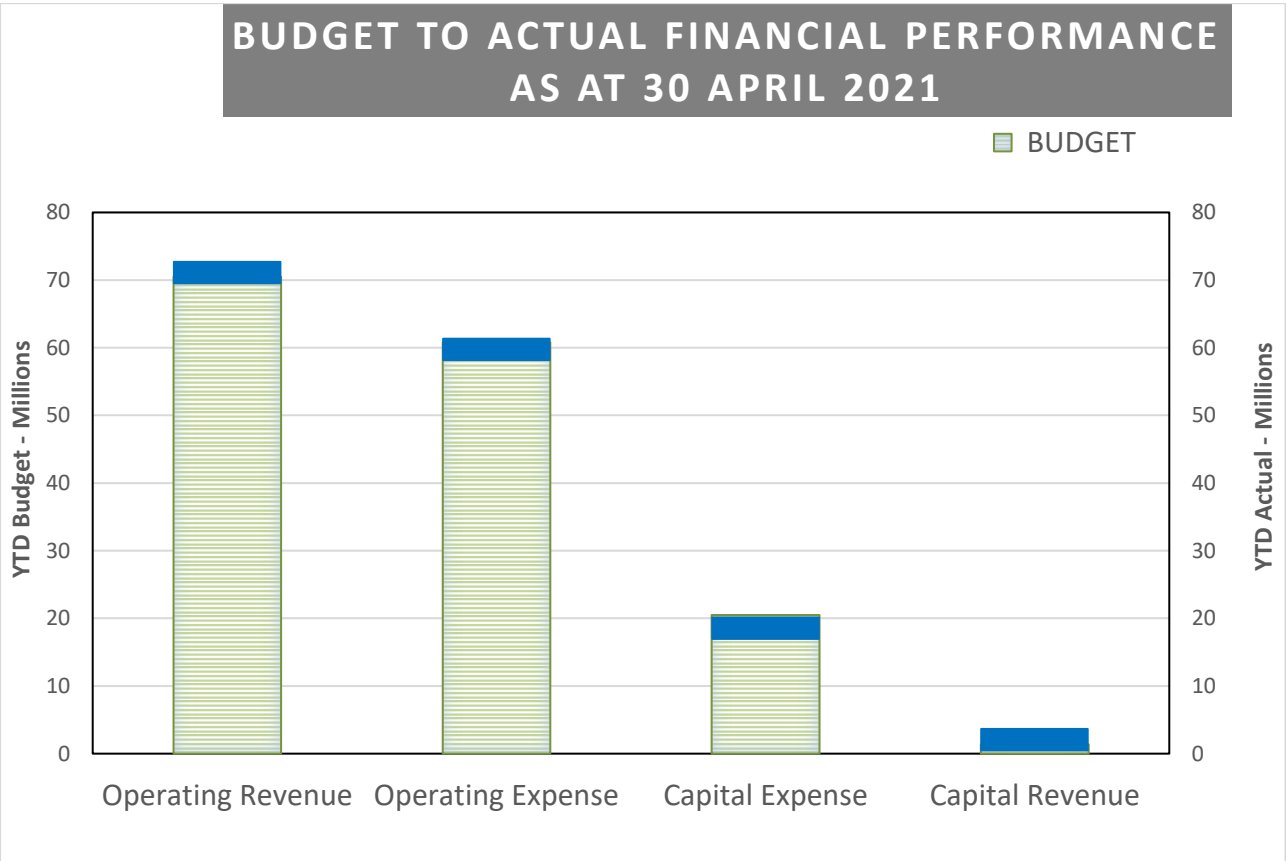
The monthly financial report for the period ending 30 April 2021 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

This report provides an analysis of financial performance for April 2021 based on the following statements:

- **Statement of Comprehensive Income by Nature & Type and by Program;**
- **Rate Setting Statement by Nature & Type and by Directorate; and**
- **Statement of Financial Position with Net Current Assets**

BACKGROUND

The following graph and table provide a high-level summary of Council's year to date financial performance as at 30 April 2021.



Description	YTD Budget $M	YTD Actual $M	Variance $M	Variance % %	+/-
Opening Surplus	3.56	3.56	0.00	0.00%	
OPERATING					
Rate Revenue	48.10	48.24	0.14	0.30%	
Revenue	22.42	22.88	0.46	2.08%	
Expenses	(60.78)	(59.76)	1.02	1.68%	
Non-Cash Adj.	6.15	8.56	2.41		
	15.89	**19.92**	**4.03**	**25.36%**	
CAPITAL					
Revenue	1.39	2.10	0.71	51.14%	
Expenses	(20.54)	(18.56)	1.98	9.62%	
Financing	(1.39)	(1.74)	(0.35)	(25.48%)	
Reserve Transfers	16.30	15.31	(0.99)	(6.08%)	
	(4.24)	**(2.89)**	**1.35**	**(31.84%)**	
Closing Surplus	**15.21**	**20.59**	**5.38**	**35.40%**	

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

Income	Variance	
Fees and Charges	843,464	
Operating Grants, Subsidies & Contributions	(597,861)	
Rates (including Annual Levy)	153,728	
Other Revenue	139,624	
Other Operating Income Items	54,781	
Total Operating Income	**593,736**	
Expenses	**Variance**	
Employee Costs	1,622,825	
Materials and Contracts	1,265,140	
Depreciation Expenditure	(1,997,337)	
Utility Charges (gas, electricity, water)	125,820	
Other Expenditure	455,871	
Other Operating Expense Items	(48,214)	
Total Operating Expenses	**1,424,105**	

Further explanation of material variances, except rates income and employee variance, is included under officers' comments.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 30 April 2021 resulted in an additional $5,382,951 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

Reduction in anticipated year to date position

- Reduction of net transfer to/from reserve of ($990,718)
- Increased of repayment of borrowings and operating leases of ($353,482)

Increase in anticipated year to date position

- Increased general rates income of $142,846
- Increased operating revenue (excluding general rates) of $466,569
- Underspending of operating expenditure (excluding depreciation) to date of $3,017,817
- Increased capital revenue of $709,235
- Underspending of capital expenditure to date of $1,974,996

Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2020/21 for reporting material variances as 10% or $100,000, whichever is greater (Item SC2007-2 refers Council meeting on 8 July 2020).

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

Description	Variance Amount	Comment
Operating Grants, Subsidies and Contributions	**(597,861)**	**19%**
Major Variances:		
Provide general practice community law advice	(58,032)	Accounting Variances Grants have been received in cash as budgeted. However due to the requirement of AASB 15 Revenue

Description	Variance Amount	Comment
Provide Legal Aid - Family + Domestic Violence - Commonwealth	(82,299)	from Contracts with Customers, income is only recognised when contract performance obligations are fulfilled. The City has performed a review to recognise grant income in line with the proportion of the costs incurred to date. The portion of unspent operating grants which may have previously been recognised as revenue, are now required to be reflected as a contract liability. This contract liability remains until such time as the City's obligations to transfer goods or services to the customer have been met.
P-11729 Program-Reveal Aboriginal Artist 2020	(97,964)	
Provide domestic violence legal aid - State	(98,260)	
Operate Fremantle Arts Centre	(107,879)	Budget Phasing Delay in payment of 2nd instalment of grant by DLGSC. Additional information has been provided as requested.
Coordinate arts centre exhibitions	(197,555)	
Other Revenue	**338,500**	▲ **70%**
Major Variances:		
Containers for Change	28,121	Increased income due to more container disposals in April than anticipated.
Monitor financial accounting processes	57,052	Increased income due miscellaneous refunds received this year that were not budgeted.
Depreciation on Non-Current Assets	**(1,997,337)**	▲ **(32%)**
Major Variances:		
Depreciation – Buildings	(1,384,353)	Depreciation on buildings is higher than adopted budget due to building revaluations as at 30 June 2020 which increased fair value of buildings by $35m and reduced the remaining useful life for some buildings. A review of the remaining useful lives is underway and any required adjustments to depreciation will be made prior to finalising end of financial year 30 June 2021.
Depreciation - Right-of-use Asset	(470,797)	Depreciation expense is now required on operating leases due to the change in accounting treatment resulting in more depreciation than the adopted budget.
Loss on Sale of Assets	**(403,635)**	▲
Major Variances:		
Project 11847 - Purchase/Sale Road Sweeper	(44,667)	The sale of the Road Sweeper was expected to occur in June resulting in a budgeted loss of $63,265 however actual loss $44,677 less than budget.
Demolition of Public Golf Course Clubhouse	(358,967)	The demolition of the Public Golf Course Clubhouse building as part of the Fremantle Golf Course project was not included in the adopted budget. At time of demolition, the written down value of the asset was $358,967.
Other Expenditure	**455,871**	▼ **25%**
Major Variances:		
Conduct place activation activities	225,000	No sponsorship payments made to SFFC and FFC to date. Budget to be carried forward to 21-22.
Allocate community development funding	85,099	Ad hoc expenditure less than expected to date for the initial round of community and neighbourhood quick response grants.

Description	Variance Amount	Comment
Coordinate external event enquiries and bookings	81,834	Sponsorship paid to date to community groups for community events lower than budgeted due to COVID restrictions on events/gatherings.
Support the mayor and councillors	51,050	Sponsorship expenditure opportunities yet to present for this financial year, plus savings in allowance due to vacant position for Mayor.
Capital Grants and Subsidies/Contributions for the development of Assets	**(693,245)**	▲ **54%**
Major Variances:		
P-11882 -Design and construct - Fremantle Golf Course	1,196,253	Budget Phasing $5.6m of grants income received in cash in 2019/20 and carried forward to 2020/21FY. However due to the requirement of AASB 15 Revenue from Contracts with Customers, income is only recognised when contract performance obligations are fulfilled. The City has performed a review to recognise grant income in line with the proportion of the costs incurred to date ($1.2m). The grants income is budgeted to be recognised as income in June therefore resulting variance of $1.2m. The portion of unspent capital grants which may have previously been recognised as revenue, are now required to be reflected as a contract liability ($4.4m). This contract liability remains until such time as the City's obligations to transfer goods or services to the customer have been met.
Purchase Infrastructure - Parks	**380,144**	▼ **27%**
Major Variances:		
P-10295 Design and construct-Kings Square Public Realm Newman	244,392	Budget Phasing The construction of stage 2 was delayed due to overall delays on the Kings Square project. Stage 2 construction has now commenced.
P-11680 Design and construct-Kings Square Playspace	92,835	
P-11911 - Design and construct - Leighton Beach - Shelters	41,844	Budget Phasing Project on site with completion due in May, budget to be utilised.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 30 April 2021.

C2105-3 SCHEDULE OF PAYMENTS APRIL 2021

Meeting date: 26 May 2021
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: 1. Schedule of payments and listing
2. Purchase Card Transactions
Attachments viewed electronically
Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending April 2021, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996,* a list of accounts paid under delegation for the month of April 2021, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of $7,100,747.69 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and
(b) the amount of the payment; and
(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and
(ii) the amount of the payment; and
(iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub-regulation (1) or (2) is to be —
(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending April 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	**Amount ($)**
Cheque / EFT / Direct Debit	$4,734,472.72
Purchase card transactions	$43,467.81
Salary / Wages / Superannuation	$2,322,807.16
Other payments (*as outlined in Attachment 1)*	$0
Total	**$7,100,747.69**

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending April 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Accept the list of payments made under delegated authority, totalling $7,100,747.69 for the month ending April 2021, as contained within Attachment 1.

2. Accept the detailed transaction listing of credit card expenditure, for the month ending April 2021, as contained within Attachment 2.

C2105-4 STATEMENT OF INVESTMENTS – APRIL 2021

Meeting date: 26 May 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Investment Report – 30 April 2021
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 30 April 2021 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 30 April 2021, as provided in Attachment 1.

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

- **Portfolio details as at April 2021;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earnt for the month;**
- **Investing activities for the month;**

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

The City has committed to carbon neutrality, and to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.

To this end the City will review and manage its investment portfolio to identify financial institutions which support either direct or indirect support of fossil fuel companies and has limited these investments in these institutions to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date actual investment interest earned is $338,260 against a year to date budget of $333,641 which represents a favourable variance of $4,619.

The City's investment income budget was reduced by $100,000 at the mid-year budget review due to the cash rate cut in November 2020. The City should be able to meet the amended budget of investment income of $349,686.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.48% for the month of 30 April 2021. The City's actual portfolio return in the last 12 months is 0.70%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.07% (refer Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversighted by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 30 April 2021 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 30 April 2021

At period end, the City's investment portfolio totalled $46.86m. The market value was $46.92m, which takes into account accrued interest.

The investment portfolio is made up:

Cash Investments (<= 3 months)	$10.36m
Term Deposits (> 3 months)	$36.50m
TOTAL	$46.86m

Of which:

Unrestricted cash	$31.61m
Restricted cash (Reserve Funds)	$13.92m
Restricted cash (Trust Funds)	$ 1.33m
TOTAL	$46.86m

The current amount of $31.61m held as unrestricted cash represents 44.39% of the total adopted budget for operating revenue ($71.24m)

2. Portfolio counterparty credit framework (as at 30 April 2021)

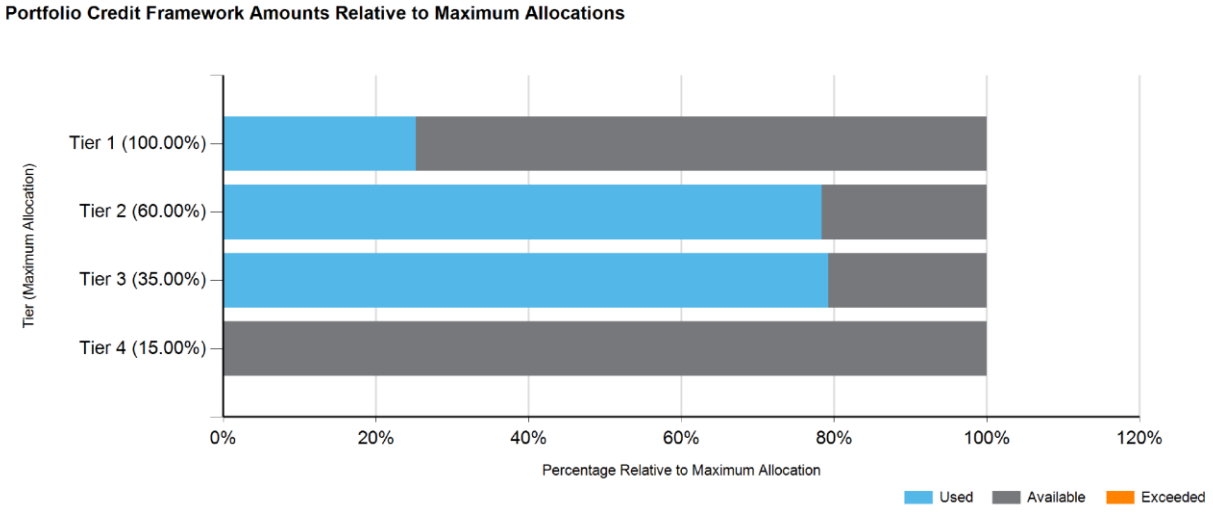
The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

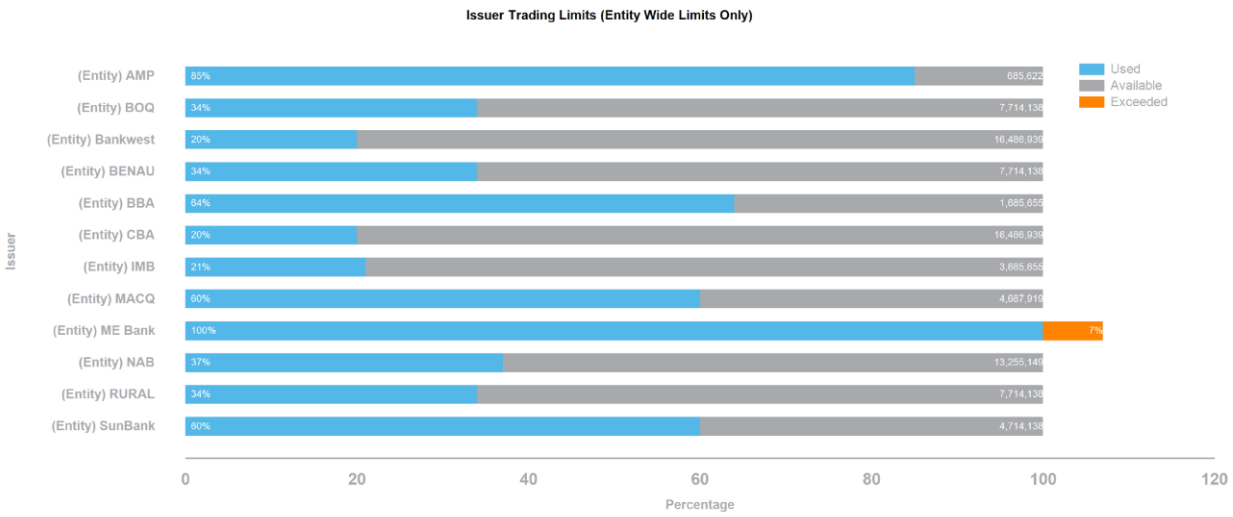
Counterparty credit framework

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

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	($1m)

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



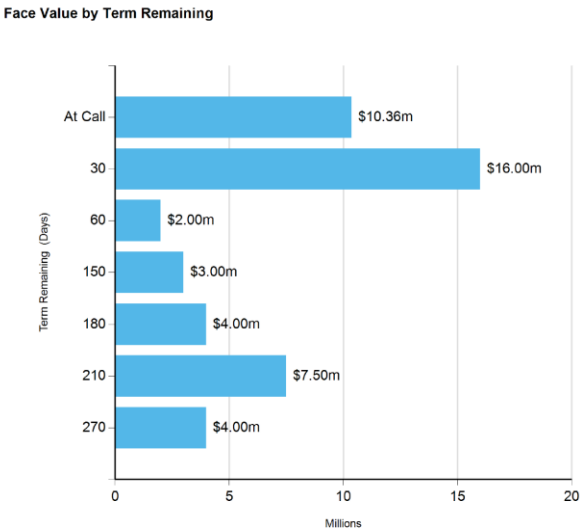


As reported in the above graph as at 30 April 2021, ME Bank went slightly outside its thresholds by $0.31m (7%). At the time of investment of funds, the portfolio was compliant, however due to subsequent maturities and cash flow requirements during the month of April it has resulted in this entity exceeding the trading limits at the end of the month. This will be rectified as one of ME Bank term deposits matures in May 2021.

3. Portfolio Liquidity Indicator (as at 30 April 2021)

The below graph provides details on the maturity timing of the City's investment portfolio. Currently all investments will mature in one year or less.

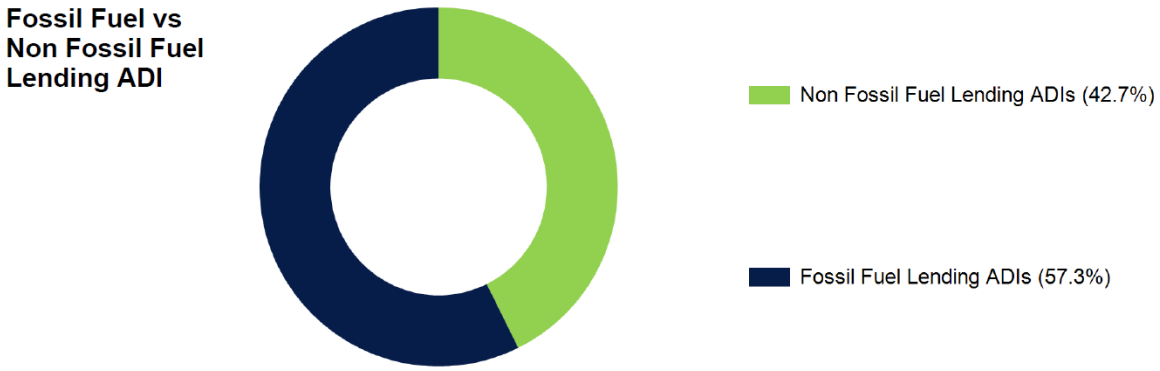
Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.



4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 30 April 2021)

At the end of this month, $20m (43%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI’s).

In order to address the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in “Green Investments”. However, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.



5. Interest Income for Matured Investments (For 1 April 2021 to 30 April 2021)

During the month of March $14,730 interest income was earned from matured investments (refer Attachment 1 point 9).

6. Investing Activities (For 1 April 2021 to 30 April 2021)

During this month, 2 term deposits were acquired with a total value of $7m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Investment Report for the month ending 30 April 2021, as provided in Attachment 1.

C2105-5 CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION PANEL – RECOMMENDATION OF INDEPENENT PANEL MEMBER

Meeting date: 26 May 2021
Responsible officer: Director People and Culture
Decision making authority: Council
Attachments: Independent panel member profile's (Confidential)
Additional information: Nil

SUMMARY

This report presents four possible candidates to be considered for the position of independent panel member on the Chief Executive Officer Recruitment and Selection Panel. The four candidates have been assessed and recommended for consideration by the council members appointed to the Chief Executive Officer Recruitment and Selection Panel by Council on 28 April 2021.

It is recommended that Council consider the candidates profiles provided in the attachment to this report (under confidential cover) and select one person to be appointed as the independent panel member. The term of this appointment will until the Ordinary Council Election to be held in October 2021.

BACKGROUND

Council at its meeting held on 28 April 2021, resolved the following:

Council:

1. *Appoint the following elected members to the Chief Executive Officer Recruitment and Selection Panel:*
   a. *Mayor as ex-officio member*
   b. *Cr J Archibald*
   c. *Cr G Graham*
   d. *Cr H Fitzhardinge*
   e. *Cr F Mofflin*

2. *Agree that the independent person or people appointed to the Chief Executive Officer Recruitment and Selection Panel, will be experienced in private or public sector management and governance, who do/does not have a specific relationship or connection with the City of Fremantle or any current elected members.*

3. *Note that a report will be presented to the May Ordinary Meeting of Council, recommending candidates, who meet the criteria outlined in part 2 above, for consideration of appointment as independent panel member/s.*

4. Adopt the following recruitment and selection timeline for 2021:

April	*Appoint Council Members to the Chief Executive Officer Recruitment and Selection Panel, until the Ordinary Council Election in October 2021.*
May	*Appointment of an independent panel member, until the Ordinary Council Election in October 2021.*
June/July	*Appoint a recruitment consultant.*
June/July /August	*The Chief Executive Officer Recruitment and Selection Panel to draft selection criteria, job description and employment contract.*
October/ November	*New Council to appoint a new Chief Executive Officer recruitment and selection panel, including independent member/s.*
	New panel to recommend criteria, JDF and contract for Council endorsement.
	New Council to consider and endorse criteria.
	Advertise CEO position.

FINANCIAL IMPLICATIONS

It is recommended that the independent panel member be paid a sitting fee of $250 per meeting.

LEGAL IMPLICATIONS

The Chief Executive Officer recruitment and selection process will be undertaken in accordance with Schedule 2 (Model standards for Chief Executive Officer recruitment, performance and termination) of the *Local Government (Administration) Regulations 1996*.

CONSULTATION

Nil

OFFICER COMMENT

In accordance with legislation, the independent member may be any person or people, who is/are not a current employee or elected member of the local government or a human resources consultant engaged by the local government. The role of an independent panel member is to bring an impartial perspective to the CEO recruitment process and reduce any perception of bias or nepotism.

After consideration of candidates for the position, the Chief Executive Officer Recruitment and Selection Panel members nominated four candidates who meet the criteria required for the position and have recommended these candidates for Council consideration.

The profiles (a short bio/resume) for each candidate is provided in the attachment to this report (under confidential cover).

It is recommended that Council appoint one of the four candidates to be the independent panel member, until the Ordinary Council Election in October 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. **Appoint _____ as the independent panel member of the Chief Executive Officer Recruitment and Selection Panel, until the Ordinary Council Election in October 2021.**

2. **Approve the sitting fee for the independent panel member to be $250 per meeting.**

13. Motions of which previous notice has been given

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

14. Urgent business

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

15. 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.

16. Confidential business

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

C2105-6 APPOINTMENT OF ACTING CEO

Meeting date: 26 May 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

(a) a matter affecting an employee or employees

17. Closure