



Minutes

Ordinary Meeting of Council

Wednesday 18 January 2023 - 6pm



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1. Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.01pm and welcomed members of the public to the meeting.

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

2. Attendance, apologies and leave of absence

2.1 Attendance

Ms Hannah Fitzhardinge	Mayor
Cr Andrew Sullivan	South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Geoff Graham	Beaconsfield Ward
Cr Fedele Camarda	Beaconsfield Ward
Cr Ben Lawver	Hilton Ward
Cr Frank Mofflin	Deputy Mayor/Hilton Ward
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Ms Michelle Brennand	Director Community Development
Mr Russell Kingdom	Director Planning, Place and Urban Development
Mr Graham Tattersall	Director Infrastructure
Ms Chloe Johnson	Manager Development Approvals
Mr Paul Dunlop	Manager Communications
Ms Kath Philips	Manager Business Transformation
Ms Donna Ross	Meeting Support Officer

There were approximately 7 members of the public and no member/s of the press in attendance.

2.2 Apologies

Cr Su Groome	East Ward
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2.3 Leave of absence

Nil

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Adin Lang

Cr Geoff Graham request for leave of absence from 13 February 2023 until 19 February 2023 (inclusive) is approved.

Cr Su Groome request for leave of absence from the Ordinary Council Meeting on 22 February 2023 is approved.

Cr Doug Thompson request for leave of absence from 10 March 2023 to 22 May 2023 (inclusive) is approved.

Carried: 12/0

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

4. Disclosures of interest by members

Nil

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 14 December 2022:

Tanu Hudson asked the following questions (1-3) in relation to matters not on the agenda:

Question 1

How was the selection process conducted [for the J-Shed tenancy]? Were all the applications looked at thoroughly?



Response

In relation to the Expressions of Interest for J-Shed Unit 1, which closed in December 2018 for 2019 tenancy, the conducted selection process included the four received EOI's assessed by a panel of three City of Fremantle officers against criteria and in consideration of permitted use of the space, plus the council endorsed purpose and vision for the precinct.

Applicants were asked to address the following criteria with scores for each criterion awarded out of 10, with a final score out of 50 for each of the four EOI's.

1. Nature of arts or cultural activity
2. Ability to fit in with the vision for Bathers Beach Arts Precinct
3. Requested license timeframe and requirements
4. Activation techniques
5. Any specific requirements associated with the activity.

Question 2

Why was the current tenant [of the J-Shed] selected when other applications more thoroughly addressed the criteria in particular, providing the space for cultural public activities, and offered to pay the full rent proposed?

Response

The recommended application, which is the current tenant, was based on a several factors relative to the assessment criteria and purpose and vision of BBAP, these include

- Quality of artwork and practice
- Disposition
- Work ethic
- International profile
- Industry connections (local, interstate and overseas)
- Gender
- Artistic medium
- Proven ability to activate

Question 3

Has the city conducted any audit over the period of the lease [for the J-Shed] to ensure the space is open to the public and the proposed activation activities have taken place?

Response

The City is in regular contact with the J-Shed tenants to ensure they are delivering the lease terms. The city is currently developing a Creative Strategy with a ten-year vision and accompanying implementation plan to recognise, support, and celebrate the cultural and creative life of the community, and ensure the arts, culture, and creative industries flourish in Fremantle.



As part of the development of the Creative Strategy the city is undertaking an audit of the Bathers Beach Arts Precinct, which includes the J-Shed, plus other cultural assets across the city. The future use of the Bathers Beach Arts Precinct will be informed by strategic context at a local, state, and national level, and broad community consultation planned to be undertaken in the first half of 2023.

John Dowson asked the following questions (4-6) in relation to item PC2212-13:

Question 4

How are the palm tree replacements, jacaranda trees, better for protecting views to the prison?

Response

They are not necessarily better or worse. The important aspect here is that the trees are under-pruned as they become well-established to frame / protect the view 'up the ramp' to the prison gates – whilst at the same time, provide much-needed shade and pedestrian amenity.

Question 5

Why are there no replacement grassed areas but what seems like mostly harsh paving?

Response

The areas shown on the plan inside the garden bed walls are proposed to be grass.

Question 6

Where is the interpretation of the significance of the site, its link to the prison, and the adjacent cottages?

Response

The most important aspect of interpretation is the physical (re)alignment and establishment of the former ramp back into William Street, between the Warders Cottages. At this point in time, there is no proposed additional interpretation panels or signage.



6. Public question time

The following members of the public spoke in relation to item C2301-1.

Robert Kidd
Robert O'Brien
David McAuliffe

The following member of the public spoke in relation to item C2301-5.

Ian Ker

Ian Ker asked the following questions (1-4) in relation to matters not on the agenda:

Question 1

Does the City of Fremantle have any information on:

- When the Bridge Alliance is likely to “restart works” on the project?
- Whether the Alliance’s “addressing the community sentiment towards the project” is likely to result in changes to the proposed project and, if so, when such changes will be discussed with the community?

Question 2

Has the Bridge Alliance provided any response to the City of Fremantle on the resolution of 26 October 2022, especially the request for inclusive comparative assessment of options?

Question 3

If the Bridge Alliance is unwilling to undertake the requested multi-criteria assessment, will the City of Fremantle commission an independent assessment of options?

Question 4

Has the Bridge Alliance, Main Roads or the Minister for Transport provided any response to the community concerns expressed by the Special Meeting of Electors? If they have, will the City of Fremantle share that response with the Fremantle community?

If not, will the City of Fremantle urgently seek responses so that the Fremantle community is treated with respect and is able to play an informed role in the further development of the project?

Questions 1 – 4 were taken on notice.



The following member of the public spoke in relation to item C2301-9.

Mark Warren

7. Petitions

Nil

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council confirm the minutes of the Ordinary Meeting of Council dated 14 December 2022.

Carried: 12/0

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

10. Elected member communication

Nil



Reports and recommendations from officers

C2301-1 CANTONMENT STREET NO.28 (LOT 1), FREMANTLE AND ELDER PLACE NO. 1-6/20, FREMANTLE - CONSTRUCTION OF A THREE (3) STOREY MIXED USE (SHOP, OFFICE, LIQUOR STORE- SMALL AND CHILD CARE PREMISES) DEVELOPMENT - (JL DAP005/22)

Meeting Date:	18 January 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Attachments:	1. Amended Development plans
Additional Information	1. Site Photos
	2. Planning Report (PTS Planning Consultants)
	3. Schedule of Submissions including applicant's responses
	4. PTS response to DAC
	5. Traffic Impact statement
	6. Acoustic Report
	7. Sustainability Report
	8. Waste Management Plan
	9. Applicant setback study
	10. CoF Queen Street diagrams

SUMMARY

Approval is sought for a three storey mixed use development on the south eastern portion of No. 28 Cantonment Street and 1/6- 20 Elder Place, Fremantle. The proposal is Stage 1 of the greater redevelopment of the site.

As the value of the proposal is \$14 million, the application is to be determined by the Metro Inner-South Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Council for comment and endorsement.

The development seeks discretion against Local Planning Scheme No. 4 (LPS4) for:

- Land use (Child care premises, Liquor Store);
- On site vehicle parking; and
- Schedule 7 of LPS4 - Local Planning Area 1 City Centre – Sub Area 1.3.2.

The proposal is supported by the City's Design Advisory Committee (DAC). The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for the construction of a three (3) storey Mixed use development including Shop, Liquor Store - small, Office and Childcare premises uses. Specifically, the three (3) storey building to the south eastern corner of the site includes:

Ground floor

- The Shop (Supermarket) is to be 3,594 m².
- The development of a 172m² Liquor Store adjacent to the Coles Supermarket.
- Ground level lobby, retail tenancies (351m²), and a childcare lift lobby.

First and second floor

- 147 car parking bays and 17 motor bike bays.
- A Childcare premises to the first floor accessed via Cantonment Street (786m² building with 8162 m² yard).
- First level office tenancies (1151 m² in total).
- Second floor office tenancies (660 m² in total).

On 22 November 2022 the applicant provided amended development plans to address some of the recommendations of the City's DAC.

The full details of the proposal and City officers' assessment are contained in the RAR.

Site/application information

Date received:	7 October 2022
Owner name:	Silverleaf Investments
Submitted by:	PTS Town Planning
Scheme:	City Centre (RAC3).
Heritage listing:	Not individually listed and not within a Heritage Area.
Existing land use:	Vacant Site and Public Carpark.
Use class:	Shop, Office, Liquor Store - Small, Childcare Premises
Use permissibility:	P, P, A, A respectively.



OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the three storey mixed use development at No. 28 (Lot 1), Cantonment Street, Fremantle and 1-6/20 Elder Place, Fremantle, subject to the conditions outlined in the responsible authority report.

AMENDMENT 1

Moved: Cr Bryn Jones

Seconded: Cr Doug Thompson

To include an additional Advice Note to read as follows.

Additional Advice Note:

The City of Fremantle notes the indicative plans provided for future stages are shown for context only and do not form part of this application. These future stages appear to seek significant discretion against the local planning scheme and have not been assessed or supported as part of this approval.

Amendment Carried: 12/0

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

Reason for change:

To improve the environmental and sustainable performance of the development, and improve amenity for users, as per advice from the DAC.



AMENDMENT 2

Moved: Cr Rachel Pemberton Seconded: Cr Doug Thompson

To include an additional condition to read as follows:

Additional Condition 28:

Prior to the issue of a building permit, revised drawings shall be provided to ensure access to sunlight and natural ventilation for the carpark on Level 1 to the satisfaction of the City of Fremantle.

Amendment Carried: 10/2
For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,
Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang**

Against
Cr Marija Vujcic, Cr Andrew Sullivan

Reason for change:

To improve the environmental and sustainable performance of the development, and improve amenity for users, as per advice from the DAC.

AMENDMENT 3

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

To delete condition 9, as follows:

9. Prior to the issue of a building permit, the plans shall be amended to include a building setback of a minimum of 3.65m from the Queen Street boundary to the satisfaction of the City of Fremantle.

Amendment Lost: 5/7
For

**Mayor Hannah Fitzhardinge, Cr Geoff Graham,
Cr Fedele Camarda, Cr Bryn Jones, Cr Frank Mofflin**

Against
**Cr Jenny Archibald, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Ben Lawver,
Cr Doug Thompson, Cr Rachel Pemberton, Cr Adin Lang**

Reason for change:

It is considered that this condition is no longer required for the future development of Queen Street road reserve.



COUNCIL DECISION ITEM C2301-1
(Officer recommendation, as amended)

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

SUPPORT the Officer’s Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the three storey mixed use development at No. 28 (Lot 1), Cantonment Street, Fremantle and 1-6/20 Elder Place, Fremantle, subject to the conditions outlined in the responsible authority report, as amended below:

Additional Advice Note:

The City of Fremantle notes the indicative plans provided for future stages are shown for context only and do not form part of this application. These future stages appear to seek significant discretion against the local planning scheme and have not been assessed or supported as part of this approval.

Additional Condition 28:

Prior to the issue of a building permit, revised drawings shall be provided to ensure access to sunlight and natural ventilation for the carpark on Level 1 to the satisfaction of the City of Fremantle.

Carried: 12/0

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



Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Inner-South JDAP	
Local Government Area:	City of Fremantle	
Applicant:	PTS Town Planning	
Owner:	Silverleaf Pty Ltd	
Value of Development:	\$14 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Fremantle	
Authorising Officer:	Chloe Johnston, Manager Development Approvals	
LG Reference:	DAP005/22	
DAP File No:	DAP/22/02352	
Application Received Date:	7 October 2022	
Report Due Date:	18 January 2023	
Application Process Timeframe:	Statutory	90 Days
Attachment(s):	1. Amended Development Plans 2. Site Photos 3. Planning Report (PTS Planning Consultants) 4. Schedule of Submissions including applicant’s responses 5. PTS response to DAC 6. Traffic Impact statement 7. Acoustic Report 8. Sustainability Report 9. Waste Management Plan 10. Applicant setback study 11. CoF Queen Street diagrams	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section (Note: Pending review by PC)
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections



Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02352 is appropriate for consideration as a Shop, Office, Child Care Premises and Liquor Store - Small land uses are compatible with the objectives of the zoning table in City of Fremantle Local Planning Scheme No.4;
2. **Approve** DAP Application reference DAP/22/02352 and accompanying plans dated 22 November 2022 (Drawing DA-00 , DA-01, DA-02, DA-03, DA-04, DA-05, DA-06, DA-07, DA-08, DA-09, DA-10, DA-11, DA-12, DA-13 and DA-14 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No.4 subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
4. The works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. This approval does not relate to any works within the road reserves, with the exception of the proposed awnings. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.
6. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
7. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 1 and 800 to determine if remediation is required on the advice of the Department of Water and Environment Regulation, to the satisfaction of the City of Fremantle.



If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works at Lot 1 and Lot 800 to the satisfaction of the City of Fremantle, on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation contaminated sites guidelines.

8. Prior to lodging an application for a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit, the plans shall be amended to include a building setback of a minimum of 3.65m from the Queen Street boundary to the satisfaction of the City of Fremantle.
10. Prior to issue of a Building Permit for the development hereby approved, No. 28 Cantonment Street (Lot 1) and 1-6/20 Elder Place are to be legally amalgamated into one lot on the Certificate of Title. Alternatively, the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.
12. Prior to the issue of a building permit for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
13. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.



14. Prior to the issue of the building permit, a detailed landscaping scheme shall be provided and be approved by the City of Fremantle. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to the issue of a building permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
16. Prior to the issue of a building permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.
17. Prior to the issue of a building permit a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management;
 - m) Works affecting pedestrian areas; and
 - n) existing tree(s) within the road reserve(s), protected through the implementation of a Tree Protection Zone for protection during construction

Dewatering application must include:-

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6



- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

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

18. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:

- Estimated waste generation
- Proposed storage of receptacles
- Collection methodology for waste including collection time
- Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

19. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:

- i) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
- ii) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
- iii) Roof insulation in accordance with the requirements of the Building Codes of Australia.

20. Prior to the issue of a building permit, the plans hereby approved being modified to include 8 class 3 bicycle parking bays and associated end-of-trip facilities consisting of 13 lockers in accordance with clause 4.15.1 and 4.15.2 of Local Planning Scheme No.4. The bays and end-of-trip facilities shall be provided and thereafter maintained to the satisfaction of the City of Fremantle.

21. Prior to the issue of a building permit, the noise sensitive development (childcare centre) adjacent to the Fremantle Railway must implement measures to ameliorate the impact of transport noise. The development must comply with WAPC State Planning Policy - 5.4 Road and Rail Noise (SPP 5.4) on advice from the Public Transport Authority, to the satisfaction of the City of Fremantle.



22. Prior to the occupation of the childcare centre a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot to the satisfaction of the City of Fremantle. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise."

23. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to include specific details as to how deliveries for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.
24. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked in accordance with the Australian Standard for parking facilities and off-street car parking the satisfaction of the City of Fremantle.
25. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed, and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
26. Prior to occupation of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm consistent with the City's LPP 2.19 and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$14 million the contribution to be made is \$140,000.
27. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.



- ii. In relation to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in the condition that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- iii. Street Tree species shall be consistent with the rest of Queen Street / streetscape or as in consultation with the City of Fremantle.
- iv. The overall number and spacing of the proposed street trees shall provide a consistent shade and comfort over the footpath.
- v. Street furniture type, location and number shall be approved by City.
- vi. New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via info@fremantle.wa.gov.au.
- vii. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. The Infrastructure Engineering department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- viii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the *Health (Public Buildings) Regulations 1992*. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- ix. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- x. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the City of Fremantle prior to work commencing.



- xi. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the *Environmental Protection (Noise) Regulations 1997* (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- xii. In relation to Condition above and in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the above Condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.
- xiii. The PTA is currently undertaking investigations to determine future access arrangements, infrastructure upgrades and future expansions to Fremantle Train Station and Bus Interchange. This includes relocating and expanding the Fremantle Bus Interchange further north which will create alterations to points of ingress and egress from the bus interchange for bus movements. The Transport Impact Assessment prepared by Shawmac (Version B, dated 4th October 2022), should consider traffic modelling along Elder Place and the existing and future impact on the proposed service and delivery vehicle ingress/egress onto Elder Place to ensure the proposal does not cause disruptions to bus services arriving/departing from the Fremantle Bus Interchange in its current and future arrangement.
- xiv. Safe, efficient and reliable access for buses into and out of the bus interchange are critical requirements for PTA's operations. If Elder Place is a key access point for the proposed development, the PTA requests further discussions with the owner/applicant to identify opportunities to install bus priority measures, such as bus lanes, as part of the development to ensure bus services are not delayed by general traffic and service vehicles.
- xv. Prior to commencement of the development the applicant/owner must obtain approval from the PTA for works in and around the operating Fremantle Railway Corridor in accordance with the PTA's 8103-400-004 - Procedure - Working In and around the PTA Rail Corridor, Assets and Infrastructure, to the satisfaction of the City of Fremantle and advice from Public transport Authority.
- xvi. An application for third party access is required prior to the commencement of any development/construction works within the PTA Protection Zone. The developer must therefore seek PTA's approval for working in and around the operating railway in accordance with PTA's 8103-400-004 - Procedure - Working in and around the PTA Rail Corridor, Assets and Infrastructure. The request is to be submitted a minimum of 6 months (emailed to PTAThirdPartyAccess@pta.wa.gov.au) prior to the development/construction works commencement date.



The submission must include the following documents:

- xvii. A complete checklist of the PTA's requirements within Appendix 2 and 3 of the PTA procedure 8103-400-004 - Working in and around the PTA Rail Corridor, Assets and Infrastructure. Where checklist items are ticked "Yes", the project generally affects the PTA railway reserve, infrastructure and assets, therefore the applicant must comply with the requirements to the satisfaction of the PTA.
- xviii. Scope of works, design drawings, plans, schedules, proposed construction methodology and engineering reports addressing potential impacts to nearby PTA assets and infrastructure. Plant and equipment to be used including cranes and their locations within the worksite.
- xix. Any proposed future loading constraints, access to exclusion zones that may affect the future operation or maintenance of the PTA's infrastructure and assets. All PTA Specifications and Procedures can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>

Reasons for Responsible Authority Recommendation

To be advised post Council meeting.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Central City Zone
Local Planning Scheme	Local Planning Scheme No.4
Local Planning Scheme - Zone/Reserve	City Centre Zone
Use Class and permissibility:	Shop – P Office – P Liquor Store (small) – A Child Care centre - A
Lot Size:	16100m ²
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No



Proposal:

Approval is sought for the construction of a three (3) storey Mixed use development including Shop, Liquor Store - small, Office and Childcare premises uses. Specifically, the three (3) storey building to the south eastern corner of the site includes:

Ground floor

- The Shop (Supermarket) is to be 3,594 m².
- The development of a 172m² Liquor Store adjacent to the Coles Supermarket.
- Ground level lobby, retail tenancies (351m²), and a child care lift lobby.

First and second floor

- The inclusion of 147 car parking bays, 17 motor bike bays.
 - A Childcare premises to the first floor accessed via Cantonment Street (786m² building with 816m² yard).
 - First level office tenancies (1151m² in total) and
 - Second floor office tenancies (660m² in total)

On 22 November 2022 the applicant provided amended development plans to address some of the recommendations of the City's Design Advisory Committee.

These revised development plans are included as ***Attachment 1***.

Background:

The subject site is bound by Elder Place (west), Queen Street (south), Goldsbrough Street (north) and Cantonment Street (east). The site is 16,100m² and is zoned City Centre under Local Planning Scheme No. 4 (LPS4). The site is not heritage listed, nor is it located within a prescribed heritage area. However, the site is located directly adjacent to state registered properties including the Elders Woolstores at No.1 Goldsbrough Street and the Fremantle Train Station building.

The subject site is identified as a key strategic site in the City Centre zone, due to its size and its proximity to Victoria Quay, Fremantle Train Station and the Queen Street axis leading to Kings Square. The site is also subject to the provisions of Scheme Amendment No. 49 which modified the development standards relating to 12 strategic sites within the inner east end of the City Centre.

On 7 April 2020 the Metro South-West Joint Development Assessment Panel (JDAP) approved DAP003/19 which was for the partial demolition of the existing Shopping Centre building and the construction of a six (6) storey with basement Mixed use development including Shop, Liquor Store, Office, Childcare Premises, Public Car Park Restaurant, Civic Use (Police Station) and Hotel uses.



The demolition component of the approval has been acted upon and the majority of the subject site is currently vacant, with a two storey Public Carpark remaining on the north of the site.

There is also currently a State Development Assessment Unit (SDAU) application lodged for the middle portion of the site. This represents Stage 2 of the complete redevelopment of 28 Cantonment Street, Fremantle. At the time of writing this report, the application remains on hold with the SDAU and the plans for other stages in the package submitted should be treated as indicative only.

Legislation and Policy:

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

1. Metropolitan Region Scheme (MRS);
2. *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*;
3. City of Fremantle Local Planning Scheme No.4 (LPS4).

Planning and Development (Local Planning Schemes) Regulations 2015 (WA):

- CI 3.(5) Local planning policies
- CI 60. Requirement for development approval
- CI64. Advertising applications
- CI66. Consultation with other authorities
- CI67. Matters to be considered by local government

Local Planning Scheme No. 4

The following Scheme provisions are considered the most relevant in the consideration of the planning application:

- CI 3.2.1 (b) – Objectives of City Centre zone
- Table 1 - Zoning
- Table 2 - Vehicle parking Parking
- CI 4.7.3.1 – Variation to parking requirements
- CI4.8.2 – Variation to other requirements
- Schedule 7 – Local Planning Area 1 City Centre – Sub Area 1.3.2;
- Schedule 1 – Dictionary of defined words and expressions;
- Schedule A
 - Clause 61 - Supplemental provisions to the deemed provisions
 - Clause 78B – Advisory Committee

State Government Policies

- SPP7.0 Design of the Built Environment
- SPP5.4 Road and Rail Noise policy



Local Policies

The site is subject to the following relevant Local Planning Policies:

- Local Planning policy 1.10 – Construction Sites policy;
- Local Planning Policy 1.3 – Public Notification of Planning Proposals
- Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.12 - Planning Applications Impacting on Verge Infrastructure And Verge Trees
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.19 – Contribution for Public Art and/or Heritage Works
- Local Planning Policy 3.1.5 – Precinct 5

Consultation:

Public Consultation

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The planning application was identified as a standard application as set out in Council’s LPP1.3 Public Notification of Planning Proposals. The application was advertised for a period of 14 days and included the following actions:

- Sign notices being placed on the development site.
- Letters to owners and occupiers abutting the site.
- Advertising of the application occurred on the City’s website.
- Two (2) newspaper notices.

In response to the public advertising, a total of 7 submissions were received with 1 submission supporting the proposal, 6 submission raising objections. A table of the submissions is included as **Attachment 3**, however a summary of the key planning concerns raised are outlined in the table below.

Issue Raised	Officer’s comments
Development setting, materiality and context of the locality.	See Officer comment section below for ‘Design Advisory Committee Comments
Lack of Design quality	See Officer comment section below for ‘Design Advisory Committee Comments
Character	See Officer comment section below for ‘Design Advisory Committee Comments
Heritage	See Officer comments below – ‘Community Consultation matters’

Urban design

The City’s Freo 2029 Transformational Moves document includes the discussion of the importance of Queen Street in connecting the train station and Walyalup Koort (civic centre). The strategic intent for this space, was to create a grand shopping boulevard.



The streetscape presence of the design has been reviewed from an urban design perspective, considering the greater strategic objectives for Queen Street and the Train Station/Bus Station forecourts. In principle, the design as shown with a reduced setback creates a reasonable pedestrian environment, with work to be undertaken with the City regarding placement and species of trees. While the current design is workable, it may not be capable of also accommodating set down/pick up bays for future proposed uses like a hotel.

Analysis diagrams have been included as attachments to this report, which detail the current setback and general indications of how the scheme setbacks would change the streetscape.

The setback to Queen Street is discussed further in the report below.

Infrastructure

No significant objections have been raised from a traffic or engineering perspective. General advice regarding crossover works and construction management which has been recommended as conditions of approval or advice notes where relevant.

Waste Management

Officers are satisfied that the proposed waste management regime has been detailed sufficiently at this stage. Once tenancies are occupied with specific tenants more detail about waste generation and tenancy requirements will need to be detailed. A condition of approval is recommended to ensure this is provided prior to the lodgement of a building permit to ensure that any design changes that may be needed can be factored in and waste management can be dealt with appropriately.

Environmental Health

General comments have been provided regarding Environmental Health legislation but no significant objections have been raised. Advice notes are recommended accordingly to remind the applicant of their obligations under other legislation which may be relevant to their construction works and ongoing operations.

Parks and Landscape

Advice has been provided regarding works near existing street trees and regarding the preliminary landscape concepts. It was recommended that a landscape architect was engaged to provide a detailed plan, specifically due to the level of on structure planting which can be difficult to establish and maintain. A condition of approval is recommended to ensure landscaping is detailed further to ensure its ongoing success.



Heritage Council of Western Australia (HCWA)

Whilst the site is neither on the City of Fremantle Heritage List nor on the State Heritage Register, in accordance with Section 73 of the *Heritage Act 2018*, the application was referred to the State Heritage Office (SHO) as the proposal may affect the following nearby State Registered Heritage Places:

- No. 1 Goldsborough Street, Fremantle (Elders Woolstores);
- No. 92 Adelaide Street, Fremantle (Film and Television Institute);
- Princess May Reserve;
- Pioneer Reserve; and
- No. 28 Phillimore Street, Fremantle (Fremantle Railway Station).

On 14 November 2022, the Department of Planning, Lands and Heritage, Heritage Services team advised that they have considered the proposed development in the context of the Elders Wool Stores and advise that they do not object to the development.

Fremantle Port Authority

The site is located within Area 2 of the Fremantle Port buffer area. In accordance with LPP2.3, the Fremantle Port Authority (FPA) was advised of the development proposal. The FPA requested that the requirements of Area 2 are considered in the building design.

In response, relevant conditions of approval are recommended.

Department of Water and Environmental Regulation (DWER)

The application was referred to DWER as the Site was classified as '*possible contaminated – investigation required*'. On 22 November 2022 DWER required that the following conditions and advice note of approval be provided on any decision:

Conditions

- a) Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 1 and 800 to determine if remediation is required.*
- b) If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works at Lot 1 and Lot 800 to the satisfaction of the City of Fremantle, on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines. (Department of Water and Environmental Regulation).*



Advice

In relation to Condition [X] and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition [X]. A current list of accredited auditors is available from www.dwer.wa.gov.au.

Public Transport Authority (PTA)

Given the site is located directly adjacent to the Fremantle bus terminal, the application was referred to PTA for comment.

In summary, the PTA does not object to the proposal, however does request that the applicant engage with them on the Elder Place access point due to future upgrades to the bus terminal being contemplated. Advice notes to the applicant as requested have been included in the recommendation.

The agency also advise of Queen Street as a key strategic bus corridor, and that they are supportive of no parking in this location. Additionally, PTA are supportive of the parking shortfall due to the alternative transport options near the development site.

PTA also provided the following recommendations on the proposal, in addition to some other advice notes which have been included regarding working around rail lines:

- 1) Prior to commencement of the development the applicant/owner must obtain approval from the PTA for works in and around the operating Fremantle Railway Corridor in accordance with the PTA's 8103-400-004 - Procedure - Working In and around the PTA Rail Corridor, Assets and Infrastructure, to the satisfaction of the PTA.*
- 2) The noise sensitive development (childcare centre) adjacent to the Fremantle Railway must implement measures to ameliorate the impact of transport noise. The development must comply with WAPC State Planning Policy - 5.4 Road and Rail Noise (SPP 5.4).*
- 3) Prior to the occupation of the childcare centre a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise."

The above recommendations have been included in the recommended conditions and/or advice accordingly.



Design Advisory Committee (DAC)

The proposal was presented to the City’s Design Advisory Committee (DAC) on:

- 11 July 2022
- 10 October 2022

The following comments were provided in the most recent review.

Strengths of the proposal

- *Continued improvement of the concept plans presented at DR1 for the broad scale planning, design and amenity of the development and context.*
- *Elegant proportion system for the built form.*
- *While not part of this review, the indicative concept designs for the next three stages 1B to 3, provide confidence in the contextual and integrated design approach for this significant city block.*

Design Quality Evaluation Against Design Principles – DAC Meeting 4	
<p>Principle 1 - Context and Character:</p> <p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>	<p>DAC Comments:</p> <p>The DAC now includes a Heritage Consultant. The member noted that this Applicant’s current iteration has improved significantly upon the current approval (by others) and since DR1, as many recommendations have been addressed. It’s acknowledged that the heritage consideration for the design is contextual, particularly with the repetition and verticality of bays and use of red brickwork. A query is how the reference in the presentation to the former south Woolstores on the site, that was a larger scale building with a significant parapet, has inspired the new design?</p> <p>DAC Recommendations:</p> <p>Provide a statement on the link between the former south Woolstores building on the site, that is referenced in the presentation, and how this former building has inspired the new design.</p>
<p>Principle 2 - Landscape Quality</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>DAC Comments:</p> <p>The Childcare Centre’s outdoor play area should be developed using more natural materials and potentially incorporating some larger sized trees</p> <p>DAC Recommendations:</p> <p>Use of more natural materials and incorporation of larger sized trees in the Childcare Centre’s outdoor play area.</p>



<p>Principle 3 - Built Form and Scale</p> <p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>DAC Comments:</p> <p><i>Nil</i></p> <p>DAC Recommendations:</p> <p><i>Nil</i></p>
<p>Principle 4 - Functionality and Build Quality</p> <p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p>	<p>DAC Comments:</p> <p>A positive is that all carparking is concealed within the development, however, to improve user amenity and energy efficiency, consider new openings for natural light and air to enter the L1 carpark from the L2 deck.</p> <p>DAC Recommendations:</p> <p>Openings at L2 deck for natural daylight and ventilation to enter the L1 carpark below</p>
<p>Principle 5 – Sustainability</p> <p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>DAC Comments:</p> <p>The bike stores are located on L2 and accessed partly via a steep 1:6 ramp or the lifts. Greater use of bikes by users of this development should be encouraged by locating stores for convenience of access and ideally at ground level for legibility.</p> <p>DAC Recommendations:</p> <p>Relocate the L2 bike stores to a more accessible and legible location on the ground floor</p>
<p>Principle 6 - Amenity</p> <p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</i></p>	<p>DAC Comments:</p> <ul style="list-style-type: none"> a) For the proposed capacity of the Childcare Centre, the L2 lobby/waiting area is a small and very narrow area. b) Overshadowing by the proposed taller buildings in the next stages of development is likely to have an impact on the Childcare Centre’s outdoor play area and performance of photovoltaic cells on the roof. c) Likewise, consider the impact of any potential overlooking from the future development on the Childcare Centre outdoor play area



	<p>DAC Recommendations:</p> <ol style="list-style-type: none"> 1. Provide spatial generosity for the lobby/waiting areas of the CCC 2. Provide diagrams to illustrate the potential impacts of proposed future taller development stages on the amenity of the Childcare Centre; in particular, concerns of overshadowing and overlooking should be addressed.
<p>Principle 7 – Legibility</p> <p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p>	<p>DAC Comments: Nil</p> <p>DAC Recommendations: Nil</p>
<p>Principle 8 – Safety</p> <p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p>	<p>DAC Comments: Nil</p> <p>DAC Recommendations: Nil</p>
<p>Principle 9 – Community</p> <p><i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>DAC Comments: The interim proposal for ‘barcode’ patterns and ‘street art’ on the exposed north-western and north-eastern walls of Stage 1 that face future Stage 1B (Adina) and Stage 2 (BTR) will be highly visible from the public realm for a long period of time. Consider meaningful artwork by an artist that references and tells a story of the locale, its history, landscape and culture.</p> <p>DAC Recommendations: In consultation with the City, consider interpretative artwork on the exposed walls of Stage 1 that connects to the story telling of the locale, its history, landscape and culture.</p>
<p>Principle 10 – Aesthetics</p> <p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	<p>DAC Comments: Whilst acknowledging the fascia of the canopy will be widened to accommodate signage in some locations, in general the “hit and miss” canopy appears bulky; consider refining the design and providing further detail on the integration of drainage for rainwater.</p>



	<p>DAC Recommendations:</p> <ol style="list-style-type: none"> 1. Refine the canopy design to reduce its bulk and provide the design approach for draining rainwater
<p>Concluding Remarks:</p> <p>The Committee supports the changes as recommended in the minutes from DR1.</p> <p>The Committee supports the broad scale planning, design and amenity afforded to the building users and to the context.</p> <p>The current micro-level comments focus on the Applicant providing a statement on the link between the former south Woolstores building as referenced in the presentation and the current design; further detail on the Childcare Centre’s landscape for outdoor play area and internal amenity, and how the impact of future proposed development will be managed to maintain the amenity of the Centre; suggested improvements to the L1 carpark amenity and current L2 bike store locations; a more refined canopy design, and greater consideration of the proposed interim artwork on exposed walls that should carefully interpret the site within its historical context.</p>	

As noted in the concluding remarks above, the DAC have endorsed the design of the proposal and consider it to be of a quality, satisfying all of the design principles of SPP7 (Design of the Built Environment). The DAC do outline some minor additional recommendations on design improvement that the applicant could consider but were not considered necessary to address for DAC endorsement of the proposal.

Notwithstanding, the applicant has considered the final recommendations of the DAC and provided further information and written responses to each of these as part of **Attachment 5** of this report. The responses acknowledge that some of the recommendations will be considered in the detailed design phase of the proposal (as part of the building permit submission) and/or justification has been provided as to why some of the recommendations cannot or will not be addressed. This justification is accepted by officers.

Planning Assessment:

The proposal has been assessed against all relevant legislative requirements of the Scheme, State and Local Planning Policies outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations for the determination of this application:

- Zone objectives and Land Use
- Car and Bicycle Parking
- Sub area 1.3.2 - Provisions

These and any other relevant matters are discussed below.



Zone Objectives and Land Use

Land Use	Permissibility
Liquor Store- Small	A
Shop	P
Office	P
Child Care Premise	A

Clause 3.2.1 of LPS4 provides objectives for each zone, with Clause 3.2.1(b) stating that the objectives of the 'City Centre' zone are:

Development within the city centre zone shall—

- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- (ii) comply with the objectives of local planning area 1 of schedule 8,*
- (iii) conserve places of heritage significance the subject of or affected by development.*

As will be discussed throughout the remaining 'Officers Comment' section, the proposed development is consistent with the objectives of the City Centre zone, specifically in relation to (i) above as the development provides for a mix of desirable land uses including Retail, Office and Child Care Premises. In relation to (ii) above, it is noted that there are no 'objectives' specified for local planning area 1 of Schedule 8 of LPS4. With regards to (iii) above, the proposal is not considered to adversely impact on the identified cultural significance of either Elders Wool store or Fremantle Railway Station.

Sub Area 1.3.2 – Specific Design Requirements

The application has been assessed against the provisions of sub area 1.3.2 of Schedule 8, and except for a), g) and h), the development is considered to be compliant with these provisions.

	Provision	Assessment
a)	<p>Notwithstanding the provisions of Table 1– Zoning–</p> <p>(i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Street, Adelaide Street and Kings Square;</p> <p>(ii) Land uses at ground level adjacent to Queen Street, Adelaide Street and Kings Square shall contribute to generating interest and activity within the adjacent public realm; and</p>	<p>No Residential land uses are proposed at ground level adjacent to Queen Street.</p> <p>Queen Street ground floor uses consists of Office lobby, Shop and a liquor store - small tenancies.</p> <p>It is considered that the proposed mix of uses will generate interest and activity with the Queen</p>



	(iii) A minimum of 15% of the net lettable area within all new development on sites with a development site area greater than 3000 m ² shall be provided for Office use.	Street public realm during and after business hours. 1811m ² of Office floor area is provided which equates to 20% of the total net lettable area (NLA) of the new development
b)	New development fronting Queen Street, Adelaide Street and Kings Square shall incorporate design measures to – Provide continuous weather protection at ground level for pedestrians along these streets and public spaces; and Generate interest and activity within the adjacent public realm.	Continuous weather protection is provided in the form of awnings along Queen Street. Some weather protection is also provided to Cantonment Street. The proposed full height glazing to the ground floor facing Queen Street will promote interaction between various Shop tenancies and the public realm.
c)	New development at ground level adjacent to other streets and public areas not identified in a) and b) above may incorporate a mix of land uses and shall incorporate design measures to contribute to an interesting and diverse public realm.	Overall, the proposed mix of uses located within the ground floor perimeter of the building is well considered, and these uses are considered to create activity and interest to the public realm.
d)	Clause 1.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 1.3.2.	Noted

The subject site is located within Local Planning Area 1 – City Centre (sub area 1.3.2) of Schedule 8 of the City's LPS4. Within sub area 1.3.2, the subject site is nominated as 'Site 1'. There are 18 sites within sub area 1.3.2, all of which have unique development standards, specifically in relation to building height. Sub area 1.3.2 effectively provides for (1) 'permitted building heights'; (2) 'discretionary building heights' (which have to satisfy two specific criteria); and (3) 'maximum building heights' (which have to meet a number of specific criteria and require discretionary judgement to be exercised by the decision-making authority). In this instance, the application only seeks consideration against (1) and does not require consideration against the discretionary criteria applicable to the maximum building heights.



The following building heights are prescribed in LPS4 for Site 1:

e)	Permitted Building Height (Metres)	Building Height (Metres) which may be permitted subject to the development satisfying both of the following criteria– (i) The portion of building exceeding the Permitted Building Height being sufficiently set back from the street facade so as to not be visible from the street(s) and/or public open space(s) adjoining the site; and (ii) The design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.	Maximum Building Height (Metres) which may be permitted in accordance with clause (f)	Minimum Façade Height (Metres) that fronts a public street(s) and/ or public open space(s)
Permitted	21m	24.5m	38.9m	10m
Proposed	-	13m	N/A – the application does not seek assessment against the discretionary criteria relevant to this maximum height.	13m

g)	In the front elevation of all new development the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.				The proposed development complies with this requirement.
h)	Building Setbacks				See 'Officer comment' section below.
	Frontage		Required	Proposed	
	Queen Street	Minimum street setbacks	3.65m	2m	1.65m



		Maximum street setback up to building heights 10m	5.65m	6m	0.35m	
	All other streets	Minimum street setbacks	Nil	Nil	Nil	
		Maximum street setback up to building heights 10m	2m	Nil	Nil	
i)	The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres at any one location.					Complies.
l)	The provisions of clauses 4.7.1 to 4.7.4 (Car Parking and Cash in Lieu) inclusive do not apply for Office land uses where located above ground floor level.					Noted.
m)	The provisions of clause 4.7.3 (a) (i) and (ii) (Car parking relaxation subject to availability of parking in the locality and access to public transport) of the Scheme do not apply in Sub Area 1.3.2.					Noted.
n)	The provisions of clauses 4.7.1 to 4.7.4 (Car Parking and Cash in Lieu) inclusive do not apply for visitor parking for residential land uses.					Noted.
o)	The Council may impose a condition on planning approval for any new development in Sub Area 1.3.2 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1.3.2, which include zero minimum side and rear setbacks.					As the subject site comprises a street block, no memorial is considered to be required.



1.4) Car Parking

	Provisions	Required Bays	Proposed Bays	Variation
Office	Nil for Offices above ground floor – cl(l) of sub area 1.3.2	0 bays	Nil	Complies
Shop (Shopping centre plus retail tenancies) Calculation includes Liquor Store as this requirement is considered applicable to this use.	1:16m ² nla – 5000m ²	3766m ² nla area = 235 bays	147	88
Child care	1: 1 employee plus 1: 10 children allowed under maximum occupancy	Employees – 18 staff And 108 children bays = 29 bays	Nil	29
Total		264 bays	147 bays	117 bays

1.5) Delivery Bays

	Requirement	Proposal	Discretion
Office	1 per 500m ² = 1	1	Complies
Shop (Shopping centre plus retail tenancies) As above, the Liquor Store is included in this calculation.	1 per 1000m ² gla = 4	1 loading dock provided for Coles supermarket	3 (for the remainder of the retail tenancies).
Child care	N/A	N/A	N/A
Total bays	5 delivery bays	2 delivery bays – Coles and Office	3 delivery bays



Bicycle parking

	Requirement	Proposal	Discretion
Office	Class 1 or 2: 1 per 200m ² gla = 1 Class 3: 1 per 750 ² gla over 1000m ² n/a Note: upper floor offices excluded from calculation.	Nil	Complies
Shop (Shopping centre)	Class 1 – per 300m ² gla = 13 Class 3 - per 500m ² gla = 8	Shared bike store provided in basement – 53 racks	13 (Class 1) 8 (Class 3)
Child care	N/A	N/A	N/A
Total for development	Class 1- 13 Class 3 - 8	Class 1- Nil Class 2: 20 class 2 Floor 2 Class 3 - nil	Class 1: 13 racks Class 3: 8 racks Discussed in officer comment section below

End of trip facilities

Provision	Requirement	Proposed	Discretion
Showers	2 male and 2 female or 4 unisex	2 UAT facilities on level 2	2 unisex
Lockers	13	Indicative locker locations are shown in the basement carpark and the ground floor of the police station.	A condition of development approval is recommended to ensure that sufficient lockers are provided across the development.



Local planning policies

The following policies also require assessment.

- Local Planning Policy 1.3 – Community Consultation on Planning proposals
- Local Planning Policy 1.9 – Design Advisory Committee and Principles of Design
- Local Planning policy 1.10 – Construction Sites policy
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.12 – Planning Applications Impacting on Verge Infrastructure and Verge Trees
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.19 – Contribution for Public Art and/or Heritage Works

Appropriate conditions and advice notes are included to ensure compliance with these relevant policy provisions. Where further explanation is required, it is detailed in the Officer Comment section below.

Officer Comments

Land use

Use	Permissibility
Shop	P
Office	P
Liquor Store- small	A
Child care premises	A

The proposed land uses are considered to be consistent with the objectives of the City Centre zone and appropriate within the proposed development for the following reasons:

- In the vicinity of the proposed development site, there is a mix of land uses including Tavern, Shops, Restaurants, Multiple dwellings, Convenience Stores, Consulting Rooms, Public Car parking etc. Overall, the mix of the proposed uses is considered to be complementary to the land uses already existing in the City Centre.
- There are no objectives provided in Schedule 7 for local planning area 1.
- The development is not considered to have a detrimental impact on the cultural significance of either the Elders Woolstores or the Fremantle Railway Station buildings from a heritage conservation perspective, rather the design reflects the influences of the area.
- With respect to the proposed Liquor Store use, this is not considered to introduce any additional social impact as a liquor store was provided in the previous Woolstores Shopping Centre.



- It is noted that the subject site already accommodates public car parking, therefore this is not a new land use, rather it simply expands the bays as required by the introduction of additional commercial floor space.

Sub Area 1.3.2 – Specific Design Requirements

Building Height

The proposal complies with the requirements of LPS4 in terms of height, as it has a maximum height of 13m with a minimum façade height of 13m. The proposed screens to the exterior of the building on the corner of the development, are considered to be architectural features.

Clause 4.8.1.3 of the LPS4 states as follows;

Excluding development within the Residential zone, Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria;

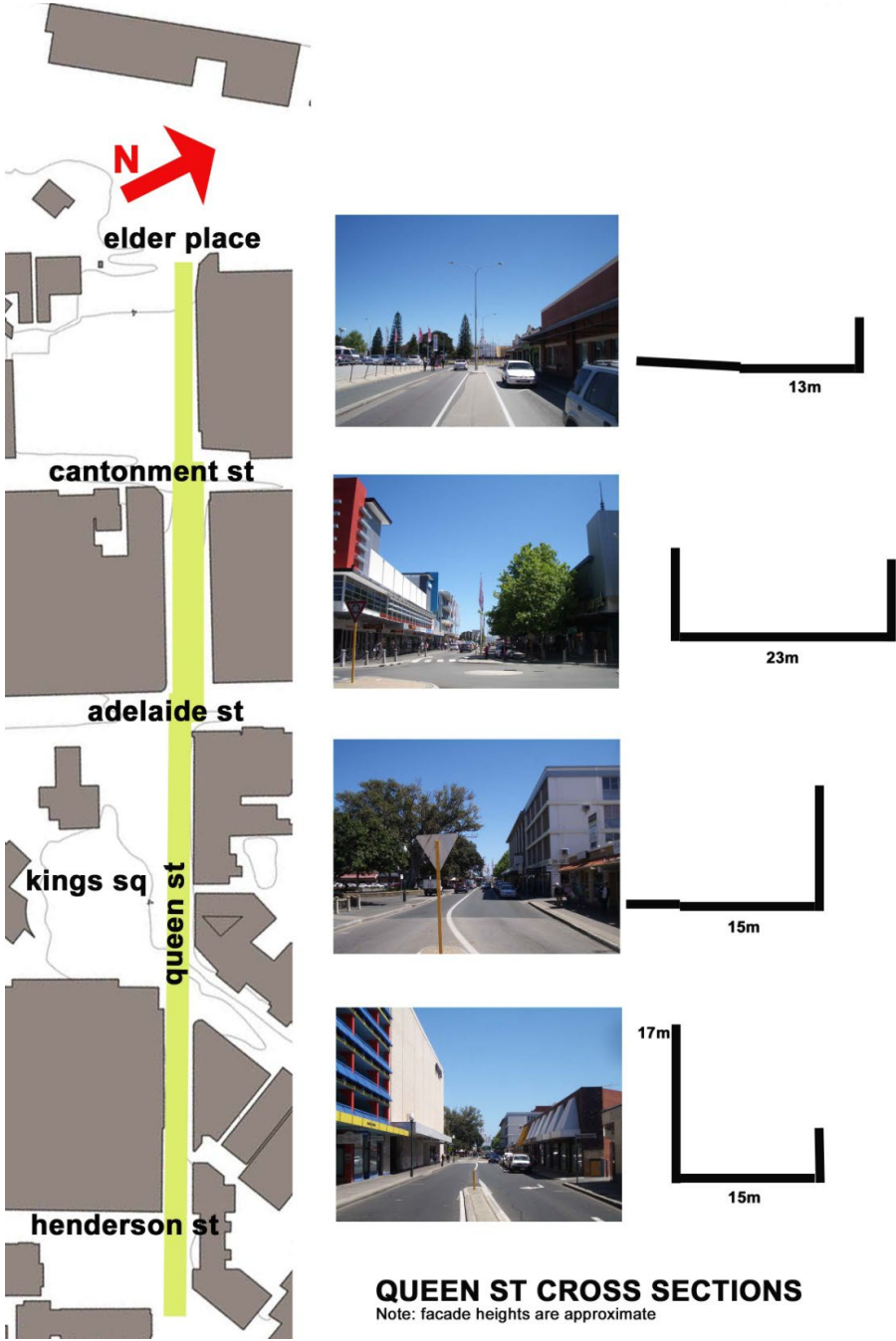
- (a) *The minor projection being no more than 4 metres above the highest part of the main building structure;*
- (b) *The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.*

The proposed plant room represents less than 10% of the total roof area of the proposal and projects 3.5m above the highest part of the development.

Setbacks

The proposal doesn't meet the minimum provisions outlined in sub section (h) of Schedule 7 LPS4 including the ground level setback to Queen Street. The proposed setback of the development to the Queen Street is 2 metres rather than the minimum of 3.65m required.

Queen Street is 12m wide between Elder Place and Cantonment Street, however expands to be 22m wide between Cantonment Street and Adelaide Street. In order to provide for a consistent building alignment, facilitate future desired road widening and improve pedestrian movement and experience along Queen Street, the building setback requirements were introduced into the scheme as part of Amendment 49. A retail study was also undertaken through the amendment process, that identified Queen Street as the priority retail strip in the City Centre, which formed part of the rationale for large setbacks in the area. The following streetscape diagram was prepared as part of the amendment process to demonstrate the changing widths along the length of Queen Street.



Schedule 7 of LPS4 states that, 'Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved.'



The applicant states that,

The current Queen Street road reserve width is 13 metres, which includes a 2.5 metre wide footpath on the northern side of Queen Street. The planning requirements through the proposed setbacks on the northern and southern sides of Queen Street is seeking to increase the road reserve width to 23 metres.

The proposed 3.65 metre setback has a significant impact on the viability of the proposed development in terms of the floor space that can be achieved for the supermarket and other specialities at ground level taking into account service provision and the other proposed uses of the site. This has the potential to create a negative impact to the streetscape activation of Queen Street.

The proposed development seeks to provide a 2 metre setback. When combined with the existing Queen Street width and the setback on Site 2 provides a width for Queen Street of 21.35 metres. Even if the setback to Site 2 was reduced proportionally with the proposed 2 metre setback for Site 1, this would still provide a street width of 20 metres.

At a width of 20 metres this is consistent with the other main pedestrian streets in the city including South Terrace (20 metres), Market Street, William Street etc. Other examples of pedestrian streets such as Hay Street and Murray Streets in the City of Perth are less than 20 metres in width.

A 20 metre road reserve width should be able to accommodate any required landscaping, footpaths, on street car parking, without impacting the ability of the subject site to proceed with its development. We are therefore seeking a variation to the minimum setback requirement to Queen Street.

The applicant has also provided a setback study for consideration, which is included as Attachment 10.

In consideration of the above, the City is still not satisfied that by reducing the setback from 3.65m to 2m (resulting in a future Queen Street road width of 20m instead of 23m), the design outcome will be improved.

It is also worth noting that the prescribed 3.65m setback and potential increase in footpath width, may allow a future kerbside embayment on the northern side of Queen Street (between Elder and Cantonment) to service the future development needs in Stage 2, for example, a set-down/pick-up bay for a hotel foyer. A reduced street setback of 2m will not accommodate this option in the future without severe negative impact on pedestrian and/or vehicle movements.



Notwithstanding this, while the 3.65m (or greater) setback is the optimum solution from an urban design perspective that ensures set down bays can be provided if required, the proposed setback can accommodate a quality pedestrian environment in front of this development. The setback may be able to space for footpaths, street furniture and tree planting, noting detailed design work has not been undertaken for this section of Queen Street. The decision maker, should they be of the position that the setback is sufficient in it's current format, has the ability to vary the requirement in accordance with clause 4.8.2 of LPS4.

Major Off Street pedestrian routes

The application has been assessed against cl5.3.1 - 5.3.8. The following comments are provided:

- LPP3.1.5 requires two east west pedestrian links across the site. Given the application only includes the substantial redevelopment of the southern eastern quarter of site and these required pedestrian links could easily be accommodated for in the future redevelopment works to the middle and northern portion of site.
- Universal access is provided for the south-eastern corner access point.

Car parking

The development proposes an onsite car parking bay shortfall of 117 bays across the site and as such discretion is sought under clause 4.7.3 of LPS4. This clause provides the ability to waive car parking requirements subject to criteria. It is noted that Scheme sub area 1.3.2 excludes the consideration of parking in the locality such as street parking and the availability of public transport in the locality. In relation to this proposal the most relevant provision of cl 4.7.3 is as follows:

- (iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*

It is considered that the proposed on-site car parking shortfall could be supported against Clause 4.7.3 (iii) above, as the likelihood that the proposed uses are capable of sharing the proposed 147 proposed bays. It is considered that the peak operating times for the Office and the Shops onsite will have limited conflict with the peak operating times for surrounding Office, and Shop (Coles) uses reducing the competition between uses for the provided onsite car bays.

The shortfall in parking for the Childcare premise is also considered appropriate given the likely hood of a drop off and collection arrangement being the more appropriate collection method for its cliental. Existing street parking within Cantonment Street will be readily available at the entrance of the childcare premise. The applicant has also dedicated parking internally for this purpose. Accordingly, it is considered that this portion of the development has provided parking specifically in accordance with the demand of this use and is therefore considered appropriate.



Having regard to the above, the proposed parking shortfall across the site is not considered to result in an adverse impact upon the amenity of the immediate locality and can be supported. The reduction in parking available for individual developments in the City Centre is considered consistent with the objective of the City's parking strategy which is to relocate large scale parking areas to the fringes of the City centre and make use of public and active transport options.

Delivery Bays

The dedicated service areas and new delivery facility for stage 1 is considered to provide adequate and consolidated servicing needs for the entire Stage 1 of the redevelopment of this suite. A range of vehicles sizes (vans, light trucks and semi-trailer vehicles) that typically deliver to such complexes can continue to service the site adequately.

Notwithstanding the above a condition of approval is recommended requiring the provision of a delivery management plan for the development, to the satisfaction of the City.

Bicycle parking and End of Trip facilities

Appropriate conditions are recommended to be imposed ensuring compliance with Scheme provisions for some of these requirements. While the development does not comply with the LPS 4 requirement to provide class 1 (individually enclosed) bicycle racks, it is considered that the provision of large lockable enclosures consistent with class 2 requirements is sufficient to service the development. The provision of class 3 racks is recommended as a condition of approval.

Local Planning Policy 3.1.5 – Precinct 5 (LPP3.1.5)

- *Primary and Secondary Streets*

The application has been assessed against cl 5.1.1 – 5.2.5 of LPP3.1.5 and the following comments are provided:

- The development is considered to provide an appropriate scale at ground level to reinforce the significance of the primary street entrance to the development.
- The ground level of the proposed building incorporates appropriate uses which have the potential to provide activation during hours beyond traditional business hours and provide entry directly from the street.
- Multiple new ground floor tenancies are provided to Queen Street and the corner (Queen Street and Cantonment Street).
- The development includes a portion of new on-site vehicle parking at first and second floor level which is sleeved with active office and child care premise uses.
- The development is considered to provide an appropriate scale at ground level to reinforce the significance of the primary street entrance to the development.



- Ground floor frontages are predominantly glazed and are considered to incorporate design features such as awnings contributing to a safe public realm.
- The development has minimised blank walls and service areas fronting primary streets. The development proposes some consolidation of vehicle access for the development.
- The development provides weather protection in the form of awnings along Queen Street and Cantonment Street which are integrated into the building design and appropriately scaled.
- Overall, the proposal includes an active interface for the new Cantonment Street / Queen Street, and the middle section of the ground floor Queen Street interface includes what will be high pedestrian traffic areas.

- *Built Form and Legibility*

The application has been assessed against cl 6.1 - 6.8 and the following comments are provided:

- The proposed brick and glass building is considered to provide a consistent edge of development which is continuous and generally consistent with the existing massing and scale of the established pattern to the north of site (Elders Site).
- With regards to legibility, the Stage 1a redesign does not including any required links, but clear legibility to the ground floor shop entrance and their tenancies on the Cantonment and Queen Street frontages are appropriately designed and laid out.

LPP2.19 – Contribution for Public Art/and or Heritage Works

The proposed development is required to adhere to the provisions contained within the Councils LPP2.19 Contributions for Public Art and/or Heritage Works which require the proponent to contribute a monetary amount equal in value to one per cent of the estimated total development cost, for the development of public art works and/or heritage works to enhance the public realm.

The applicant has advised that they intend to develop artwork for the site, however no details have been provided at this stage. A condition of approval is recommended to ensure this requirement is met.

Matters to be considered

Through the assessment above, the following matters have been given due regard in reviewing this application in accordance with clause 67 of the Regulations.

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

See 'Planning Assessment' and 'Officers Comment' sections above.

- (b) *Any approved State planning policy*



See 'Planning Assessment' and 'Officers Comment' sections above.

- (g) *any local planning policy for the Scheme area*

See 'Planning Assessment' and 'Officers Comment' sections above.

- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located*

The site is not heritage listed nor is it within a prescribed heritage area. The State Heritage Office considered the proposal in regard to the cultural heritage significance of nearby state registered places (Elders Woolstores and Fremantle Train Station) and raised no objection.

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*

See 'Planning Assessment' and 'Officers Comment' sections above.

- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development*
 - (ii) *the character of the locality*
 - (iii) *social impact of the development*

See 'Planning Assessment' and 'Officers Comment' sections above.

- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*

The application included a traffic impact assessment which has been reviewed by the City and the development is considered acceptable in terms of proposed vehicle access points, manoeuvrability, onsite parking and the likely traffic movements to and from site.

- (u) *the availability and adequacy for the development of the following –*
 - i. *public transport services*
 - ii. *public utility services*
 - iii. *storage, management and collection of waste*
 - iv. *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities*
 - v. *access by older people and people with disability*



See 'Officers Comment' section above relating to car parking matters however it is noted that:

- The site is within close proximity to public transport stations (taxi, bus and train).
- The submitted waste management plan has been reviewed by the City and is considered acceptable subject to conditions.
- The site has multiple universal accessibility points for easy safe pedestrian movements over the site and adjoining public spaces.

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

See 'Planning Assessment' and 'Officers Comment' sections above.

(y) *any submissions received on the application*

See 'Planning Assessment' and 'Officers Comment' sections above.

CITY OF FREMANTLE STRATEGIC IMPLICATIONS

The proposal is considered to comply with the following strategic plans:

Strategic Community Plan 2015-2025

- Increase the number of people working in Fremantle
- Increase the number of visitors to Fremantle
- Character culture and heritage focus area – addresses outcome 'Fremantle celebrates its history and heritage through active renewal'

Fremantle's Economic Development Strategy 2015-2020

- Place activation to increase commercial and social vibrancy
- Attraction of business and investment

Conclusion:

The assessment of the application is summarised as follows:

- The application includes the development of a three storey Mixed use building containing Shops, Office space, a liquor store – small and a Childcare premise building.
- The proposal seeks the exercise of discretion relating to land use, setbacks and onsite car parking. In respect to these elements, the proposal is considered to satisfy the relevant merit-based criteria with the exception of the setback to Queen Street.
- The City's Design Advisory Committee have reviewed the proposed design and generally support the design subject to final detail being provided in relation to various matters.



- The current revised proposal is of satisfactory design and would secure much-needed investment and revitalisation of this important site and delivers additional hotel accommodation and office space in central Fremantle which is a welcome addition to the city's retail and business facilities.

The application is recommended for approval subject to relevant conditions.

Reasons for Officer Recommendation

As per report above



The Presiding Member brought the following item forward for consideration.

**C2301-5 WARD BOUNDARY AND REPRESENTATION REVIEW -
FINAL CONSIDERATION**

Meeting date:	18 January 2023
Responsible officer:	A/Manager Governance
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Public submissions2. Proposed ward boundary map
Additional information:	<ol style="list-style-type: none">1. City of Fremantle Review of Wards and Representation Discussion Paper2. Public notices

SUMMARY

This report concludes the City of Fremantle ward boundary and representation review, in accordance with schedule 2.2 of the *Local Government Act 1995*, and provides the following for consideration:

- **Submissions received during the public consultation period**
- **Preferred ward boundary map and representation structure for adoption**
- **Options for implementation of the proposed ward boundary and representation structure**

This report recommends a change to the ward boundary and representation structure, with a reduced number of offices of councillors on council in accordance with the population thresholds required under Local Government reform proposal. The preferred structure is to be endorsed by council and provided to the Local Government Advisory Board prior to 14 February 2022, as requested by the Minister.

BACKGROUND

On 20 September 2022, the Minister wrote to all local government Chief Executive Officers advising of the next step in the reform process, including a prescribed range in the number of elected members on councils based on population thresholds. The current approximate population of the City of Fremantle (based on preliminary 2021 census data recently released by the ABS) is 31,930. Therefore, the City will be required to reduce the number of elected members on council to a maximum of 9 including the Mayor.

The Minister advised that a Bill to amend the *Local Government Act 1995* to implement the changes required under the reform proposal, is under preparation and is expected to be introduced into Parliament in early 2023.



As a result of the advice provided by the Minister in September, Council at its meeting held on 26 October 2022, resolved the following:

Council:

- 1. Adopts the Voluntary Pathway option for implementing the required changes to the number of elected members on council and the related ward and representation changes, and advises the Department of Local Government, Sport and Cultural Industries of this decision by 28 October 2022.*
- 2. Initiates a Ward and Representation Review to commence immediately, to determine the specific changes to be made to the structure of the council.*
- 3. Approves the Discussion Paper provided in Attachment 1, for the purposes of undertaking community consultation on options for the changes to be implemented.*
- 4. Commences community consultation on 28 October 2022 for a six-week period as required by guidelines issued by the Local Government Advisory Board.*
- 5. Requests the Chief Executive Officer to present a further report to the January 2023 Ordinary Council Meeting, detailing the outcomes of community consultation and recommending a final proposal for changes to the structure of the council for approval to submit to the Local Government Advisory Board by 14 February 2023.*

On 27 October 2022, the City provided written advice to the Department of Local Government, Sport and Cultural Industries (DLGSC) of its intent to undertake the voluntary pathway process and undertake a ward boundary and representation review, in order to implement the changes required by this step in the reform proposal.

The ward boundary and representation review process involves the following steps:

- The council resolves to undertake the review (completed as noted above)
- Public submission period opens (completed – 28 October 2022)
- Public submission period closes (completed – 16 December 2022)
- The Council considers all submissions and relevant factors and makes a decision (current step in the process)
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration (to be completed after Council consideration)
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister) – (to be completed)



FINANCIAL IMPLICATIONS

Future costs associated with implementation of these changes and conducting ordinary elections will be dependent on the outcome of the reform process and changes to the Local Government Act.

LEGAL IMPLICATIONS

The City of Fremantle ward boundary and representation review was undertaken in accordance with the process set out in Schedule 2.2 and other provisions of the *Local Government Act 1995*.

In order to implement the reform proposal, the WA Government have proposed to introduce a Bill into Parliament in early 2023 to amend the Local Government Act. The precise timing of when the legislation is not yet known.

As advised by the Minister, the ward boundary and representation review is required to be completed and provided to the Local Government Advisory Board for consideration by 14 February 2023.

CONSULTATION

In accordance with the process set out in the Local Government Act, the City conducted a public consultation process and called for public submissions on the proposed ward and representation review as outlined in the City's discussion paper.

Public consultation period commenced on 28 October 2022 and was undertaken over a six-week period, with a short extension, to accommodate the public notice being published in the newspaper on 3 November 2022. The public consultation period closed on Friday, 16 December 2022 at 5pm.

Local public notice was given and advertised as follows:

- The City's website – home page, Public Notices and News and Media (published 28 October, updated 22 November)
- My Say Freo (published 28 October, updated 22 November)
- Social media platform – Facebook (posted on 28 October and 24 November)
- E-newsletters – Freo Weekly (distributed to subscribers on 3 and 24 November; 1, 8 and 15 December), Media release (distributed to subscribers 28 October)
- Newspapers – PerthNow (published 3 November) and the Herald (published 19 and 26 November)
- A hard copy public notice and electronic notice displayed at the Walyalup Civic Centre (available 28 October, updated 22 November)

A copy of the original public notice and the revised public notice that were published, is provided in additional information attachment 2.



The community were able to make submissions in the following ways:

- via the My Say Freo Website;
- via email info@fremantle.wa.gov.au;
- in person at the City of Fremantle, Customer Service Centre, at the Walyalup Civic Centre, 151 High Street, Fremantle; or
- in writing and posted to PO Box 807, Fremantle WA 6959

The City received a total of 50 public submissions from residents and ratepayers across the following suburbs:

Number of responses by suburb	
Fremantle	16
South Fremantle	9
Beaconsfield	8
North Fremantle	5
White Gum Valley	6
Samson	4
Hilton	2
O'Connor	-

47 submissions were received via My Say Freo, 2 submissions were received by email and 1 submission was submitted in writing. A copy of each submission is provided in Attachment 1.

When considering changes to wards and representation, schedule 2.2 of the *Local Government Act 1995* specifies five factors that must be taken into account by a local government as part of the review process:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of Councillors to Electors in the various wards.

As a result, the following options were endorsed by Council (on 26 October), as being appropriate options for consideration through the Ward and Representation Review.

1. **Retain current 6 ward structure** with **1 Councillor** per ward and the Mayor (**total 7 elected members**), with a slight adjustment to the boundary between Beaconsfield and Hilton wards, as shown in map 1 (appendix 1 of the discussion paper).
2. **No Wards** and have either have **5, 7 or 9 elected members** (including the Mayor). (Map 2, shown in appendix 2 of the discussion paper).



3. **2 Wards** (dividing the City of Fremantle district roughly either north/south or east/west) with the following representative sub-options:
- (1) **2 councillors** per ward and the Mayor (***total 5 elected members***)
 - (2) **3 councillors** per ward and the Mayor (***total 7 elected members***)
 - (3) **4 councillors** per ward and the Mayor (***total 9 elected members***)

Two alternative configurations of ward boundaries are shown on maps 3 and 4. With north/south shown in map 3 and east/west shown in map 4 (appendix 3 and 4 of the discussion paper).

4. **3 Wards** - with **2 councillors** per ward and the Mayor (***total 7 elected members***) - no alternative numbers of elected members are available under this option.

Two alternative configurations of ward boundaries are suggested under this option as shown map 5 and 6 (appendix 5 of the discussion paper).

5. **4 Wards** with the following representative options:
- (1) **1 councillor** per ward and the Mayor (***total 5 elected members***)
 - (2) **2 councillors** per ward and the Mayor (***total 9 elected members***)

Two alternative configurations of ward boundaries are suggested under this option, as shown in maps 7 and 8 (appendix 6 and 7 of the discussion paper).

These options are described in detail in the discussion paper provided in Additional Information document 1.

Participants were provided with a copy of the discussion paper and asked to complete a survey with the following questions:

- 1. Please select your preferred option.
- 2. Do you have any alternative ward boundary or representation suggestions?
- 3. Please indicate your preference for the naming of our wards post review.
- 4. Please provide any comments on the type of naming system you would prefer (e.g., Whadjuk Noongar names, landmarks, geographical etc.)?
- 5. Do you have any other feedback on the Ward and Representation Review?

A copy of each submission is provided in Attachment 1 and a summary of the responses is provided below.

Question 1: Please select your preferred option (as detailed in the discussion paper).

The following table provides a summary of the options and number of respondents who selected each option as their preference.



Option	Ward Map reference	Number of responses
Option 1 - Retain the current six (6) ward structure with one (1) councillor per ward (plus the Mayor)	Map 1 (Appendix 1)	11
Option 2a - No wards with five (5) elected members (including the Mayor)	Map 2 (Appendix 2)	3
Option 2b - No wards with seven (7) elected members (including the Mayor)	Map 2 (Appendix 2)	1
Option 2c - No wards with nine (9) elected members (including the Mayor)	Map 2 (Appendix 2)	5
Option 3a - Create two (2) wards divided approximately north-south with two (2) councillors per ward (plus the Mayor)	Map 3 (Appendix 3)	3
Option 3b - Create two (2) wards divided approximately north-south with three (3) councillors per ward (plus the Mayor)	Map 3 (Appendix 3)	Nil
Option 3c - Create two (2) wards divided approximately north-south with four (4) councillors per ward (plus the Mayor)	Map 3 (Appendix 3)	1
Option 4a - Create two (2) wards divided approximately east-west with two (2) councillors per ward (plus the Mayor)	Map 4 (Appendix 4)	Nil
Option 4b - Create two (2) wards divided approximately east-west with three (3) councillors per ward (plus the Mayor)	Map 4 (Appendix 4)	1
Option 4c - Create two (2) wards divided approximately east-west with four (4) councillors per ward (plus the Mayor)	Map 4 (Appendix 4)	3
Option 5 - Create three (3) wards with two (2) councillors per ward (plus the Mayor)	Map 5 & 6 (Appendix 5)	2
Option 6a - Create four (4) wards with one (1) councillor per ward (plus the Mayor)	Map 7 (Appendix 6)	2
Option 6b - Create four (4) wards with two (2) councillors per ward (plus the Mayor)	Map 7 (Appendix 6)	9
Option 7b - Create four (4) wards with two (2) councillors per ward (plus the Mayor)	Map 8 (Appendix 7)	6
Option 7a - Create four (4) wards with one (1) councillor per ward (plus the Mayor)	Map 8 (Appendix 7)	2

A further analysis of the responses provided by the community, resulted in the following ward and representation options being the most preferred overall.



Ward boundary option (in order of preference):

1. 4 Wards (with 20 responses)
2. 6 Wards (with 11 responses)
3. No wards (with 9 responses)
4. 2 wards (with 5 responses)

Representation option (in order of preference):

1. 9 elected members (with 24 responses)
2. 7 elected members (with 15 responses)
3. 5 elected members (with 10 responses)

Question 2: Do you have any alternative ward boundary or representation suggestions?

Provided below is a summary of some of the suggestions provided by respondents:

“Yes. 5 wards:

1. *Coastal - alma st to south South Fremantle boundary and east to Hampton.*
2. *North ward or Port ward - north free plus maybe river areas near east st if numbers needed*
3. *Valley - Wgv, and Gibson precinct, Beacy down to Hampton or ridge.*
4. *Hilltop - Hilton, Samson, OConnor*
5. *City - up to the ridge and maybe knutsford - more business, industrial and high density living.”*

“I would suggest either sticking with option 1 or choosing option 5. I think the worst case scenario is splitting into two. Two is a huge space to manage and could create an us vs them mentality. It is my understanding also that research suggests that people are more engaged in their direct area than they are further a field. So if we make the wards too broad, it could create a lack of identity and then a lack of community engagement when needed.”

“The best alternative other than no wards, is the two-ward option divided North / South.”

“Having no wards makes it very difficult for genuinely independent candidates as they will not have the resources to cover the whole council area as effectively as aligned groups. One Councillor per ward means you have no alternative voice for your ward - and are stuck with that one voice for four years at a time. Two councillors per ward means only one position vacant each election, which makes it difficult for even sizeable minorities to have a voice on council.”

“The existing number of Councillors and wards is ideal. Great representation and access.”

“Minimum 50% representation by women, minimum 20% representation by LGBTQIA+ community members.”

“Ward 3 should be extended East to Carrington Street for all of area South of South Street.”

“For Option 1: move areas south of Swan river into City and East wards.”



“Seems options 6 and 7 are the same, just saying. I oppose the state government's plans to reduce political representation via crackdowns on councils.”

“More concrete progression for the future. Come together with all wards. Better plans for the future, not just pie in sky developments. More thought into housing etc. Will the Port go to Kwinana, will we get a new shopping centre, or back to the same old. When 10 Quarry street was build, lots of faults, noise (echo chamber). Front view with St Pats (antisocial behaviour at night). Hopefully change.”

“Why wouldn't Option 6a, ward 3 boundary go all the way down York St or also take into up to Carrington Street. The boundary seems strange. I think the 4 wards is the best representation of the different demographics that like in them.”

“I think it is important to keep as many representatives as possible to maintain a democratic approach and to spread the workload across councillors.”

Question 3: Please indicate your preference for the naming of our wards post review.

The following two options were provided for selection:

1. Retain the current ward names where possible; or
2. Introduce new wards names.

Of the 50 respondents, 28 selected to 'retain the current ward names where possible' and 19 selected to 'introduce new wards names'.

Question 4: Please provide any comments on the type of naming system you would prefer (e.g., Whadjuk Noongar names, landmarks, geographical etc.)?

In summary:

- 6 submissions provided feedback in support of Whadjuk Noongar names
- 6 submissions provided feedback in support of names based on geographical names
- 2 submissions provided feedback in support of names based on landmark names

Question 5: Do you have any other feedback on the Ward and Representation Review?

Provided below is a summary of some of the feedback provided by respondents:

“I think there needs to be local representation for local issues, and two per ward is a great system. What we have works pretty well at the moment. No wards will make the whole thing too political and I am not in favour.”

“When elected, Councillors swear to represent the entire community, thus a no ward system would be most appropriate.”



Also, because we have a popularly elected Mayor it avoids the "I'm elected by the whole community and you're only elected by a Ward" argument."

"Eight councillors plus mayor allows for a diversity of views on Council. Anything less runs the risk of Council becoming a clique."

"Diversity and inclusion quotas should be introduced."

"I consider we need Wards with representation by councillors to ensure fair representation for all residents across the City. If councillors are elected with no Wards to represent there is a likelihood that some residents/suburbs within the City will effectively have no representation as councillors will feel no connection or obligation to them."

"The reason I selected 7 (2), 4 Wards with 2 councillors per Ward plus mayor is that having attended many council meetings both full and committee, it is very obvious to me that if only one councillor were to represent each Ward, when that councillor is absent, the Ward would be unrepresented when decisions affecting it are made. Also, Fremantle is a complex City when compared to other municipal areas in that it is historic, dynamic, strategically important to the State and is subject to rapid and on-going redevelopment, both residential and commercial. As the workload required to research and consider the multiple, and sometimes complex, issues that arise in attending to council business would most likely be far too much for only one councillor per Ward to cope with at a comprehensive and well-considered level."

"Contrary to what minister John Carey says I think that reducing the number of councillors will make community participation more difficult, as it will be spreading very thinly the ability of 1 single elected member to engage with the residents, especially in Fremantle where we have so much wonderful heritage and keeping up with it requires constant work. At the moment 2 elected members are better able to share the project workload and community engagement."

"All residents are highly likely to want to retain a sense of local representation. These options best retain areas of aligned economic/geographic/demographic interests and personal representation."

"Democracy works from the ground up, not from the top down. The greatest number of councillors possible would provide the best outcome. It is a shame we have to lose a single councillor, but, as we have to, we should strive for 8 councillors plus the mayor. The precinct system seems to work pretty well in supporting the grass-roots democracy and can help support the councillors. My perception may be biased from my experience of what is possibly the most effective precinct of WGV in Fremantle?"

"To maintain a councillor's ability to properly represent local residents and ratepayers, they need to have the most discreet area possible with similar



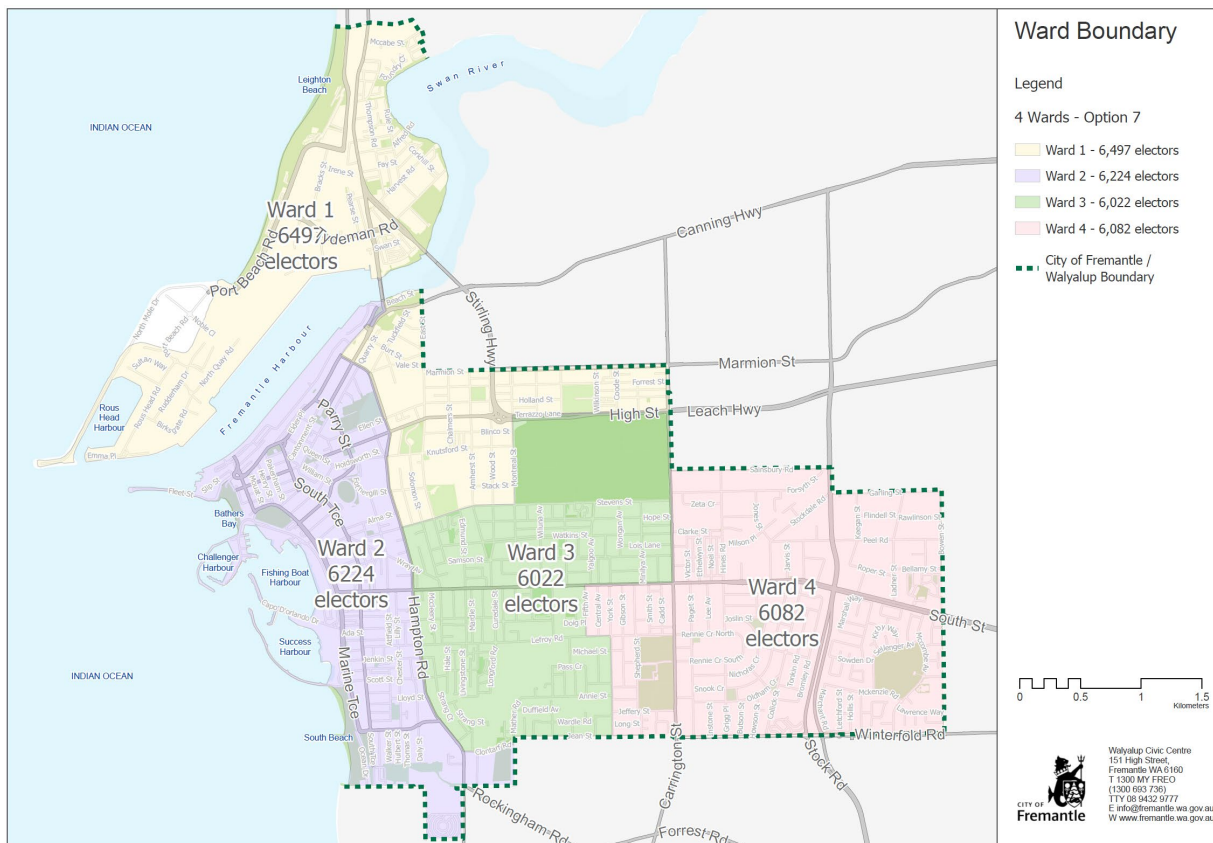
geographical and social issues. If they are given wider area responsibilities, then they become subject to special interest, partisan views and other pressure groups, rather than focusing on true resident and ratepayers, and this does not make for effective authentic local representation."

"I feel it's important for the outer suburbs to continue to have representatives who live in those suburbs, rather than be centralised."

OFFICER COMMENT

As a result of the findings from the ward boundary and representation review process, including the community and elected members feedback received throughout the ward review process, officers recommend the following for Council consideration.

- 1. Adopt the following four-ward system, with boundaries as detailed in the Map 8 (Appendix 7) of the discussion paper.**





This option will result in the existing ward boundaries being abolished and replaced by four new ward boundaries as described below:

- Ward 1: Being the whole area in the north of the river within the City's boundaries. In the south of the river section, the area is bounded by the eastern side of Queen Victoria St, the southern side of Beach St, the eastern side of James St, Ord St and Hampton Rd, the northern side of Stevens St, the western side of Montreal St, the northern side of High St. The other boundaries are the City's boundary lines: the eastern side of Carrington St, the southern side of Marmion St and the eastern side of East St.
- Ward 2: Being the western side of Hampton Rd, James St and Ord St. Bounded on the south by the southern side of Clontarf Road and the southern City's boundary lines. Bounded on the north by the western side and south of the river section of Queen Victoria St. On the north and west, the area is bounded by the Fremantle Harbour and the Indian Ocean.
- Ward 3: Being the eastern side of Hampton Rd, bounded on the south by the northern side of Clontarf Rd and Jean St. Bounded on the east by the western side of York St, southern side of Lefroy Rd, western side of Fifth Av, northern side of South St and western side of Carrington St. Bounded on the north by the southern side of High St, eastern side of Montreal St and southern side of Stevens St.
- Ward 4: Bounded on the west by the eastern side of York St, northern side of Lefroy Rd, eastern side of Fifth Av, southern side of South St and western side of Carrington St. The boundaries on the North, West and South are the City's boundary lines.

This option is considered the most suitable option as it provides a 4-ward system which is considered the most preferred option overall.

In accordance with schedule 2.2 of the Local Government Act, this option meets all five factors required for consideration in a ward and representation review (as detailed in the discussion paper).



2. Designate 2 councillors per ward (resulting in 9 Elected Members including the Mayor)

This option provides the following the councillor to elector ratio per ward, which is compliant with the ratio deviation allowance (of 10% plus or minus).

City of Fremantle				
Ward	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation
Ward 1	6,497	2	3,249	-4.68%
Ward 2	6,224	2	3,112	-0.29%
Ward 3	6,022	2	3,011	2.97%
Ward 4	6,082	2	3,041	2.00%
Totals	24,825	8	3,103	

The four-ward option ensures even representation across each ward. It will enable one councillor per ward to represent on the current Council Committee structure and enable the second ward councillor to deputise at committee meetings during periods of absence.

It is also noted that by providing lower councillor/elector ratios in ward 3 and 4, it will enable some growth to occur in these wards and may reduce the need to adjust these boundaries when the next ward review is due.

3. Endorse a geographical naming convention for each ward.

Name each ward as follows:

- Ward 1 - North Ward
- Ward 2 - Coastal Ward
- Ward 3 - Central Ward
- Ward 4 - East Ward

If Council wish to consider alternative ward names such as Whadjuk Noongar names, it is recommended that Council adopt the above ward naming convention as an interim solution and undertake a ward name review at a later stage. This will provide opportunity to work with appropriate Elders and the WRAP Group to identify a list of appropriate Whadjuk Noongar names for consideration of any change.



4. Endorse a preferred method for implementation

Consideration of clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995* has been given regarding the implementation method for the preferred ward and representation structure. It is unknown at this stage what implementation options will be available to the City as part of the local government reform proposal and legislative changes. However, the following implementation options are presented to Council for consideration, with one option to be recommended to the LGAB as the preferred method for implementation of the proposed changes.

Implementation Option 1: New ward boundaries to commence in 2023, and implement representation changes over two elections, as follows:

2023 Election: Retire 2 councillor positions,
Election of 4 councillors, for a 4-year term in new wards, and
Allocate the remaining 6 councillors to the next closest ward.

2025 Election: Retire another 2 councillor positions,
Election of 4 councillors, for a 4-year term in each of the new
wards, and
Mayoral election will occur as normal

Implementation Option 2: New ward boundaries and representation changes to commence in 2023, as follows:

2023 Election: All (12) councillor positions will be declared vacant,
Retire 4 councillor positions,
Election of 4 councillors, for a 4 year term (new wards), and
Election of 4 councillors, for a 2 year term (new wards)

2025 Election: Election of 4 councillors, for a 4 year term (new wards), and
Mayoral election will occur as normal.

It is recommended that Council endorse implementation option 1, to be included in the City's ward boundary and representation submission, for consideration of the LGAB. The rationale for recommending this option, is to ensure consistency with advice provided by the Minister, to commence changes in 2023 and feedback provided by the LGAB office. This option will also enable all councillor positions to be elected for a normal 4-year term and reduce the impact on current councillors whose term of office is not due to expire until 2025. The only negative impact of this option is that it will require a short transitional phase, where there will be uneven representation numbers across wards for the first 2 years (until 2025), however, this option is considered to have the least amount of impact on Council overall.



As an example, this option could potentially result in the following councillor to elector ratios for the first 2 years between 2023 and 2025.

City of Fremantle				
Ward	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation
Ward 1 - North	6,497	3	2,166	12.76%
Ward 2 - Coastal	6,224	3	2,075	16.43%
Ward 3 - Central	6,022	2	3,011	-21.29%
Ward 4 - East	6,082	2	3,041	-22.50%
Totals	24,825	10	2,483	

Following Council consideration of this item, the City will provide a copy of this report and the decision of Council in a submission to the Local Government Advisory Board for consideration. The Advisory Board will consider the information provided and make a recommendation to the Minister for approval. If approved by the Minister, the city will be required to implement the approved options, as instructed by the Minister.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S AMENDED RECOMMENDATION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

- 1. Receive and acknowledge the submissions received during the public consultation period for the consideration of the Ward Boundary and Representation Review, as provided in Attachment 1.**
- 2. In accordance with Schedule 2.2 (9) of the Local Government Act 1995 (the Act) and as per the implementation process described in part 3 below, it is recommended to the Local Government Advisory Board that:**
 - a. An order be made under s 2.2 (1) to abolish the existing ward boundaries for the City of Fremantle in 2023 and divide the district into four new wards with boundaries as detailed in the map provided in Attachment 2; and**



- b. An order be made under s 2.3 to name the four wards:
 Ward 1 - North Ward
 Ward 2 - Coastal Ward
 Ward 3 - Central Ward
 Ward 4 - East Ward
- c. An order be made under s 2.18 to change the number of offices of councillors on council from 12 to 8, **to be implemented** over two election cycles (2023 and 2025), as follows:
- 2023 Election: Retire 2 offices of councillors on council, election of 4 offices of councillors on council, and allocate the remaining 6 existing offices of councillors on council to the closest ward.
- 2025 Election: Retire 2 offices of councillors on council, and election of 4 offices of councillors on council.
- d. An order be made under s 2.18 to designate **2** offices of councillors **to each new ward in 2023 and allocate continuing councillors from the wards outlined in column A to be taken to have been elected as a councillor for the ward specified in the opposite column B, as follows:**

Column A	Column B
North	North
City	Coastal
East	Central
South	Coastal
Beaconsfield	East
Hilton	East

3. Endorse the following implementation option, for recommendation to the LGAB as the preferred method for implementation of the new ward boundary and representation system for the City of Fremantle;

Implementation Option 1: New ward boundaries to commence in 2023, and implement representation changes over two elections, as follows:

- 2023 Election: Retire 2 councillor positions, Election of 4 councillors for a 4-year term in new wards, and allocate the remaining 6 councillors to the closest ward.
- 2025 Election: Retire another 2 councillor positions, Election of 4 councillors for a 4-year term in each of the new wards, and a Mayoral election will occur as normal.



Reason for change:

Following information provided by the Department, the officer's recommendation is amended to insert an additional part 2d, to allocate continuing ward councillors to a ward when the new ward system comes into effect in 2023. This is in line with the method approved by the Minister, in the *Local Government (Rockingham - Change of ward boundaries) Order 2019*. It is noted that the councillor to elector ratio in the Coastal and East Ward (as a result of this change) will be outside ratio allowance, however, this will only apply for the first 2 years (between 2023 and 2025), as part of the transition.

AMENDMENT 1

Moved: Cr Ben Lawver

Seconded: Cr Jenny Archibald

Amend Part 2b of the officer's recommendation, as follows:

- b. An order be made under s 2.3 to name the four wards:
 - Ward 1 - North Ward
 - Ward 2 - Coastal Ward
 - Ward 3 - Central Ward
 - Ward 4 - East Hilton Ward

Amendment Lost: 2/10

For

Cr Ben Lawver, Cr Marija Vujcic

Against

**Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Geoff Graham,
Cr Frank Mofflin, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang**

Reason for change:

Consistency in retaining ward names where possible and reducing confusion.

AMENDMENT 2

Moved: Cr Rachel Pemberton

Seconded: Cr Jenny Archibald

Amend Part 2a and part 2b of the officer's recommendation, as follows:

- a. An order be made under s 2.2 (1) to abolish the existing ward boundaries for the City of Fremantle in 2023 and divide the district into four new wards with boundaries as detailed in the map provided in [Attachment 3](#).
- b. An order be made under s 2.3 to name the four wards:
 - Ward 1 - Northern Ward
 - Ward 2 - Coastal Ward
 - Ward 3 - Central Ward



Ward 4 – Eastern Ward

Amendment Lost: 3/9

For

Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

Against

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Geoff Graham,

Cr Frank Mofflin, Cr Ben Lawver, Cr Marija Vujcic

Cr Doug Thompson, Cr Bryn Jones, Cr Adin Lang

Reason for change:

These changes are based on the assumption that the Heart of Beaconsfield development may occur before the next ward review (in 8 years), which should increase the numbers within the Central Ward and balance the Councillor to elector ratios further. These changes will increase the number of electors within the East Ward, where it is anticipated that the least amount of population growth will occur.

A further minor amendment is included to adjustment the proposed ward names for Ward 1 and 4, to provide a new ward name for all wards.

AMENDMENT 3

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Adin Lang

Add an additional part 4 to the officer's recommendation, as follows:

- 4. Note that the ward names listed in part 2b are to be implemented as temporary names and that a further review of ward boundary names will be undertaken to consider appropriate Whadjuk Noongar or other locally relevant ward names.***

Amendment carried: 12/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Geoff Graham,

Cr Fedele Camarda, Cr Ben Lawver, Cr Frank Mofflin, Cr Doug Thompson,

Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Reason for change:

As noted by officers in the report, a further review will provide an opportunity to work with the community, Elders and the WRAP Group to identify a list of appropriate Whadjuk Noongar or other relevant names for consideration.



COUNCIL DECISION ITEM C2301-5
(Officer recommendation, as amended)

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

- 1. Receive and acknowledge the submissions received during the public consultation period for the consideration of the Ward Boundary and Representation Review, as provided in Attachment 1.**
- 2. In accordance with Schedule 2.2 (9) of the Local Government Act 1995 (the Act) and as per the implementation process described in part 3 below, it is recommended to the Local Government Advisory Board that:**
 - a. An order be made under s 2.2 (1) to abolish the existing ward boundaries for the City of Fremantle in 2023 and divide the district into four new wards with boundaries as detailed in the map provided in Attachment 2; and**
 - b. An order be made under s 2.3 to name the four wards:
Ward 1 - North Ward
Ward 2 - Coastal Ward
Ward 3 - Central Ward
Ward 4 - East Ward**
 - c. An order be made under s 2.18 to change the number of offices of councillors on council from 12 to 8, *to be implemented* over two election cycles (2023 and 2025), as follows:**

2023 Election: Retire 2 offices of councillors on council, election of 4 offices of councillors on council, and allocate the remaining 6 existing offices of councillors on council to the closest ward.

2025 Election: Retire 2 offices of councillors on council, and election of 4 offices of councillors on council.



- d. An order be made under s 2.18 to designate 2 offices of councillors to each new ward in 2023 and allocate continuing councillors from the wards outlined in column A to be taken to have been elected as a councillor for the ward specified in the opposite column B, as follows:**

Column A	Column B
North	North
City	Coastal
East	Central
South	Coastal
Beaconsfield	East
Hilton	East

- 3. Endorse the following implementation option, for recommendation to the LGAB as the preferred method for implementation of the new ward boundary and representation system for the City of Fremantle;**

Implementation Option 1: New ward boundaries to commence in 2023, and implement representation changes over two elections, as follows:

2023 Election: Retire 2 councillor positions, Election of 4 councillors for a 4-year term in new wards, and allocate the remaining 6 councillors to the closest ward.

2025 Election: Retire another 2 councillor positions, Election of 4 councillors for a 4-year term in each of the new wards, and a Mayoral election will occur as normal.

- 4. Note that the ward names listed in part 2b are to be implemented as temporary names and that a further review of ward boundary names will be undertaken to consider appropriate Whadjuk Noongar or other locally relevant ward names.**

**Carried: 11/1
For**

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

**Against
Cr Geoff Graham**



COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Doug Thompson

The following items be adopted en bloc as recommended:

- | | |
|----------------|--|
| C2301-3 | REFERRED ITEM - SEAVIEW STREET, NO. 7 (LOT 1)
BEACONSFIELD - CARPORT ADDITION TO EXISTING
GROUPED DWELLING (CM DA0472/21) |
| C2301-7 | STATEMENT OF INVESTMENTS – DECEMBER 2022 |
| C2301-8 | SCHEDULE OF PAYMENTS – DECEMBER 2022 |

Carried: 12/0

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



**C2301-3 REFERRED ITEM - SEAVIEW STREET, NO. 7 (LOT 1)
BEACONSFIELD - CARPORT ADDITION TO EXISTING
GROUPED DWELLING (CM DA0472/21)**

Meeting Date: 18 January 2023
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments: 1. Amended Development Plans
Additional information: 1. Site Photos

SUMMARY

Approval is sought for a carport addition to the exiting Grouped Dwelling at No.7 Seaview Street, Beaconsfield.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- **Primary street setback**

The proposal was previously considered at the Planning Committee meeting on 6 April 2022 (PC2204-10), with it being referred back to the administration to allow the applicant to provide amended plans to reduce the impact of the carport on the heritage dwelling and streetscape. Amended plans have not been submitted to the City addressing the concerns raised despite multiple opportunities to do so.

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a carport addition to an existing Grouped dwelling at No. 7 Seaview Street, Beaconsfield. The proposed works include:

- Construction of a double carport within the primary street setback area of the existing grouped dwelling gaining access from the existing battle-axe access leg shared with No. 7a Seaview Street.

The applicant submitted amended plans on 25 February 2022 prior to the initial review by PC which included the following:

- Re-orientation of the carport and associated driveway to use the existing battle-axe access leg rather than the primary street;
- Removal of the initially proposed widened crossover which means the removal of the existing street tree is no longer proposed; and,

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- Additional detail of existing primary street fence and indication of existing sliding gate.

Since this time, no amendments have been made to the plans.

Development plans are included as attachment 1.

Site/application information

Date received: 5 November 2021
 Owner name: Danielle Claire Silvan
 Submitted by: Russell Building Approvals
 Scheme: Residential (R25)
 Heritage listing: City of Fremantle Level 3 and South Fremantle Precinct Heritage Area
 Existing land use: Grouped Dwelling
 Use class: Grouped Dwelling
 Use permissibility: D



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*, due to streetscape and primary street setback variations being proposed. The advertising period concluded on 17 December 2021, and two submissions were received, one in opposition and one in support of the proposal. The following issues were raised (summarised):

Oppose

- The proposed carport does not conform to the set-back requirements with which all other residents in Seaview St have complied.
- The proposed carport does not conform to the existing streetscape.
- The proposal requires the removal of an established eucalyptus tree on the verge in contravention of F.C.C. policy to preserve the existing tree canopy wherever possible.
- The proposal requires an additional crossover be installed which would increase the number of connected concrete crossovers (and increased heat-sink effect) in this section of the street from two to four.
- The proposal does not conform to the subdivision plan as approved by F.C.C. and state planning authority.
- No 7 has shared access and ownership of the existing driveway and crossover as was approved and established.

Support

- The carport and driveway is needed to allow for the occupiers to access and leave their property once construction commences on the rear lot, as it will be difficult to use the common battle-axe access leg during construction;
- The street tree has no relevance and should be removed. Most street trees have been removed due to the damage roots are causing;
- Every house should have a garage or carport to store cars, especially when they are expensive and need to be maintained.

In response to the above, the applicant submitted revised plans on 25 February 2022 to address the following:

- Re-orientation of the carport and associated driveway to use the existing battle-axe access leg rather than the primary street;
- Omission of proposed widened crossover;
- Omission of proposed street tree removal; and,
- Additional detail of existing primary street fence and indication of existing sliding gate.

The applicant provided additional justification on 25 February 2022, quoted below:

- *"...The proposed carport will have the same material and style to the existing residence. This would contribute to the two buildings (residence and proposed carport) to look similar and keep heritage and would not over contrast..."*, and;
- *"...If changing the design as per Heritage advice to reduce the overall height and the form of roof, like skillion, this would create a contrasted front view from the street..."*



Regarding the submission objecting to the proposal, the following comments are provided:

- The City notes the objection relating to the primary street setback and streetscape impact;
- The amended plans no longer include removal of the existing street tree, and doesn't propose any widened crossover; and,
- The subdivision which created the rear lot included a right of carriageway to the benefit of the subject site. The amended plans demonstrate that vehicle access will be gained from the battle-axe access leg rather than a new crossover as originally proposed. Therefore, the proposal is consistent with applicable requirements relating to the subdivision approval.

Regarding the submission supporting the proposal, the following comments are provided:

- It is noted that construction may pose occasional minor impacts on the ability for vehicles to enter and exit the property via the battle-axe access leg. It is noted that any hindrance will be short term and is not guaranteed to occur and can be realistically worked around by the occupiers of the dwelling. Further, this is not sufficient justification to allow the City to approve a widened crossover with the removal of a street tree;
- The City's Parks and Landscaping Department has advised that the removal of the street tree will not be supported given it is of very good quality and character; and,
- It is noted that carports and garages provide a degree of secure storage for vehicles.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of 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:

- Primary street setback (carport)

The above matters are discussed below.



Background

The subject site is located on the west of Seaview Street. The site has a land area of approximately 381m² and is currently a Grouped dwelling. The site is zoned Residential and has a density coding of R25. The site is individually heritage listed and located within the South Fremantle Heritage Area.

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

- WAPC55-18 - Two lot Survey strata subdivision. The right of carriageway for the battle-axe access leg to the benefit of the subject site was implemented through this subdivision application.
- DA0378/19 - Primary Street Fence Addition to existing Single house. The current primary street fence, including the existing sliding gate facing the battle-axe access leg, was approved through this application.

Primary Street setback

Element	Requirement	Proposed	Extent of Variation
Carport	7m	1.5m	5.5m

In relation to the primary street setback of the carport, Clause 2.1 states that:

2.1 Garages, carports and outbuildings, except as provided for below, are to be setback in line with or behind the front wall of the dwelling.

It is noted that the carport is located in front of the existing dwelling. Clause 2.3 and 2.4 states that the City has discretion to vary the above setback requirement when;

2.3 Variations to the requirements of clause 2.1 or 2.2 above may be considered, at Council's discretion subject to the proposed development meeting at least one of the following criteria:

- The proposed building is consistent with the character of buildings in the prevailing streetscape; or*
- The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
- The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
- The carport is lightweight in construction, appears simple in design and is visually subservient to the form and proportion of the dwelling. Additionally, the front setback area is designed in such a way so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street.*



2.4 Additional to clause 2.3 above, where the property is on the Heritage List the proposed development's compatibility with and impact on the heritage significance of the property will be considered. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6 Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

The carport is not considered to meet the provisions of Clauses 2.1, 2.3, or 2.4 above in the following ways:

- There are no examples of other carports in the prevailing streetscape with either the same proposed setback, nor the same roof form;
- Given the above, it is considered that the carport detracts from the current streetscape amenity, thereby introducing a new element projecting into the existing streetscape vista;
- No mature trees on the site will be retained by virtue of the proposed setback discretion;
- The carport is not lightweight in construction, nor is it simple in design and visually subservient to the form and proportion of the dwelling. This is due to the complex and bulky roof form which mimics the roof form of the main dwelling, thereby increasing its prominence. Notwithstanding this, due to its open sided design, it is noted that the design allows for passive surveillance to and from the street to the dwelling to occur; and,
- The City's Heritage Department has advised that it doesn't support the proposed design specifically with respect to its location at the front of the existing dwelling, height, complex form of the roof, and impact on the visibility of the dwelling from the street. It is thereby considered that there will be a medium impact on the aesthetic value of the property and the streetscape from a Heritage perspective. Therefore, the proposal is not considered compatible with the heritage significance of the property, and is therefore not supported.

The proposal was considered at the Planning Committee meeting on 6 April 2022 with an officer recommendation for refusal. The Council resolved to refer the application to the Administration with the advice that the Council is not prepared to grant planning approval to the application for carport addition to the existing grouped dwelling at No. 7 Seaview Street, Beaconsfield based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the plans to reduce the impact on the heritage dwelling and streetscape.

The applicant was advised of the deferral and provided the opportunity to submit amended plans addressing the concerns raised by the Council. Amended development plans addressing the concerns of the Council have not been submitted to the City for further consideration.



CONCLUSION

On the basis of the above LPP 2.9 assessment, in addition to the Heritage advice received, it is considered that the proposed carport cannot be supported, and therefore the application is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COUNCIL DECISION ITEM C2301-3 **(Officer recommendation)**

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Carport addition to existing Grouped dwelling at No. 7 (Lot 1) Seaview Street, Beaconsfield, as detailed on plans dated 25 February 2022 for the following reasons:

- a) The proposal is inconsistent with the City of Fremantle’s Planning Policy 2.9 – *Residential Streetscape Policy* with respect to the primary street setback discretion due to the design of the carport being incompatible with the Heritage significance of the site and with the discretionary criteria of Clause 2.3 and 2.4.**
- b) The proposal does not meet the Design Principle P1.1 of Part 5.2.1 of the RCodes.**
- c) The proposal does not meet the matters to be considered provided in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, namely criteria (k), (l), (m), and (n) due to the adverse heritage outcomes detailed in the report.**

Carried en bloc: 12/0

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



C2301-7 STATEMENT OF INVESTMENTS – DECEMBER 2022

Meeting date:	18 January 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	1. Statement of Investments – December 2022
Additional information:	Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 December 2022 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 31 December 2022, as provided in Attachment 1.

The investment report provides a snapshot of the City’s investment portfolio and includes information as at 31 December 2022 in relation to:

- **Portfolio details;**
- **Portfolio credit framework;**
- **Portfolio liquidity;**
- **Portfolio fossil fuel summary;**
- **Interest income; and**
- **Investing activities.**

BACKGROUND

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

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

The City has committed to carbon neutrality and therefore seeks to ensure its financial investments consider the City’s One Planet Fremantle Strategy.



The City therefore seeks to limit investments in financial institutions which support, either directly or indirectly, fossil fuel companies, while balancing compliance with the Investment Policy.

FINANCIAL IMPLICATIONS

Investment interest earned year to date is \$599,679 against a YTD budget of \$179,264 and a full year adopted budget of \$310,950. Interest earnings year to date are substantially higher than budget, with \$167,300 being earned in December with investment opportunities continuing to offer attractive interest rates. The budget for interest earnings will be updated at mid-year review to better reflect improving interest rates.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 3.47% for the month of December 2022. The City's actual portfolio return in the last 12 months is 1.16%, which compares on par with the benchmark Bloomberg AusBond Bill Index reference rate of 1.25% (refer to Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

CONSULTATION

Nil

OFFICER COMMENT

The City's Investment Portfolio Manager has provided a comprehensive Investment Report for the month ending 31 December 2022 which can be viewed in the Attachment. A summary of the investment report is provided below.



1. Portfolio Details

As at 31 December 2022, the City’s investment portfolio totalled \$51.74m. The market value of this investment was \$52.01m at that time, which takes into account accrued interest.

The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 9.24m
Term Deposits (> 3 months)	\$ 42.50m
TOTAL	\$ 51.74m

Of which:

Unrestricted cash	\$ 44.84m
Restricted cash (Reserve Funds)	\$ 6.90m
TOTAL	\$ 51.74m

The current amount of \$44.84m held as unrestricted cash represents 53.82% of the total adopted budget for operating revenue (\$83.31m)

2. Portfolio Credit Framework

The City’s Investment policy determines the maximum amount to be invested in any one Tier, or any one financial institution within a Tier, based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020, and the current adopted Counterparty Credit Framework is noted below.

Portfolio Credit Framework limits

The Portfolio Credit Framework limits prescribe the limit of investments that may be made within any Tier of financial institutions. The maximum allocation to be invested in each Tier, and the City’s actual investment allocation in those Tiers as at 31 December 2022, is outlined below, and shows that the distribution of the City’s investments across the four Tiers is compliant.

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	15,132,743.78	29.25%	100.00%	29.25%	70.75%	0.00%
Tier 2	27,103,975.57	52.39%	60.00%	87.32%	12.68%	0.00%
Tier 3	9,500,000.00	18.36%	35.00%	52.46%	47.54%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	51,736,719.35					

Values used in the above calculations exclude interest for term deposits and other simple interest securities.



Within each Tier, the Counterparty Credit Framework limits prescribe the limit of investments that may be made with any one financial institution. The maximum percentage of investments to be held with any one financial institution, within a given Tier, are outlined below.

Counterparty credit framework

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

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

The City’s funds invested as at 31 December 2022, relative to the Counterparty Credit Framework limits were as follows:



As highlighted in the chart above, the City’s portfolio of investments as at 31 December 2022 is compliant with the City’s investment policy.

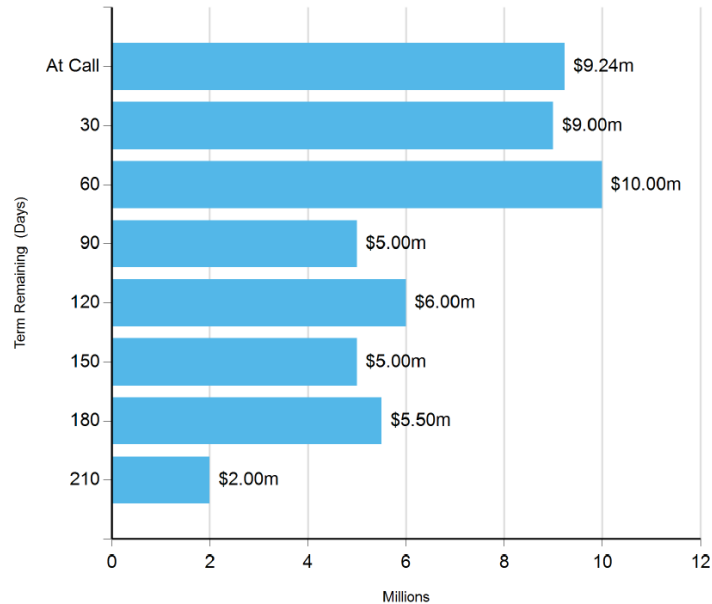
3. Portfolio Liquidity Indicator

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

The below graph provides details on the maturity timing of the City’s investment portfolio as at 31 December 2022. Currently, all investments will mature in one year or less.



Face Value by Term Remaining

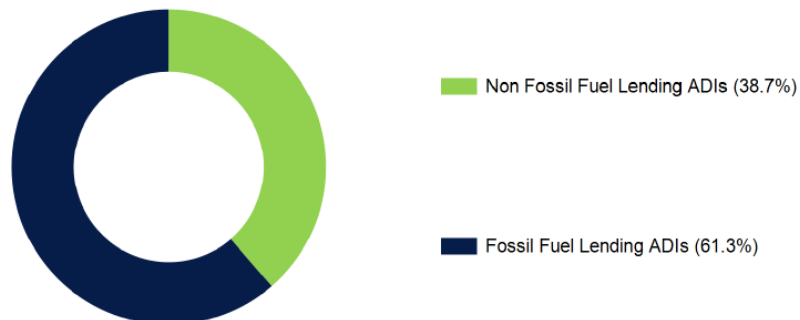


4. Portfolio Summary by Fossil Fuels Lending Authorised Deposit-Taking Institutions (ADIs)

To support the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to Tier 3 and Tier 4 categories, allowing greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase the percentage invested in “Green Investments”; being ADIs that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel Lending ADIs).

As at 31 December 2022, \$20m, (38.7%) of the City’s portfolio was invested in “Green Investments”.

Fossil Fuel vs Non Fossil Fuel Lending ADI





Refer to Attachment 1 (Note 7) for details on which financial institutions these investments are held in.

5. Interest Income for Matured Investments

Per Attachment 1 (Note 9), interest income earned during December 2022 from matured investments was \$117,586.83.

6. Investing Activities

In December 2022, seven term deposits totalling \$12.5m, matured and out of a total of \$7.5m were reinvested across 7 term deposits.

Full details of the institutions invested in, interest rates, number of days and maturity date for investments held as at 31 December 2022 are provided in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2301-7 (Officer recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council receive the Investment Report for the month ending 31 December 2022, as provided in Attachment 1.

Carried en bloc: 12/0

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



C2301-8 SCHEDULE OF PAYMENTS – DECEMBER 2022

Meeting date:	18 January 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	1. Schedule of Payments and Listings 2. Purchase Card Transactions <i>Attachments viewed electronically</i>
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 30 December 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

This report recommends that Council accept the list of payments made under delegated authority and accept the detailed transaction listing of Purchase Card expenditure.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of December 2022, is provided within Attachments 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$13, 473, 260.67 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*



- (2) A list of accounts for approval to be paid is to be prepared each month showing
- (a) for each account which requires council authorisation in that month
 -
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending 30 December 2022 by payment type:

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$ 11,016,768.07
Purchase card transactions	\$ 46,906.85
Salary / Wages / Superannuation	\$ 2,409,585.75
Other payments	
Total	\$ 13,473,260.67

Attachment 1 provides a detailed listing of the payments by Cheque, EFT and Direct Debit, while Attachment 2 provides a detailed listing of Purchase Card transactions for the month ending 30 December 2022.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2301-8
(Officer recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$13,473,260.67 for the month ending 30 December 2022, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, totalling \$46,906.85 for the month ending 30 December 2022, as contained within Attachment 2.**

Carried en bloc: 12/0

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



C2301-2 CANTONMENT STREET, NO. 28 (LOT 1), FREMANTLE – UNAUTHORISED TEMPORARY CARPARK – (CM DA0362/22)

Meeting Date: 18 January 2023
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments: 1. Development Plans
Additional information: 1. Site Photos

SUMMARY

Approval is sought for an unauthorised temporary car park at No. 28 (Lot 1) Cantonment Street, Fremantle.

The proposal is referred to Council due to the discretionary nature of the land use being sought.

The application is recommended for conditional temporary approval.

PROPOSAL

Detail

Approval is sought for a retrospective car park at No. 28 (Lot 1) Cantonment Street, Fremantle. The proposed works undertaken on site include:

- Hardstand to accommodate for 109 car parking bays;
- Pay machines; and
- Associated line marking of the car parking bays.

Development plans are included as Attachment 1.

Site/application information

Date received: 21 October 2022
Owner name: Silverleaf Investments
Submitted by: Simon Ventura (NOMA)
Scheme: City Centre
Heritage listing: Not Listed
Existing land use: Vacant
Use class: Car Park
Use permissibility: A



CONSULTATION

External referrals

Department of Water and Environmental Regulation (DWER)

The application was referred to DWER as the subject site was classified as "Possibly Contaminated – Investigation Required" under the *Contaminated Sites Act 2003* on 23 June 2005, and a memorial placed on the certificate of title.

DWER advised that based on the available information, and consistent with historical advice from the department, Lot 1 appears to be suitable for the proposed car park land use but may not be suitable for more sensitive land uses. DWER advised that they have no objection to the proposed use of Lot 1 as a temporary car park and does not require any further work to manage the possible contamination in this circumstance.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the Car Park is an 'A' land use under the City of Fremantle Local Planning Scheme No. 4 (LPS4), which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval and the application has been advertised. Advertising included signs being installed for 14 days along each of the street frontages being Cantonment Street, Elder Place, Goldsborough Street and Queen Street. The advertising period concluded on 29 November 2022, and no submissions were received.



OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, and relevant Council local planning policies.

Background

The subject site is located on the eastern side of Cantonment Street. The site has a land area of approximately 16,100m² and currently consists of an existing car park to the northern portion of the lot and is a vacant site to the southern portion (refer DAP0003/19 for demolition of previous structures on site). Noting that this application is retrospective, the Car Park subject to this application is currently existing towards the centre of the site and is operating an extension of the existing carpark to the north, with payment machines also installed and operational.

The site is zoned City Centre under LPS4. The site is not individually heritage listed nor is it located within a Heritage Area. However, the lot is located directly adjacent to state registered properties including the Elders Woolstores at No.1 Goldsborough Street and the Fremantle Train Station building.

The subject site is identified as a key strategic site in the City Centre, due to its size and its proximity to Victoria Quay, Fremantle Train Station and the Queen Street axis leading to Kings Square. The site is also subject to the provisions of Scheme Amendment No. 49 which modified the development standards relating to 12 sites within the inner east end of the City Centre.

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

- On 7 April 2020 the Metro South-West Joint Development Assessment Panel (JDAP) approved DAP003/19 which was for the partial demolition of the existing Shopping Centre building and the construction of a six (6) storey with basement Mixed use development including Shop, Liquor Store, Office, Childcare Premises, Public Car Park Restaurant, Civic Use (Police Station) and Hotel uses. The demolition component of the approval has been acted upon and the majority of the subject lots are currently vacant with a two storey Public Carpark to the north of the site.
- There is a current JDAP application (reference DAP005/22) in with the City for a three (3) storey mixed use development including Shop, Liquor Store – Small, Office and Childcare Premises on another section of the site (corner of Queen and Cantonment Streets).

Land Use

A Public Carpark is an 'A' use in the City Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval and the application has been advertised in accordance with Schedule 2, clause 64 of the Regulations.



In considering a discretionary use, the Council will have regard to the matters to be considered in the Regulations. In this regard the following matters have been considered:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) The amenity of the locality including the following:*
 - (i) Environmental impacts of the development*
 - (ii) The character of the locality*
 - (iii) Social impacts of the development*
- (y) Any submissions received on the application.*

The City's Integrated Transport Strategy 2015 (the Strategy) acknowledges that there is an oversupply of off-street parking in central Fremantle and that there is no urgent need for the provision of additional general public parking for visitors. The Strategy recognises that there is a need to plan for where such facilities might be provided for in the future. In this regard the Strategy discusses an approach that would seek parking being provided on the periphery of the central city so that users would not be required to drive through the centre of the city to access parking. This process is considered to minimise the impact of the vehicles on the high amenity, pedestrian priority of the city centre.

It is for this reason the public car park is considered appropriate and recommended for approval on a temporary basis only. The temporary car parking is considered an appropriate temporary use of the subject site in anticipation that the wider site will eventually be redeveloped with a development that delivers greater benefit and enhanced activation of the subject site and the immediate locality. The redevelopment of the site (stage 1) is already proposed as part of DAP005/22 which is currently under assessment, with plans for development of the remainder of the being worked through by the applicant.

On the basis of the above, the proposed temporary Car park use is recommended for approval under the Regulations and LPS 4, subject to an appropriate condition limiting the maximum period the temporary carpark use will be valid for to two (2) years. Should the applicant wish to extend the land use, they will need to re-apply to the City.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

Nil

ADVICE NOTES

Nil

COUNCIL DECISION ITEM C2301-2 **(Officer recommendation)**

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Retrospective Car Park at No. 28 (Lot 1) Cantonment Street, Fremantle, as detailed on plans dated 21 October 2022, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 21 October 2022. It does not relate to any other development on this lot.**
- 2. This approval is valid for a period of not more than two (2) years from the date of this decision. Following this time, the Car Park shall cease operating and all pay machines removed from the site to the satisfaction of the City of Fremantle.**
- 3. Within 90 days of the date of this approval, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.**
- 4. Within 90 days of the date of this approval, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan be amended to include 3 universal car bays which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.**
- 5. For the duration of the development, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.**



- 6. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Carried: 12/0

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



C2301-4 TENDER WFCC104/22 PROVISION OF WORK PLACEMENT TRAINEES

Meeting date:	18 January 2023
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Council
Attachments:	Pricing Evaluation (<i>Confidential attachment under separate cover</i>)
Additional information:	Nil

SUMMARY

The purpose of this report is to consider tender number WFCC104/22 Provision of Work Placement Trainees.

This report recommends that Council accepts the tender submitted by Maxima Training Group in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle issued a request for quotation via the WALGA portal, seeking to establish a Traineeship program through a Group Training Organisation. This program has been driven by:

- The desire to provide training opportunities in the wider community
- A commitment to residents to provide increased service

The scope of services includes recruitment, employment, and management of trainees over the length of the agreement. The deliverables for the Group Training Organisation are:

- Joint recruitment process
- Placement of four suitable trainees by Semester 1 2023
- Strong Health and Safety focus
- Reporting
- Pastoral care and site visits
- Payroll and general HR Administration
- Government funding and incentives administration and advice
- Sign up and management and coordination of off-site training
- Host Hand Back options
- Performance management assistance
- Relevant insurances
- No cost option to employ trainees directly either during or at the end of the traineeship



The program proposal is for an initial intake of 4 trainees into the Parks and Landscape business unit aligned with the TAFE curriculum. The Contract has been structured to allow the trainee program to be extended to other service areas aligned with the TAFE curriculum.

FINANCIAL IMPLICATIONS

Budget Account	Account Description	Amount
101168.6825	Maintain Parks and Landscape - Salary / Wages Expense	\$160 000
	Total	\$160 000

The budget for this program was considered and adopted by Council in November 2022 as a budget amendment to the 2022/23 financial year budget. The budget allows for up to an additional 4 members of staff (Park Officers - Trainees) required to deliver the trainee program in the Parks and Landscape team. The positions are expected to be filled from January 23. The amendment also covers the cost of providing mentoring and leadership training to staff who will lead the trainees.

Sufficient budget provision will need to be made in subsequent financial years to continue the trainee program.

LEGAL IMPLICATIONS

The purchase of the provision of workplace trainees was procured using a tender exempt purchase method as per Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996, which states:

Tenders do not have to be publicly invited according to the requirements of this Division if -

(b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program.

CONSULTATION

Nil

OFFICER COMMENT

Detail

Tender WFCC104/22 for Provision of Work Placement Trainees was advertised on 3 October 2022 and closed on 19 October 2022.



Essential details of the contract are outlined below:

Contract type	Schedule of rates
Contract duration	Two (2) years with a further three (3), one (1) year extension options subject to budget approval and tenderers performance
Commencement date	13 February 2023
Completion date	12 February 2025

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Protech Personnel (WA) Pty Ltd
- Maxima Training Group Ltd
- Programmed Skilled Workforce Ltd

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager of Parks and Landscape
- Parks Coordinator
- Senior Recruitment Advisor.

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

Item No	Description	Weighting
1	Relevant Experience	30%
2	Skills and Key Personnel	30%
3	Demonstrated Understanding	30%
4	Sustainability	10%

Two tender submissions received were conforming. The submission received from Protech Personnel (WA) Pty Ltd was not evaluated as it did not include the qualitative selection criteria information.



Clarification was sought from the tenderers based on pricing. This was due to the disparity between the base rate paid to the trainees. Following the initial clarification, it was identified the tenderer’s had quoted against different base awards used and the hours invoiced against.

Officers provided further clarification in respect to the appropriate awards and pricing confirmation was resubmitted by the tenderers against the correct specification to allow the panel to complete the evaluation.

The tender submitted by Maxima Training Group Ltd scored the highest rating with 74 points, followed by Programmed Skilled Workforce Ltd with 70 points.

Request Number and Title: WFCC104/22 - Provision of Work Placement Trainees											
Qualitative Requirements	Max Raw Score and Weightings		Protech Personnel (WA) P/L			Programmed Skilled Workforce Ltd			Maxima Training Group Ltd		
	Raw	Weighting	Raw /9	Weighted /9	Weighted %	Raw /9	Weighted /9	Weighted %	Raw /9	Weighted /9	Weighted %
Relevant Experience	9	30%	0	0.00	0.00%	7	2.10	23.33%	7	2.10	23.33%
Key Personnel, Skills and Resources	9	30%	0	0.00	0.00%	7	2.10	23.33%	6	1.80	20.00%
Demonstrated Understanding	9	30%	0	0.00	0.00%	5	1.50	16.67%	7	2.10	23.33%
Sustainability and Local Economic Benefit	9	10%	0	0.00	0.00%	6	0.60	6.67%	7	0.70	7.78%
Total Weighted Score (%)					0.00%			70.00%			74.44%
Qualitative Ranking			3			2			1		

Pricing was not weighted in this tender assessment as it was deemed an appropriate approach to ensure a high qualitative outcome that best suited the requirements of the City.

Respondents were required to provide prices for the service on a Schedule of Rates basis. Pricing was evaluated by comparing a scenario on the basis of the tenderer’s price schedule. The scenario cost was calculated to accommodate 4 Trainee’s per year, for the total period of two (2) years with three (3), one (1) year extension options. Programmed scenario factored in an assumption of estimated time spent at TAFE.

The pricing evaluation determined Maxima Training Group demonstrated the best value to the City and was within the pre-tender estimated price.

Environmental considerations

Sustainability and Local Economic benefit was qualitatively assessed and Maxima Training Group Office have an office located on High Street, Fremantle and have local staff employed. They also have current trainee placements in Fremantle based organisations and business.

Risk consideration

This program helps address the corporate risk related to capacity of the organisation to continue to deliver services in the current labour market.



Comment

Maxima Training Group, the recommended tenderer, was assessed as having the experience, skills and resources described in the specification, in accordance with the terms of the tender document.

Reference checks indicate that Maxima Training Group have provided a high level of service delivery to their customers and will be a suitable provider to the City of Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COUNCIL DECISION ITEM C2301-4 (Officer recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:

- 1. Accept the tender for WFCC104/22 Provision of Work Placement at the rates tendered, to Maxima Training Group for a period of two years with three, one year extension options, subject to budget approval and tenderers performance at the discretion of the Chief Executive Officer.**
- 2. Note that an annual budget allocation will be required in future years to maintain the service over the term of the contract.**

Carried: 12/0

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



C2301-6 MONTHLY FINANCIAL REPORT – DECEMBER 2022

Meeting date:	18 January 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	1. Monthly Financial Report – December 2022
Additional information:	Nil

SUMMARY

The monthly financial report for the period ending 31 December 2022 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

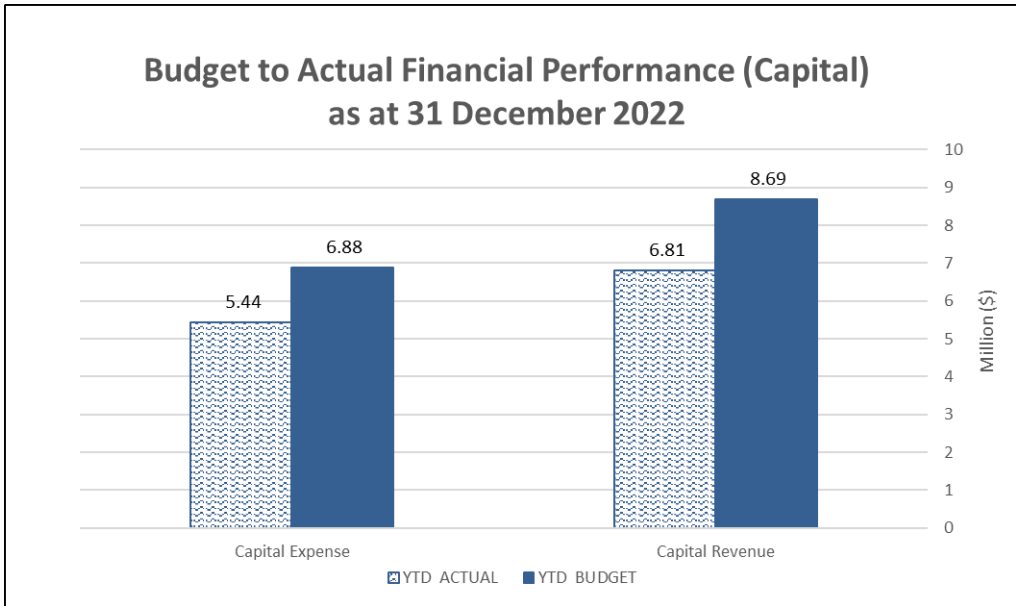
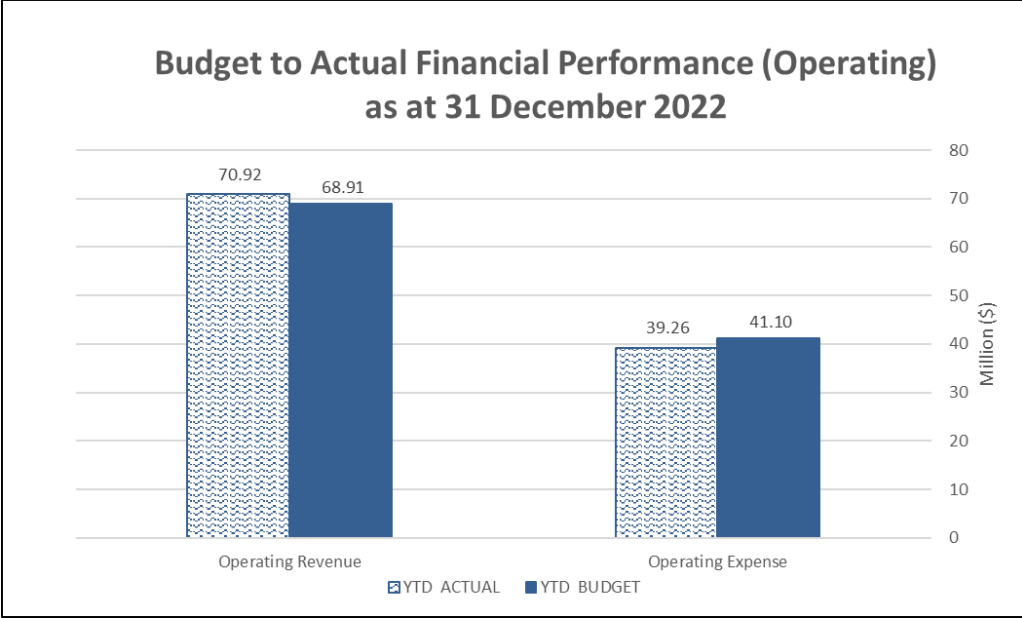
This report provides an analysis of financial performance up to December 2022 based on the following statements:

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

This financial report for the period ending 31 December 2022 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums, also including budget amendments and carry forward adjustments adopted by Council until 31 December 2022. Please note figures reported for 30 June 2022 in this report may be subject to minor change with the end-of-year audit in phase of being finalised.

BACKGROUND

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 31 December 2022.





**RATE SETTING STATEMENT – BY NATURE AND TYPE
FOR THE PERIOD TO 31 December 2022**

Below is a summary of the year-to-date Rate Setting Statement, by Nature and Type, to 31 December 2022. The detailed Statement can be found in the attached Financial Report.

Description	YTD Amended Budget \$M	YTD Actual \$M	Variance \$M	Variance %
Opening Surplus	14.40	14.80	0.41	2.82%
Operating				
Rate Revenue	52.59	52.99	0.39	0.75%
Revenue	16.32	17.93	1.61	9.88%
Expenses	(41.10)	(39.26)	1.84	4.49%
Non-Cash Adj.	5.69	5.95	0.26	3.42%
	33.50	37.61	4.11	12.27%
Investing				
Capital Revenue	8.69	6.81	(1.88)	(21.62%)
Capital Expenses	(6.88)	(5.44)	1.44	20.97%
	1.81	1.37	(0.44)	(24.31%)
Financing				
Repayment Loans & Leases	(1.38)	(1.06)	0.32	(23.21%)
Reserve Transfers	(0.13)	(0.27)	(0.14)	103.85%
	(1.51)	(1.33)	0.18	(11.92%)
Closing Surplus	48.20	52.45	4.26	8.84%



**STATEMENT OF COMPREHENSIVE INCOME – BY NATURE AND TYPE
FOR THE PERIOD TO 31 December 2022**

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Adopted Budget as follows:

Description	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Operating Income				
Rates (including Annual Levy)	52,775,534	53,171,838	396,304	0.75%
Service Charges	758,804	790,443	31,639	4.17%
Op.Grants, Subsidies & Cont'ns	1,525,402	1,610,707	85,305	5.59%
Fees and Charges	12,472,189	13,129,259	657,070	5.27%
Interest Earnings	571,764	973,784	402,020	70.31%
Reimbursement Income	580,421	737,826	157,405	27.12%
Other Income	222,727	501,275	278,548	125.06%
Total	68,906,841	70,915,133	2,008,292	2.91%
Operating Expenses				
Employee Costs	(20,339,967)	(18,472,867)	1,867,100	9.18%
Employee costs - Agency Labour	(245,444)	(906,113)	(660,669)	(269.17%)
Materials and Contracts	(11,877,229)	(11,877,866)	(637)	(0.01%)
Depreciation – Non-Curr. Assets	(5,691,727)	(5,886,202)	(194,475)	(3.42%)
Interest Expenses	(250,455)	(175,998)	74,457	29.73%
Utility Charges	(1,057,130)	(819,486)	237,644	22.48%
Insurance Expenses	(531,087)	(498,800)	32,287	6.08%
Other Expenditure	(1,110,451)	(620,242)	490,209	44.15%
Total	(41,103,490)	(39,257,573)	1,845,917	4.49%

Further explanation of material variances can be found under Officer's Comments below.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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



CONSULTATION

Nil

OFFICER'S COMMENT

Summary of financial performance

As at the end of December 2022, operating income was tracking well with greater than expected rates income. Increasing interest rates also resulted in stronger than expected returns on investments which generated increased interest income. Fees and charges also generated higher than expected income which is primarily due to additional parking revenue collected during the period.

With regard to operating expenditure, the City continues to carry a notable underspend in the area of employee costs which is driven by vacancies resulting from labour market challenges. This has however been partially offset by additional expense in the area of agency labour in order to cover vacant positions, particularly in the project and maintenance delivery areas of organisation. Expenditure on materials and contracts is tracking well in line with the YTD amended budget, along with other operating expenditure items such as utilities and insurance remaining within budget.

In summary, year to date, as at the end of December 2022, the City of Fremantle is carrying an additional surplus of \$4,262,032 over the budget anticipated, which is mainly due to:

Favourable variances against the year-to-date budget:

- Additional carry forward funds from the 2021-22 financial year of \$406k compared to the amended budget;
 - Note: This reported opening position as presented at the time of preparation of this report may be subject to minor adjustments as the City's external audit for 2021-22 is in the final stages of completion.

- Increased Fees and Charges revenue of \$657k;
- Increased Interest Earnings of \$402k;
- Increased Reimbursement and Other Income of \$436k;
- Below-budget operating expenditure of \$1.6m; and
- Below-budget capital expenditure of \$1.8m.

These favourable variances were partially offset by:

- Above-budget Reserve Transfers (Capital and operating) of \$135k; and
- Below-budget Capital Grants and Subsidies/ Contributions for the development of Assets of \$1.9m.



Accounting methods

The City manages its finances in line with the requirements of the Local Government Act 1995, associated regulations and Australian accounting standards.

The City carries out accounting on both an accrual basis and a cash basis.

Accrual accounting requires accounting transactions to be recognised and recorded when they occur, regardless of whether payment/receipt has been made at that time, in accordance with the Australian Accounting standards.

The City accounts for Rates, Service Charges, Interest income on term deposits, Insurance expenses and Interest expenses on borrowings (loans) & leases on an accrual basis.

The remainder of income and expenditure items are recognised and recorded at the period they are encountered.

As part of ongoing continuous improvement activities, the City always seeks ways to improve financial reporting methods in order to enable greater understanding of the City's financial performance by elected members and the broader community. Over the coming months the City will be engaging with elected members to seek feedback on the method of reporting to ensure the best format would be most suited to achieving this for council.

Explanation of Material Variances & YTD Performance

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in the 2022-23 financial year for reporting material variances as 10% together with the minimum value of \$100,000 (Refer Item C2201-1 from Council meeting on 20 July 2022).

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






Building on the favourable opening surplus for the year, the following items explain the City’s major variances in operating performance for this financial year, as highlighted in the year-to-date Rate Setting Statement as at 31 December 2022:

Description	Variance Amount (\$)	Comment
Interest Earnings	402,020	▲ 70.31%
Major Variances:		
Receive investment income	420,415	Favourable variance: The city is earning a higher investment income compared to the budget as the interest rates are higher than the forecast.
Reimbursement Income	157,405	▲ 27.12%
Major Variances:		
Contains for change incomes	25,099	Disposal income from Recyclable containers has been higher than anticipated.
Refer unpaid fines to fines enforcement	60,102	Favourable variance: Received a refund from the Fine Enforcement Registry, for the cancellation and reloading of fines due to a system error. The budget will be updated at Mid Year Review (MYR) accordingly.
Other Revenue	278,547	▲ 125.06%
Major Variances:		
WCC Flood Damage	115,904	Favourable variance: Receipt of an insurance settlement for the WCC flood damage claim balance.
Miscellaneous Revenue – Monitor financial accounting processes	100,494	Favourable variance: Recoupment of various unclaimed bonds that have been held in the Trust Fund for more than 10 years, and have now been transferred to the Municipal Fund – as authorised under LG Act 1995 S6.9 (4). Note: The requirement is to retain sufficient information on the payer for tracking and potential repayment of bonds if and when claimed.






Description	Variance Amount (\$)	Comment
Employee Costs	1,206,431	5.86%
Major Variances:		
Employee Workers' Compensation Premiums	211,550	Timing variance: The budget – set at a level on advice from LGIS, covering both premiums and claims excess – has been spread across 12 months. The premium is being amortised to date, but there have been no claim expenses (performance adjustment pending). Budget phasing will be adjusted to shift the budget for the claims component toward the back end of the financial year.
Employee Costs	1,655,550	Timing variance: Vacancies in staff positions.
Agency Labour	(660,669)	Unfavourable variance: Use of Agency Labour to supplement vacant employee roles. This is currently being offset by variance associated with staff vacancy.
Utility Charges	237,644	22.48%
Major Variances:		
Electricity Charges	178,613	Timing variance: delay in processing invoices for the month of December mainly related to Streetlighting.
Water expenses	60,465	Timing variance: delay in processing invoices for the month of December mainly related to Parks and landscaping.
Other Expenditure	490,208	44.14%
Major Variances:		
Sponsorship/support South Fremantle Football Club	275,000	Timing Variance: The city's sponsorship contribution is to be processed post-execution of the lease agreement.
Support CAT bus service	55,508	Timing variance: Delay in receiving invoices (Nov and Dec).
Contribute to the operations of Regional Resource Recovery Centre	58,100	Timing variance: Invoice is received quarterly. Therefore, the budget phasing is to be adjusted at the MYR.



Description	Variance Amount (\$)	Comment
Capital Revenue - Capital Grants and Subsidies/ Contributions for the development of Assets	(1,883,309)	 23.02%
Major Variances:		
P-12066 Design and construct - Naval Store	(920,000)	Timing variance: the agreement has not been finalised yet, it is in the negotiating process, and the grant is to be received upon finalisation of the agreement.
P-12058 Design and construct - Booyeembara Park - Bike trail	(806,825)	Timing variance: The project is in progress, progress claim will be submitted for acquittal next month and the Budget will be phased accordingly at MYR.
P-12138 Design and construct - John St Riverwall Replacement	(89,904)	Timing variance: Grant was received in FY 21-22. However, the budget phasing for the grant is to be adjusted at MYR.
Capital Expense - Purchase Infrastructure - Roads	279,037	 41.75%
Major Variances:		
P-12001 Resurface - MRRG - Hampton Rd (NB)	43,425	Timing variance: The budget is represented Carry the forward amount from the last financial year, potentially budget will be carried forward for next year.
P-12093 Resurface - MRRG - South Tce and Wray Ave	180,891	Timing variance: The project is behind schedule due to the contractor's unavailability.
P-12111 Resurface - R2R - Edmund St (Samson to Watkins St)	31,696	Timing variance; Awaiting invoices & expected saving due to the change of delivery method.
Capital Expense - Purchase Infrastructure - Parks	218,345	 23.76%
Major Variances:		
P-12127 Design and construct - Hilton Bowling Club - Green	69,704	The Contract has been awarded and works are programmed for April 2023 following the lead time for materials. The budget will be rephrased at the MYR.
P-12048 Design and construct - Paddy Troy Mall - Lighting	37,452	Project delays were experienced throughout the procurement phase. The Contract has been awarded Stage 1 works completed in December 2022 and Stage 2 works to occur in March 2023. The budget will be rephrased at the MYR.



Description	Variance Amount (\$)	Comment
P-12079 Program - Dog improvements	30,000	Following the Council decision in November 2022, officers are preparing plans for works to Knutsford Reserve, Virginia Ryan Park and Stevens Reserve. The budget will be rephrased at the MYR.
Capital Expense - Purchase Community Lands and Buildings	946,900	 29.99%
Major Variances:		
P-12066 Design and construct - Naval Store	920,000	Timing variance: waiting for the Grant to be received.
Financing Activities	319,426	 23.21%
Repayment of Debenture (Loan)	441,989	Timing variance: This is mainly due to the repayment of the WATC loan related to WCC budling has been processed on the 3 rd of January 2023 by WATC and was anticipated to be processed on 28 th December 2022.
Repayment of Operating Lease	(122,563)	The above favourable variance is partially offset by additional repayment of the new operating lease for IT equipment, which was not budgeted for the current financial year. The budget is to be adjusted at MYR.
Reserve Transfers	(135,416)	 103.85%
Major Variances:		
Transfer from Reserve (Restricted) – Capital and operating	(103,776)	Timing variance: Variance is primarily attributed to an underspend on capital works, therefore, the required funding from Reserves was less than budgeted.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2301-6
(Officer recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 31 December 2022.

Carried: 11/1

For

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

Against

Cr Marija Vujcic



Motions of which previous notice has been given

Nil

Urgent business

Nil

Late items

Nil

Confidential business

COUNCIL DECISION

Moved Mayor Hannah Fitzhardinge Seconded: Cr Adin Lang

That the meeting be moved behind closed doors to consider the confidential item on the agenda.

Cr Lang left the meeting prior to voting on this item at 7.46pm.

Carried: 12/0

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

There were no members of the public at the meeting at this time.

Cr Lang returned to the meeting at 7.47pm.



C2301-9 49A JOHN STREET NORTH FREMANTLE

Meeting date: 18 January 2023
Responsible officer: Director Planning, Place and Urban Development
Decision making authority: Council
Attachments: 1. Letter from owner to the City, 9/11/22
2. Advice from LGIS, 17/06/22
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:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

COUNCIL DECISION C2301-9
(Officer recommendation)

Moved Mayor Hannah Fitzhardinge Seconded: Cr Bryn Jones

- Council:**
- 1. Reject the allegation that the City acted negligently with regard to the heritage listing of their property around the time the owners purchased 49A John Street, North Fremantle, and therefore rejects the request/claims to either (a) remove all heritage listings, or (b) provide cash compensation;**
 - 2. Note previous advice from its insurers LGIS – previously supplied to the owners – that in its assessment of the matter, it denies any liability on behalf of the City of Fremantle;**
 - 3. Advise the owners that the City will not discuss any further liability/claim issue associated with the heritage listing of 49A John Street, North Fremantle, without formal legal proceedings being initiated against the City, or any other party;**
 - 4. Encourage the owners to work with city planning officers on the design for their future extension, noting that city staff and the Planning Committee will exercise as much discretion as possible in assessing an extension to the side of the existing house from a heritage perspective.**



5. Request that the Chief Executive Officer write to the owners, confirming the above resolutions.

Carried: 12/0

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

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Adin Lang

That the meeting come out from behind closed doors.

Carried: 12/0

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

Closure

The Presiding Member declared the meeting closed at 7.57pm.