



Minutes

Ordinary Meeting of Council

Wednesday, 25 March 2020, 6.00pm

Table of Contents

Contents	Page
1 Official opening, welcome and acknowledgment	1
2.1 Attendance	1
2.2 Apologies	1
2.3 Leave of absence	1
3. Applications for leave of absence	1
4. Disclosures of interest by members	2
5. Responses to previous public questions taken on notice	2
6. Public question time	4
7. Petitions	4
8. Deputations	4
8.1 Special deputations	4
8.2 Presentations	4
9. Confirmation of minutes	5
10. Elected member communication	5
11. Reports and recommendations from officers	6
C2003-3 MONTHLY FINANCIAL REPORT - FEBRUARY 2020	7
C2003-4 STATEMENT OF INVESTMENTS AS AT 29 FEBRUARY2020	10
C2003-5 SCHEDULE OF PAYMENTS FEBRUARY 2020	15
C2003-2 TEMPORARY GOVERNANCE ARRANGEMENTS	17
C2003-1 CANTONMENT STREET NO.28 (LOT 1), FREMANTLE AND ELDER PLACE NO. 1-6/20, FREMANTLE - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SIX (6) STOREY WITH BASEMENT MIXED USE DEVELOPMENT - (TG DAP003/19)	20
12. Reports and recommendations from committees	54
12.1 Planning Committee 4 March 2020	54

12.2 Finance, Policy, Operations and Legislation Committee 11 March 2020	54
FPOL2003-4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION	55
FPOL2003-5 RATES WAIVER – 7A WATKINS STREET FREMANTLE	58
FPOL2003-6 PROPOSED PRIVATE APARTMENT INVESTMENT POLICY	61
FPOL2003-7 BUDGET AMENDMENTS - FEBRUARY 2020	66
FPOL2003-1 CRITERIA FOR KINGS SQUARE HOSPITALITY LEASE	70
FPOL2003-8 NOTICE OF MOTION BY CR SAM WAINWRIGHT – REQUEST FOR CONSULAR SUPPORT FOR JULIAN ASSANGE	83
FPOL2003-9 NOTICE OF MOTION BY CR MARIJA VUJCIC – PROBITY AUDIT, HOSPITALITY LEASE	85
FPOL2003-10 PROPOSED SPECIAL MEETING OF COUNCIL TO CONSIDER MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF ELECTORS	90
12.3 Strategic Planning and Transport Committee 18 March 2020	92
SPT2003 - 3 KNUTSFORD STREET PUBLIC REALM: AN URBAN DESIGN PLAN TO SUPPORT THE EVOLUTION OF A PRECINCT	102
13. Motions of which previous notice has been given	109
14. Urgent business	109
15. Late items	109
16. Confidential business	109
17. Closure	109

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **Wednesday 25 March 2020** at 6.00 pm.

1 Official opening, welcome and acknowledgment

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

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward (<i>attended electronically</i>)
Cr Bryn Jones	North Ward (<i>attended electronically</i>)
Cr Rachel Pemberton	City Ward (<i>entered 6.06pm</i>)
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Cr Sam Wainwright	Hilton Ward
Cr Frank Mofflin	Hilton Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Charlie Clarke	Manager Governance (<i>attended electronically</i>)
Ms Kayla Goodchild	Meeting Support Officer

There were approximately 4 members of the public and 1 member of the press in attendance.

2.2 Apologies

Cr Su Groome	East Ward
Cr Geoff Graham	Beaconsfield Ward

2.3 Leave of absence

Nil

3. Applications for leave of absence

Nil

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 26 February 2020.

Summary of questions by Mark Woodcock

Question 1:

Has the council made suitable effort to ensure councillors have a thorough understanding of the Kings Square business plan and its impact on the city's finances?

Summary of response by Director City Business

Yes, the project is discussed as part of each budget process.

Question 2:

If council's intent is to activate Kings Square, why isn't it holding council meetings in the Fremantle Town hall to activate the area?

Summary of response by Director City Business

Council decided to hold meetings outside the CBD during the construction process.

Question 3:

What are the costs associated in holding meetings at the North Fremantle Bowling Club and whom, if anyone is paid to host the council there?

Summary of response by Director City Business

Council and Committee Meetings are held at the North Fremantle Community Hall, and this does not involve any hire charges.

Question 4:

Has the council come to any arrangement to lease out any parts of the new council building or is it in discussion with any other parties? If so, has this been done through a public expression of interest?

Summary of response by Director City Business

Currently in discussion or in the process of seeking interest.

Question 5:

From a cost benefit ratio, how does the council justify the negative impact on the local business community by cancelling Australia Day celebrations on the 26th of January and hosting another event which clearly attracts far less business and foot traffic to the Fremantle, while occurring similar costs?

Summary of response by Director City Business

Council has chosen to hold an event it feels is more respectful for all members of the community.

Question 6:

Why is the Fremantle Visitor Tracker lagging up to 6 months behind in data input? Surely if the tracker data is to be effectively used, more frequent updates are needed? What is council's plan to address the continuing falling numbers of visitors to Fremantle?

Summary of response by Director City Business

Council is implementing items of its Economic Strategy which have been specifically provided to encourage activation and visitors to Fremantle.*

***The presiding member noted the response to question 6 was incorrectly printed in the agenda, and would be corrected in the minutes. Correct response now included.**

Question 7:

In regard to outstanding capital works projects and general city maintenance and upkeep, can the council inform the community of the \$ value of these outstanding works and forecast works budget for the coming financial period?

Summary of response by Director City Business

Mr Woodcock has been contacted and asked to provide more clarification in regard to this question so that the City can provide a thorough and accurate response.

Question 8:

What independent information does the council have on the success/failure and cost of rebranding a town square? What goal will it actually achieve in the business plan? How will a name change activate Kings Square? Where is the cost benefit ratio, of a name change, especially as previous name change reverted back to the original?

Summary of response by Director City Business

Until the community provides feedback on whether to change the name, and then if so, to what name. It is not possible to answer this question. The City is currently considering when and how to actively engage with the community on this topic – however, the process may be delayed due the current emphasis around social distancing in response to COVID-19.

Cr Rachel Pemberton joined the meeting at 6.06 pm during public question time.

6. Public question time

The following member of the public spoke in relation to item C2003-1

Gerard O'Brien

Greg Luke (submitted prior to the meeting, and read aloud at the meeting by the Chief Executive Officer)

The following member of the public spoke in relation to item FPOL2003-8

Mitchell Duirs

Question submitted by Mark Woodcock

1. Can the council please confirm and demonstrate that the funds raised from the sale of each asset have been managed as defined in SG14. Also that council has met its own policy objectives and obligations.
2. Further can the council inform the community when the investment committee last met, with a link to its minutes and who its current professional financial advisor is?

The Presiding Member took the questions on notice

The following questions were submitted prior to the meeting, and were read aloud at the meeting by the Chief Executive Officer:

Question submitted by Sarah Zaknic

Does the City of Fremantle have studies to show the safety of 5G?

The Presiding Member took the questions on notice

Questions submitted by Deni-Sue Huxtable

1. Will you be outlawing 5g in Fremantle?
2. If not why, when there is evidence showing how harmful it is to our health.

The Presiding Member took the questions on notice

7. Petitions

Nil

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

That the minutes of the Ordinary Meeting of Council dated 26 February 2020 be confirmed as a true and accurate record.

Carried: 10/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic

10. Elected member communication

Cr Doug Thompson, in reference to item FPOL2003- 4 Local Government House Trust – Deed of Variation, noted that although he is a member of the WALGA Zone, and as he is appointed to that position by Council he is not required to, and will not, declare an interest.

11. Reports and recommendations from officers

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

The following items be adopted en bloc as recommended:

C2003-3	Monthly Financial Report - February 2020
C2003-4	Statement of Investments as at 29 February 2020
C2003-5	Schedule of Payments February 2020

Carried: 11/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2003-3 MONTHLY FINANCIAL REPORT - FEBRUARY 2020

Meeting date: 25 March 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Monthly Financial Report – 29 February 2020
Additional information: Nil

SUMMARY

The Monthly Financial Report for the period ending 29 February 2020 has been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

This report provides an analysis of financial performance for February 2020 based on the following statements:

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

BACKGROUND

The following table provides a high level summary of Council’s year to date financial performance as at 29 February 2020.

Description	2019-20 YTD Budget	2019-20 YTD Actual	Variance Amount	Variance %
	(A)	(B)	(C) =(B)-(A)	(D) =(C)/(A)
OPERATING				
Revenue	\$67.19M	\$67.60M	\$0.41M	0.61%
Expenses	(\$50.95M)	(\$49.54M)	\$1.41M	2.78%
Operating Surplus/Deficit	\$16.24M	\$18.06M	\$1.82M	11.24%
CAPITAL				
Revenue	\$9.91M	\$9.62M	(\$0.29M)	(2.95%)
Expenses	(\$16.91M)	(\$15.31M)	\$1.60M	9.49%
Overall Surplus/Deficit	\$24.28M	\$27.13M	\$2.85M	11.75%

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

Income	Variance
Fees and Charges	229,134
Other Revenue	170,217
Expenses	
Materials and Contracts	1,516,146
Employee Costs	(198,413)
Utility Charges	189,722

Further explanation of material variances are included under officers comments.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 29 February 2020 resulted in an additional \$2,851,529 being identified in the year to date position than anticipated, which is mainly as a result of :-

Reduction in anticipated year to date position

- Decrease net transfer to/from reserve of \$324,669
- Decreased capital revenue of \$292,735

Increase in anticipated year to date position

- Increased operating revenue (excluding general rates) of \$294,601
- Decreased capital expenditure of \$1,604,564
- Increase general rates income of \$72,945
- Underspending of operating expenditure to date of \$1,414,857

Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2019-2020 for reporting material variances as 10% or \$100,000, whichever is greater (Item C1906-2 refers Council meeting on 26 June 2019).

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

Category	Variance \$	Var %	Var	Explanation of Variance
Operating Revenue				
Other Revenue	170,217	(36%)	▲	It's mainly due to the transfer to income from monies held in the trust fund for greater than 10 years in accordance with s6.9 (4) of the Local Government Act.
Operating Expenditure				
Utility Charges	189,722	15%	▲	<u>Timing Variance (including potential savings)</u> <ul style="list-style-type: none"> Community development area (\$73k) – An estimation of \$50k savings from 100456 - Operate Fremantle leisure centre (administration). Facilities and Environment area (\$56k) Parks and Landscape area (\$37k)
Capital Expenditure				
Purchase Infrastructure – Road	336,322	27%	▲	<u>Invoices to be received</u> <ul style="list-style-type: none"> 300133 - P-11852 Resurface MRRG-Parry St (\$239k) - Resurfacing works completed week ending 06 March. Now awaiting Contractor invoices and installation of MRWA lines. 300139 - P-11856 Program - Resurface R2R - Peel Rd (\$38k) - Resurfacing works completed. Awaiting invoice for MRWA lines. <u>Project to be rescheduled</u> <ul style="list-style-type: none"> 300148 - P-11868 Rennie Crescent Car Parking (\$33k) - Detailing the design around parallel parking is in progress.

① Invoices to be received -Variance relates to the actual year to date expenditure being less than anticipated. Works or services are in progress and the funds are committed. Payment will be made once invoices are received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2003-3 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council receive the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 29 February 2020.

Carried en bloc: 11/0
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2003-4 STATEMENT OF INVESTMENTS AS AT 29 FEBRUARY 2020

Meeting date:	25 March 2020
Responsible officer:	Finance Manager
Decision making authority:	Council
Agenda attachments:	1. Investment Report – 29 February 2020
Additional information:	1. NIL

SUMMARY

This report outlines the investment of surplus funds for the month ending 29 February 2020 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 29 February 2020.

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

- **Portfolio details as at February 2020;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

BACKGROUND

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

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

The City has committed to carbon neutrality, and will review and manage its investment portfolio to identify financial institutions which support fossil fuel companies (either directly or indirectly) and has limited these investments to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$680,056 against a year to date budget of \$698,150 which represents a negative variance of \$18,084. This negative variance is due to the interest rate cuts.

Future interest earnings will be determined by the cash flows of the City’s surplus cash and the movements in interest rates on term deposits. The Reserve Bank of Australia decided to lower the cash rate by 25 basis points to 0.50 per cent at its meeting on 3 March. The decision is made to support the economy as it responds to the global

coronavirus outbreak. A reduction of \$100,000 of interest income budget has been approved at the mid-year budget review by Council. Under the current conditions it is hard to estimate if the City could meet the interest income target for 2019-20 as the interest earnings projection was based on rates before the rate cuts. The interest income will continue to be closely monitored throughout the year.

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 1.68% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.33% as at the end of February 2020.

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 29 February 2020 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 29 February 2020

At month end the City's investment portfolio totalled \$55.3m. The market value was \$55.5m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments(<= 3 months)	\$20.1m
Term Deposits (> 3 months)	\$35.2m
TOTAL	\$55.3m

Of which:

Unrestricted cash	\$29.9m
Restricted cash (Reserve Funds)	\$24.1m
Restricted cash (Trust Funds)	\$ 1.3m
TOTAL	\$55.3m

The current amount of \$29.9m held as unrestricted cash represents 39.2% of the total adopted budget for operating revenue (\$76.28m)

2. Portfolio counterparty credit framework (as at 29 February 2020)

The City’s Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. The adopted counterparty credit framework is as below:

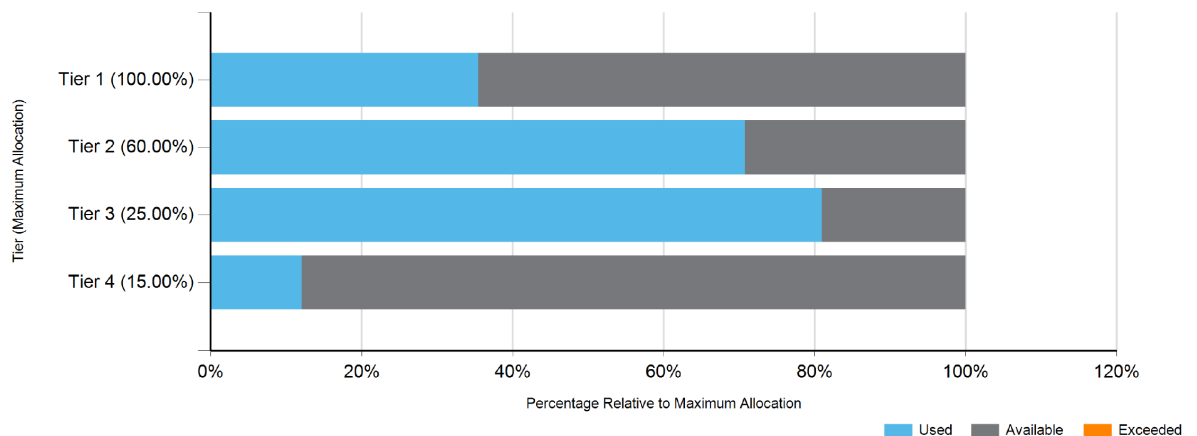
Counterparty credit framework

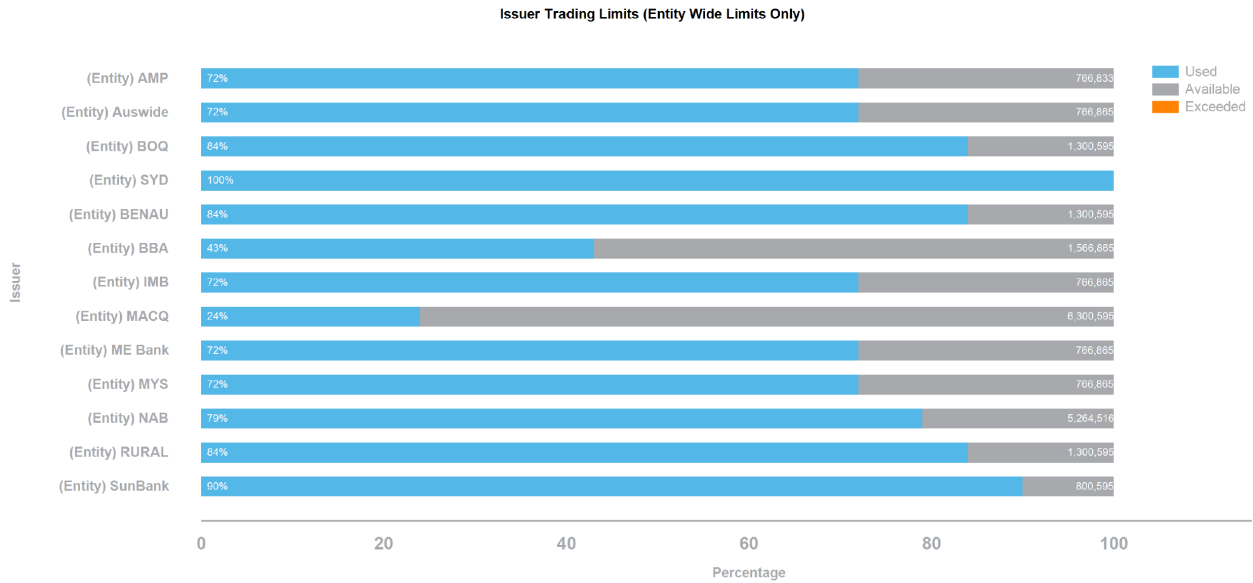
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government)	45%
Tier 2	15%
Tier 3	5%
Tier 4	(\$1m)

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

Portfolio Credit Framework Amounts Relative to Maximum Allocations





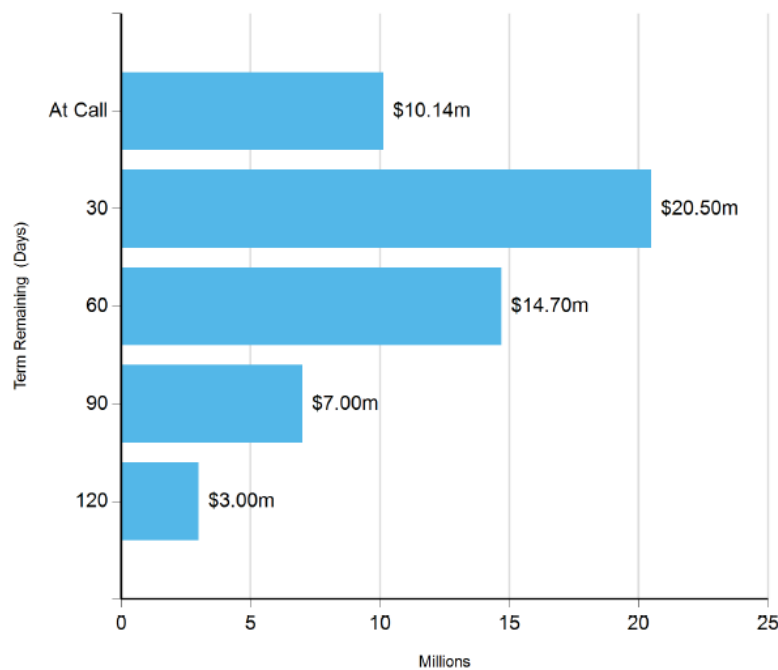
As reported in the above graph at the end of the month the portfolio was compliant with the issuer trading limit.

3. Portfolio Liquidity Indicator (as at 29 February 2020)

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

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

Face Value by Term Remaining

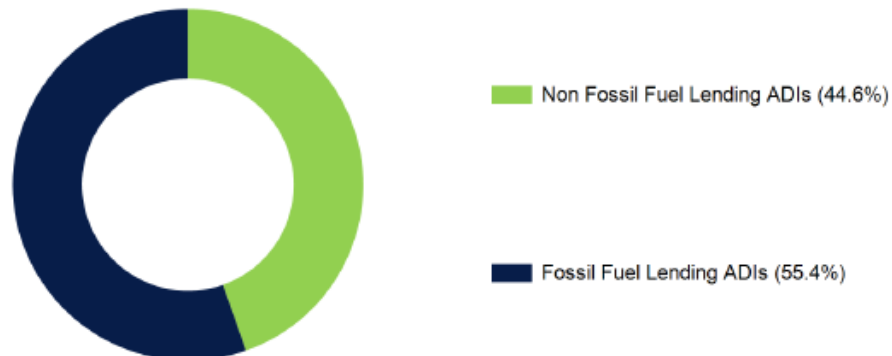


4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 29 February 2020)

At the end of this month \$24.7m (44.6%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non Fossil Fuel lending ADI’s).

The current conditions and the institution limits in the investment policy are affecting the City’s ability to invest in non-fossil fuel institutions. Presently a large number of banks and in particular the small non-fossil fuel lending banks are not taking new deposits. The others are at their maximum limit for investment.

Fossil Fuel vs
Non Fossil Fuel
Lending ADI



5. Interest Income for Matured Investments (For 1 February 2020 to 29 February 2020)

During month of February \$85,511 in interest was earned from matured investments.

6. Investing Activities (For 1 February 2020 to 29 February 2020)

During this month 6 term deposits were acquired with a total value of \$12m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2003-4 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council receive the Investment Report for the month ending 29 February 2020.

Carried en bloc: 11/0
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2003-5 SCHEDULE OF PAYMENTS FEBRUARY 2020

Meeting Date: 25 March 2020
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically

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 February 2020, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of February 2020, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$7,462,504.83 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

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

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

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending February 2020 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$5,521,567.55
Purchase card transactions	\$30,507.32
Salary / Wages / Superannuation	\$1,910,429.96
Other payments <i>(as outlined in Attachment 1)</i>	\$0.00
Total	\$7,462,504.83

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending February 2020.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2003-5 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$7,462,504.83 for the month ending February 2020, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending February 2020, as contained within Attachment 2.**

Carried en bloc: 11/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2003-2 TEMPORARY GOVERNANCE ARRANGEMENTS

Meeting date: 25 March 2020
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

The World Health Organization has announced that novel coronavirus COVID-19 is a pandemic. In response to this, the City of Fremantle Chief Executive Officer would like to put some precautionary provisions in place to ensure that decisions can be made in a timely and safe fashion.

BACKGROUND

The City of Fremantle and its Council are committed to its community's safety and resilience. The health and safety of residents, customers and employees is a top priority and the City is continuing to monitor daily developments.

At this stage the City is aiming to continue to deliver essential services to the community. As a result, it is considered prudent to put some approvals in place that enable:

- Rapid decision making by Council.
- The reduction in the number of Council meetings being held.
- Greater robustness in the process of maintaining a quorum.
- The smooth transition to 'acting Mayor' if the need should arise.

LEGAL IMPLICATIONS

There were no legal implications identified as a result of this report.

FINANCIAL IMPLICATIONS

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

CONSULTATION

No community consultation was undertaken.

OFFICER COMMENT

It is recommended that council adopt some precautionary measures and amendments to its meeting schedule to support timely and considered decision making during this crisis.

Additional changes to the way Council holds its meetings, manages its public access and accommodates public questions of Council may also be implemented by the CEO.

These precautionary measures are being introduced in an effort to

- ensure rapid decision making can be accommodated.
- reduce the number of Council meetings being held.

- allow for greater robustness in the process of maintaining a quorum.
- transition smoothly to an “acting Mayor” should the need arise.

Section 14B of the Local Government (Administration) Regulations 1996 allows for “Attendance by telephone etc. after natural disaster” for elected members attendance at council meetings.

While the term “natural disaster” is not specifically defined to include ‘pandemic/epidemic’ in that provision, the City has sought legal clarification and has received advice that:

“...there would be reasonable grounds for the City to proceed on the basis that –

- (1) the reference, in regulation 14B(1) of the Local Government (Administration) Regulations 1996, to ‘any other natural disaster’ would be construed to include a natural disaster arising from the spread of a virus (such as COVID 19) albeit that it does not have the same readily identifiable physical features as the specific examples (such as fire, flood, lightning) that precede the expression ‘any other natural disaster’...”*

The Department of Local Government is also working on clarifying the situation relating to remote attendance by elected members and have stated that they anticipate that amendments to regulations will be made very soon.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That Council

1. Implement attendance by instantaneous telecommunication means for any meetings of Council when considered necessary and practicable by the Chief Executive Officer or the Mayor.
2. Temporarily suspend committees of council and replace them by holding two ordinary council meetings a month until further notice.
3. Hold an Ordinary Council Meeting on 15 April 2020 and 29 April 2020 and then on the second and fourth Wednesday of each month thereafter.
4. Appoint Councillor's _____ as first appointee and _____ as second appointee, in accordance with Section 5.35(1) of the Local Government Act 1995, to act in the position of Mayor, in that order in the event that the Mayor and the Deputy Mayor are unavailable to perform the functions or the role.

COUNCIL DECISION ITEM C2003-2

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That Council

- 1. Implement attendance by instantaneous telecommunication means for any meetings of Council when considered necessary and practicable by the Chief Executive Officer or the Mayor.**
- 2. Temporarily suspend committees of council and replace them by holding two ordinary council meetings a month until further notice.**
- 3. Hold an Ordinary Council Meeting on 15 April 2020 and 29 April 2020 and then on the second and fourth Wednesday of each month thereafter.**
- 4. Appoint Councillor's *Hannah Fitzhardinge* as first appointee and *Frank Mofflin* as second appointee to act in the position of Mayor, in that order in the event that the Mayor and the Deputy Mayor are unavailable to perform the functions or the role.**

Carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

C2003-1 CANTONMENT STREET NO.28 (LOT 1), FREMANTLE AND ELDER PLACE NO. 1-6/20, FREMANTLE - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A SIX (6) STOREY WITH BASEMENT MIXED USE DEVELOPMENT - (TG DAP003/19)

Meeting Date: 25 March 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Attachments: 1: Amended Development plans
Additional Information 1: Site photos
 2: Schedule of submissions

SUMMARY

Approval is sought for the partial demolition of the southern portion of the existing Woolstores Shopping Centre building at 28 Cantonment Street and the demolition of the six (6) commercial tenancies at 20 Elder Place, Fremantle. The subsequent construction of a six (6) storey with basement mixed use development including Shop, Liquor Store, Office, Restaurant, Civic Use (Police Station), Public Car Park, Child Care Premises and Hotel uses is also proposed. The proposal also includes alterations to the existing public car parking area to the north of 28 Cantonment Street.

As the value of the proposal is \$15 million, the application is to be determined by the metro south-west Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.

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

- Land use (Hotel, Public car park, Restaurant, Child care premises, Liquor Store).
- On site vehicle parking.

The amended design of the proposal is supported by the City's Design Advisory Committee subject to provision of further details of the external façade materials and other amendments to the design which are required as a recommended condition of approval and community safety/crime prevention measures which have been addressed through the submission of a Crime Prevention through Environmental Design (CPTED) report. The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the partial demolition of the southern portion of the existing Woolstores Shopping Centre building at No.28 Cantonment Street, Fremantle, the demolition of the six commercial tenancies at 20 Elder Place and the construction of a six (6) storey with basement mixed use development including Shop, Liquor Store, Office, Restaurant, Civic Use (Police Station), Public Car Park, Childcare premises and Hotel uses. Specifically, the development includes the following:

- Reducing the size of the existing Coles Supermarket from 4,300sqm to 3,200sqm.
- The development of a 209.3m² Liquor Store adjacent to the Coles Supermarket.
- The inclusion of a basement accommodating building services and 159 car parking bays.
- A six (6) storey building along the Queen Street frontage including:
 - Ground level retail tenancies (1107.5m²), a restaurant (105m²), an office (199m²), an office lift lobby and a hotel foyer (396.1m²).
 - A Childcare premises to the first floor accessed via Cantonment Street (743.3m² building with 703.3m² yard).
 - First level office tenancies (1322.5m² in total) and hotel amenities (conference rooms, pool deck, balcony); and
 - 141 hotel rooms over levels 2 to 5.
- A five (5) storey police station building (Civic Use) accessed from Elder Place and Cantonment Street to include:
 - Ground level amenities, lobby, and workshop in addition to 8 visitor car parking bays, 10 car parking bays, bus, caravan, prisoner van, and truck parking.
 - Car parking for 113 cars on the first floor.
 - 7081m² of police office over levels 3 to 5.
- The majority of the existing public car park to the north of the site is to be retained, with modifications to the layout to accommodate the new police building.
- The existing shops adjacent to the northern carpark are proposed to be changed to a 192.5m² Restaurant use with outdoor seating provided within the subject site.

The proposal includes a brick, metal and glass five (5) storey building to the southern portion of the existing Woolstores shopping centre intended to contain the proposed Civic Use (Police Station) and a six (6) storey glass and metal building above a brick podium. The six storey building is surrounded by angled fins.

On 7 February 2020 the applicant provided updated development plans to include the six commercial tenancies at the corner of Queen Street and Elder Place in the application, extending the building over these lots and making general amendments to the layout of the proposed development. On 17 March 2020 the applicant provided further amended plans including alterations to the building façade at the corner of Queen Street and Cantonment Street, in accordance with the recommendations of the City's Design Advisory Committee.

The full details of the proposal and City officers' assessment are contained in the RAR reproduced in the second part of this report.

Site/application information

Date received:	24 October 2019.
Owner name:	Silverleaf Investments Pty Ltd.
Submitted by:	Meyer Shircore Architects.
Scheme:	City Centre (RAC3).
Heritage listing:	Not individually listed and not within a Heritage Area.
Existing land use:	Shop and Public Carpark.
Use class:	Shop, Restaurant, Office, Liquor Store, Civic Use (Police Station), Child care Premises, Public Car Park, Hotel.
Use permissibility:	P, A, P, A, P, A, A, A respectively.

OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, six storey with basement 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.

**Form 1 - Responsible Authority Report
(Regulation 12)**

Property Location:	28 Cantonment Street, Fremantle 1-6/20 Elder Place, Fremantle
Development Description:	Partial demolition of existing Shopping Centre and commercial tenancies and construction of a six (6) Storey with basement Mixed use development containing Shop, Liquor Store, Office, Childcare Premises, Public Car Park Restaurant, Civic Use (Police Station) and Hotel uses.
DAP Name:	Metro South-West
Applicant:	Meyer Shircore Architects
Owner:	Silverleaf Pty Ltd
Value of Development:	\$15 Million
LG Reference:	DAP003/19
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
DAP File No:	DAP/19/01688
Report Due Date:	26 March 2020
Application Received Date:	24 October 2019
Application Process Days:	90 Days
Attachment(s):	1: Amended Development plans 2: Site photos 3: Schedule of submissions 4: Applicant reports

Officer Recommendation:

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/19/01688 and accompanying plans dated 17 March 2020 (Site Plan (0), Basement Floor Plan (1), Ground Floor Plan (2), First Floor Plan (3), Second Floor Plan (4), Third Floor Plan (5), Hotel Fourth, Fifth and Roof Plan (6), Overshadowing Diagram (7), West and South elevations (8), North and East elevations (9), Sections A and B (10), Sections C and D (11)) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans dated 17 March 2020. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. 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.**
- 3. 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.**
- 4. Prior to the issue of a Building Permit for the development hereby approved, final details of the design, materials and method of attachment of the curved upper floor fins to the exterior of the Hotel building is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.**
- 5. Prior to the issue of a building permit for the development hereby approved, amended plans showing the hotel lifts being contained within the curved design of the proposed building façade, are to be submitted to and approved by the City of Fremantle, on the advice of the City's Design Advisory Committee the final details of the Hotel lift location.**
- 6. 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.**

- 7. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 8. Prior to the issue of a building permit for the development hereby approved, 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 for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.**
- 10. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto 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.**
- 11. Prior to the issue of a building permit, an outdoor lighting plan shall be submitted to 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 and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.**
- 12. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.**
- 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 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.**
- 15. Prior to the issue of a building permit, 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:**

- a. **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.**
 - b. **Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.**
 - c. **Roof insulation in accordance with the requirements of the Building Codes of Australia.**
16. **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 including 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.**
 17. **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.**
 18. **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.**
 19. **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.**
 20. **Prior to the issue of a building permit, the plans hereby approved being modified to include 13 class 3 bicycle parking bays and associated end-of-trip facilities consisting of 90 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 issue of a building permit, the owner/developer is to submit a waste management plan for approval by the City of Fremantle detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.**
 22. **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 \$15 million the contribution to be made is \$150,000.

23. Prior to the issue of a demolition permit and a building permit, a Demolition/Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
 - a. The protective measures for significant fabric during construction
 - b. Use of City car parking bays for construction related activities;
 - c. Protection of infrastructure and street trees within the road reserve;
 - d. Security fencing around construction sites;
 - e. Gantries;
 - f. Access to site by construction vehicles;
 - g. Contact details;
 - h. Site offices;
 - i. Noise - Construction work and deliveries;
 - j. Sand drift and dust management;
 - k. Waste management;
 - l. Dewatering management plan;
 - m. Traffic management; and
 - n. Works affecting pedestrian areas.

24. Prior to the issue of a Building Permit final details are to be provided to demonstrate how the recommendations contained within the Crime Prevention Assessment Report, prepared by JMG Safety Management dated 24 September 2019, will be implemented to the satisfaction of the City of Fremantle.

25. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the subsequent planning approval and/or building licence 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.

26. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port, the Fremantle City Centre and freight rail lines and may be subject to noise, odour and activity not normally associated with noise sensitive land uses including the Hotel. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

- 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 demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**
- ii. 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.**
- iii. 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 Condition 17 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.**
- iv. 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 TECHSERVICES@fremantle.wa.gov.au.**
- v. 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 TECHSERVICES@fremantle.wa.gov.au or 9432 9999.**
- vi. The drop off bays, paving and landscaping depicted outside the boundaries of the subject property do not form part of this approval. For further queries relating to verge infrastructure modifications please contact the Infrastructure Engineering department via info@fremantle.wa.gov.au or 9432 9999.**
- vii. 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.**

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

Less than ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.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 Chief Executive Officer, 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. Due to the historical use of the site for a potentially contaminating activity, the development of the site may intercept potentially contaminated soils. If potentially contaminated soils are identified, the site should be reported in accordance with section 11 of the Contaminated Sites Act 2003, and works appropriately managed to ensure that potential risks to human health and the environment are addressed. DWER recommends that the south west basement comer is constructed such that natural ventilation is optimized.**
- xiii. In relation to the condition relating to contaminated site investigation 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 19. A current list of accredited auditors is available from www.dwer.wa.gov.au.**

Details: outline of development application

Insert Zoning	MRS:	Central City
	TPS:	City Centre
Insert Use Class:		Shop, Liquor Store, Office, Childcare Premises, Public Car Park Restaurant, Civic Use (Police Station) and Hotel.
Insert Strategy Policy:		N/A
Insert Development Scheme:		Local Planning Scheme No. 4
Insert Lot Size:		16,100sqm
Insert Existing Land Use:		Shop and Public Car Park

Approval is sought for the partial demolition of the southern portion of the existing Woolstores Shopping Centre building at No.28 Cantonment Street, Fremantle, the demolition of the six commercial tenancies at 20 Elder Place and the construction of a six (6) storey with basement Mixed use development including Shop, Liquor Store, Office, Restaurant, Civic Use (Police Station), Public Car Park, Childcare premises and Hotel uses. Specifically, the development includes the following:

- Reducing the size of the existing Coles Supermarket from 4,300sqm to 3,200sqm.
- The development of a 209.3m² Liquor Store adjacent to the Coles Supermarket.
- The inclusion of a basement accommodating building services and 159 car parking bays.
- A six (6) storey building along the Queen Street frontage including:
 - Ground level retail tenancies (1107.5m²), a restaurant (105m²), an office (199m²), an office lift lobby and a hotel foyer (396.1m²).
 - A Childcare premises to the first floor accessed via Cantonment Street (743.3m² building with 703.3m² yard).
 - First level office tenancies (1322.5m² in total) and hotel amenities (conference rooms, pool deck, balcony); and
 - 141 hotel rooms over levels 2 to 5.
- A five (5) storey police station building (Civic Use) accessed from Elder Place and Cantonment Street to include:
 - Ground level amenities, lobby, and workshop in addition to 8 visitor car parking bays, 10 car parking bays, bus, caravan, prisoner van, and truck parking.
 - Car parking for 113 cars on the first floor.
 - 7081m² of police office over levels 3 to 5.
- The majority of the existing public car park to the north of the site is to be retained, with modifications to the layout to accommodate the new police building.
- The existing shops adjacent to the northern carpark are proposed to be changed to a 192.5m² Restaurant use with outdoor seating provided within the subject site.

The proposal includes a brick, metal and glass five (5) storey building to the southern portion of the existing Woolstores shopping centre intended to contain the proposed Civic Use (Police Station) and a six (6) storey glass and metal building above a brick podium. The six storey building is surrounded by angled fins.

On 7 February 2020 the applicant provided updated development plans to include the six commercial tenancies at the corner of Queen Street and Elder Place in the application, extending the building over these lots and making general amendments to the layout of

the proposed development. On 17 March 2020 the applicant provided further amended plans including alterations to the building façade at the corner of Queen Street and Cantonment Street, in accordance with 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. 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 lots are currently occupied by a single storey Shopping Centre and a two storey Public Carpark to the north of the site. Six shop units located on a separate property at the corner of Queen Street and Elder Place are also included in this development application following the submission of amended plans.

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 sites within the inner east end of the City Centre.

The existing retail strata complex (which consists of six tenancies) on the corner of Queen Street and Elder Place has been included in the revised design for the development submitted on 7 February 2020.

In April 2018 the Metro South West JDAP refused to grant approval for the construction of a four to ten storey with basement mixed use development including Shop, Public Car Park, Tavern, Office, Hotel, Residential building and Multiple dwelling uses as the development was not considered to satisfy Local Planning Scheme No. 4 Schedule 8, sub area 1.3.2 requirements, specifically in relation to design quality.

Following the refusal of this application, in June 2018 the City received a development application for the partial demolition of the existing shopping centre building and the construction of a six storey with basement Mixed use development including Shop, Hotel and Office Uses. This application was approved by the Metro South West JDAP on 19 September 2018. This approval remains valid until 2022.

On 24 October 2019 the City received a development application DAP003/19 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.

On 7 February 2020 the applicant provided updated development plans to include the six commercial tenancies at the corner of Queen Street and Elder Place in the application, extending the building over these lots and making general amendments to the layout of

the proposed development. On 17 March 2020 the applicant provided further amended plans making alterations to the building façade at the corner of Queen Street and Cantonment Street, in accordance with the recommendations of the City's Design Advisory Committee.

See Attachment 1 below for copy of the most recent plans.

Legislation & policy:

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2

- 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
- CI 4.14.1 – Demolition
- Schedule 8 – 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

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 2.7 – Archaeological investigation as a condition of approval policy
- 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 significant application as set out in Council’s LPP1.3 Public Notification of Planning Proposals. The application was advertised for a period of 28 days and included the following actions:

- Sign notices being placed on the development site.
- Letters to owners and occupiers within 100m of the site.
- Advertising of the application occurred on the City’s website.
- Two (2) newspaper notices.
- A community information session held on 27 November 2019.

Following the submission of the amended plans to include the tenancies at the corner of Elder Place and Queen Street, in accordance with Council policy the revised 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 within 100m of the site.
- Advertising of the application occurred on the City’s website.

In response to the public advertising, a total of 46 submissions were received with 24 submissions supporting the proposal, 21 submission raising objections and one submission providing comment only. 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
Building height	See Officer comment section below for ‘Building height’
Bulk, scale, massing and siting	See Officer comment section below for ‘Building height’ - massing, building bulk and scale.
Development setting, materiality and context of the locality.	See Officer comment section below for ‘Building height’
Lack of Design quality	See Officer comment section below for ‘Building height’ and Design Advisory Committee Comments
Character	See Officer comment section below for ‘Building height’ - character
Liquor Store	See Officer comment section below for ‘Land Use’

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 8 November 2019, 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 *‘the proposed development does not significantly impact on the identified cultural significance of the Elders Woolstores’*.

Fremantle Port Authority (FPA)

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 provided the following comments in relation to the proposal:

The site is located within Area 2 of the Fremantle Port Buffer. Could you please ensure that all relevant requirements of Area 2 are considered.

Given the proximity to the freight rail line and operational area of Fremantle Ports, could you also please consider any potential externalities that may arise from port related traffic, in particular, train movements. The dedicated freight rail line that is planned may result in increased train movements.

In response, relevant conditions of approval are recommended. As the development includes a noise sensitive land use (short stay accommodation – Hotel), the impact of freight noise in accordance with State Planning Policy 5.4 has been considered and relevant conditions of approval recommended.

Department of Water and Environmental Regulations (DWER)

The application was referred to DWER as the Site was classified as *‘possible contaminated – investigation required’*. On 8 November 2019 DWER recommended the following condition of approval be provided on any decision:

Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the subsequent planning approval and/or building licence 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)

Department of Transport (PTA)

Given the site is located directly adjacent to the Fremantle bus terminal, the application was referred to PTA for comment. PTA provided the following comments on the proposal:

- *It should be noted that the relocation and layout of the Fremantle Bus Station has not been confirmed. In the future, should the bus station be relocated, it is expected that the traffic signals currently on Elder Place outside the site will also be relocated to allow buses to make the right hand turn from the new bus facility onto Elder Place. This may impact the DA sites traffic management plan.*
- *Should the bus station remain in the current location, Transperth has no issue sharing traffic signals with the police should the traffic signals be converted to four way intersection however bus movements should be prioritised over private vehicle use given the significant number of bus movements through the intersection.*
- *As per previous discussions with the City of Fremantle, bus services in the future may be rerouted via Queen Street to access the Bus Station. On an average weekday, there are approximately 800 in-service bus movements planned to operate on Queen Street between Cantonment Street and Elder Place. There will also be additional bus movements along Elder Place as this will include out of service bus movements and circulation at the bus station. Transperth strongly recommends that there is no pick up-drop off area on this section of Queen Street as this will cause significant delays to service.*

The above comments are noted with respect to the proposed development. Should changes be made to vehicle circulation to accommodate changes to the bus station, this will be done taking into account the vehicle access points to the subject site as existing. In relation to the hotel pick up/drop off bay, this is not located in the subject site and is therefore not included in this approval. Any modifications to the roadway of this nature would require further approval from the City beyond the development application process.

Design Advisory Committee (DAC)

The proposal was presented to the City's Design Advisory Committee (DAC) on multiple occasions, being:

- 13 May 2019 – Pre Lodgement.
- 11 June 2019 – Pre lodgement.
- 11 November 2019 – Originally submitted proposal plans.
- 9 March 2020 – Revised plans.

During the first meeting, DAC generally considered the concept a positive architectural response and approach, subject to the following being reviewed:

- *The ground floor full glass panelling needs to be reviewed as this is considered a missed opportunity to provide a more vital and architecturally strong street interface. Shop frontages need a design strategy approach developed to avoid the potential blandness of a fully glazed and flat street edge.*

- *The introduction of a more consistent pattern of robust external materials to the upper portions of the building, to lessen the glass box appearance and to achieve a more robust character.*
- *The more extensive use of brick is encouraged as is the introduction of Cor-ten or other similar material to assist in producing a more robust appearance for the building.*
- *The introduction of a Cantonment Street pedestrian linkage to align with the new Coles entrance should be explored.*

The applicant revised the plans to address the DAC recommendations and at its meeting on 11 June 2019, DAC made the following recommendation:

The Design Advisory Committee, having considered the proposal for the refurbishment of the existing shopping centre and a Hotel / Office addition at 28 Cantonment Street, Fremantle, supports the proposal subject to:

1. *The submission of final details of materials, finishes and colours, and as noted above, for the external facades of the development.*
2. *The submission of a Crime Prevention Through Environmental Design (CPTED) Report, prepared by a suitably qualified consultant. Any recommendations of the report should be implemented into the design of the development.*

To address DAC's recommendation 2 above, the proponent submitted a CPTED report with the application which concluded the following:

It is JMG's conclusion that the documentation reviewed as part of this report satisfies the design requirements for CPTED principles, subject to the following criteria:

1. *At completion of the all works, a final inspection of the premises is undertaken in order to confirm the sightlines and security devices have been completed to comply with the approved plans and specifications.*

It is JMG's opinion that the security elements discussed with the architects 17 August 2018 will meet the objectives of CPTED with respect to the extent of security cameras and retention of clear sight lines.

Whilst it is acknowledged that these strategies reduce the risk of crime rather than prevent unlawful activity, this precinct will offer the community a safe place to recreate and work.

Whilst the CPTED report generally supports the development, several recommendations were included such as increased CCTV surveillance and lighting designs, and as such a condition is recommended to be imposed to ensure all of the recommendations outlined in the provided CPTED report are incorporated into the development.

Following the formal lodgement of the application, the proposal was referred to the DAC on 11 November 2019. The DAC advised that they supported the design direction of the development subject to:

1. *Further details of the design of the façade, with specific reference to the final form of the curved upper floor fins including details of their connection to the building and all materials and finishes being reviewed by the DAC at the earliest opportunity prior to the issue of a Building Permit.*
2. *Final details of the design and finishes of the Hotel Pool area and the pedestrian forecourt between the Police Station and the existing car park being submitted and approved prior to the issue of a Building Permit.*

The DAC also noted that:

- *The Applicant is strongly encouraged to give consideration to the repeated comments provided by the DAC in regard to vehicle movements and servicing, in addition to all the comments recorded above.*
- *Should a future proposal include the area occupied by the small shops currently located on the corner of Queen Street and Elder Place, the DAC requests that they be given the opportunity to review the revised proposal.*

The amended application plans, detailing the inclusion of 1-6/20 Elder Place were reviewed by the DAC on 9 March 2020. The DAC supported the amended proposal, subject to the consideration of amendments outlined below. Officer comment is provided in response to each of the matters raised by the DAC as to whether this matter has been addressed through the submission of amended plans or through conditions of approval per the above recommendation.

- *DAC comment:* Amendment was requested to the design of the building at the corner of Queen Street and Cantonment Street. It was noted that the initially proposed corner design terminated the brick podium short of the intersection, “weakening the solidity and strength of the podium”.
Officer comment: The applicant submitted amended plans on 17 March 2019 detailing amendment to the design of this street corner to continue the brick podium around the corner. This amendment was supported by the DAC chair.
- *DAC comment:* The applicant is encouraged to review the use of glass for the pedestrian awnings. Drainage details will need to be resolved prior to the issue of a building permit.
Officer comment: It is recommended that a condition of approval be included in any approval to require the submission of final details of the materials and finishes of all external building materials including the awnings.
- *DAC comment:* The amended development plans do not clearly demonstrate the servicing of the Queen Street and Cantonment Street frontage tenancies are to be serviced from the loading dock, nor how the Liquor Store will be serviced.
Officer comment: It is a recommended condition of approval that the applicant submit a delivery management plan. It is noted that in amending the proposal to include the tenancies at the corner of Queen Street and Elder Place that an internal service corridor was removed from consideration.

- *DAC comment:* Revised plans alter the location of Hotel lifts so that the lift structure penetrates the façade of the Hotel building. The applicant is encouraged to review this aspect of the design.
Officer comment: It is a recommended condition of approval that amendments be made to the design of the building to ensure that the Hotel lifts are contained within the main façade of the building, to the satisfaction of the City on the advice of the Design Advisory Committee.
- *DAC Comment:* The access from the Hotel foyer to the pool deck should be reviewed in addition to the potential for the pool deck to be amended to provide views in order to enhance the guest experience.
Officer comment: The applicant has been encouraged to review this aspect of the proposal for consideration during an application for a Building Permit.
- *DAC Comment:* Consider glazing to the wall to Coles which faces the internal travelators.
Officer comment: The applicant has been encouraged to review this aspect of the proposal for consideration during an application for a Building Permit.
- *DAC Comment:* Consider the inclusion of a high level opening in the wall forming the end of the cash register counters (western side of Coles).
Officer comment: The applicant has been encouraged to review this aspect of the proposal for consideration during an application for a Building Permit.
- *DAC Comment:* Consideration is to be given to the inclusion of a Child Care Centre drop off bay on Cantonment Street.
Officer comment: The inclusion of an on street bay for this purpose is beyond the scope of this development application. The use of existing embayments on Cantonment Street can be considered by the City.
- *DAC Comment:* Final details of the upper floor windows facing the Coles roof are to be provided to the satisfaction of the DAC.
Officer comment: *It is recommended that a condition of approval be included in any approval to require the submission of final details of the materials and finishes of all external building materials including the windows.*
- *DAC Comment:* The roof to level two on Queen Street provides the opportunity for an alternative use which could enliven the street.
Officer comment: The applicant has been encouraged to review this aspect of the proposal for consideration during an application for a Building Permit.

Planning assessment:

1. Local Planning Scheme No. 4 (LPS4) Requirements

1.1) Demolition

Under the provisions of Clause 4.14.1 of LPS4, Council will only grant Planning Approval for the demolition of a building or structure where it is satisfied that the building or structure:

“(a) *Has limited or no cultural heritage significance, and*

- (b) *Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.”*

An assessment of the proposal against this provision is discussed in the ‘Officers Comment’ section below.

1.2) Land use

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 considered to be 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 Hotel. 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.

1.3) 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>(iii) A minimum of 15% of the net lettable area within all new development on sites with a development site area greater than 3000sqm shall be provided for Office use.</p>	<p>No Residential land uses are proposed at ground level adjacent to Queen Street.</p> <p>Queen Street ground floor uses consists of Hotel seating and foyer/ reception, Office lobby and retail tenancies. It is considered that the proposed mix of uses will generate interest and activity with the Queen Street public realm during and after business hours.</p> <p>An additional 29109.2m² NLA is proposed as part of this application. 1521.5m² of Office floor area is provided which equates to 5% of the total net lettable area (NLA) of the new development</p> <p>Discussed in the ‘Officers comment’ section below.</p>
b)	<p>New development fronting Queen Street, Adelaide Street and Kings Square shall incorporate design measures to –</p> <p>Provide continuous weather protection at ground level for pedestrians along these streets and public spaces; and</p> <p>Generate interest and activity within the adjacent public realm.</p>	<p>Continuous weather protection is provided in the form of awnings along Queen Street. Some weather protection is also provided to Cantonment Street and Elder Place.</p> <p>The proposed full height glazing to the ground floor facing Queen Street will promote interaction between Shop, Office and Hotel users and the public realm.</p>
c)	<p>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.</p>	<p>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.</p>
d)	<p>Clause 1.2 ‘Matters to be considered in applying general and specific height controls’ does not apply to Sub Area 1.3.2.</p>	<p>Not applicable</p>

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 seeks consideration against (2) 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:

Provision				
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	-	23m	N/A – the application does not seek assessment against the discretionary criteria relevant to this maximum height.	10m

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;	Portion of building exceeding 21m to 24.5m is setback so as not to be visible from respective streets in accordance with LPS4 definitions. The proposed external fins to the building exterior are considered to be architectural features and not subject to height assessment.																							
ii)	The design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.	The portion of the building proposed above 21m in height is integrated into the overall design of the Hotel/Office building.																							
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.	As proposed, the portion of the development facing Elder Place has been designed to be at this level.																							
h)	<p>Building Setbacks</p> <table border="1" data-bbox="284 1059 1090 1832"> <thead> <tr> <th>Frontage</th> <th></th> <th>Required</th> <th>Proposed</th> <th>Variation</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Queen Street</td> <td>Minimum street setbacks</td> <td>3.65m</td> <td>≥3.65m</td> <td>Nil</td> </tr> <tr> <td>Maximum street setback up to building heights 10m</td> <td>5.65m</td> <td>6m</td> <td>0.35m</td> </tr> <tr> <td rowspan="2">All other streets</td> <td>Minimum street setbacks</td> <td>Nil</td> <td>Nil</td> <td>Nil</td> </tr> <tr> <td>Maximum street setback up to building heights 10m</td> <td>2m</td> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table>	Frontage		Required	Proposed	Variation	Queen Street	Minimum street setbacks	3.65m	≥3.65m	Nil	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	See officer comment section.
Frontage		Required	Proposed	Variation																					
Queen Street	Minimum street setbacks	3.65m	≥3.65m	Nil																					
	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
Hotel	1:5m ² of lounge /garden area 1: 1 bedroom	444m ² garden area (pool deck) - 89 bays 141 rooms plus 8 additional bedrooms - 149 bays	Nil	238
Office	Nil for Offices above ground floor – cl(l) of sub area 1.3.2 1: 30 m ² GLA minimum of 3 spaces	6.6 (7 bays) – for ground floor Office tenancy	Nil	7
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	4516.8m ² nla area Total = 483 bays	Nil	483
Public carpark	-	-	159 new basement	-

			bays 275 existing bays retained Total = 434 bays	
Restaurant	1: 5 seats or 1: 5 m ² dining area, whichever is the greater	59 bays – for 295m ² restaurant total	Nil	59
Child care	1: 1 employee plus 1: 10 children allowed under maximum occupancy	Employees – 15 bays Children – 10 bays (100 place centre)	Nil	25
Civic Use (Police Station)	Local Planning Scheme No. 4 provides no car parking standard. The office parking standard is considered most appropriate. 1: 30 m ² gla minimum of 3 spaces	236 bays	132 bays	104
Total		1048 bays	566 bays	482 bays

1.5) Delivery Bays

	Requirement	Proposal	Discretion
Hotel	1 per service/storage area	1	Nil
Office	1 per 500m ² = 1	Nil	1
Shop (Shopping centre plus retail tenancies) As above, the Liquor Store is included in this calculation.	1 per 1000m ² gla = 4.5 (5 bays)	1 loading dock provided for Coles supermarket	2 (for the remainder of the retail tenancies).
Public Car Park	Not applicable	N/A	N/A
Restaurant	1 per service/storage area = 2	Nil	2
Child care	N/A	N/A	N/A
Civic Use (Police Station)	1:500m ² (Office standard applied) = 14.1 (15 bays)	Nil	15
Total bays	24 delivery bays	2 delivery bays – hotel	22 delivery bays

		and Coles	
--	--	-----------	--

1.6) Bicycle parking

	Requirement	Proposal	Discretion
Hotel	Class 1 – 1 per 100m ² lounge area = 1 Class 3 - 1 per 100m ² lounge area = 1	Shared bike store provided in basement – 53 racks	1 1
Office	Class 1 or 2: 1 per 200m ² gla = 1 Class 3: 1 per 750 ² gla over 1000m ² nla = N/A Note: upper floor offices excluded from calculation.	Shared bike store provided in basement – 53 racks	1
Shop (Shopping centre)	Class 1 – per 300m ² gla = 15 Class 3 - per 500m ² gla = 10	Shared bike store provided in basement – 53 racks	15 10
Public Car Park	N/A	N/A	N/A
Restaurant	Class 1 or 2: 1 per 100m ² public area = 3 Class 3: 2 = 2	Shared bike store provided in basement – 53 racks	3 2
Child care	N/A	N/A	N/A
Civic Use (Police Station)	Class 1 or 2: 1 per 200m ² gla = 35 Class 3: 1 per 750 ² gla over 1000m ² nla = 9 Note: office standard applied	70 Class 2 racks provided at ground floor	Nil 9 Discussed in officer comment.
Total for development excluding Civic Use	Class 1 or 2 – 20 Class 3 - 13	Class 2: 53 racks provided in basement carpark	Class 1: 20 racks Class 3: 22 racks Discussed in officer comment section below

1.7) End of trip facilities

Provision	Requirement	Proposed	Discretion
Showers	5 male and 5 female or 10 unisex	4 male and 4 female showers in basement carpark Police layout demonstrates male and female change room.	Nil
Lockers	90	Indicative locker locations are shown in the basement carpark and the ground floor of the police station.	Nil - A condition of development approval is recommended to ensure that sufficient lockers are provided across the development.

2 Local planning policies

- Local Planning Policy 1.3 – Public Notification of Planning proposals
- Local Planning Policy 1.6 – Heritage assessments
- 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 2.7 – Archaeological investigation as a condition of approval policy
- 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.

3.1 - 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.
- Multiple new ground floor tenancies are provided to Queen Street and the two corners (Elder Place and Cantonment Street).
- The development includes a portion of new on site vehicle parking at ground level adjacent to Cantonment Street, discussed in the officer comment section.
- 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, Cantonment Street and a portion of Elder Place which are integrated into the building design and appropriately scaled. The end of weather protection along Elder Place coincides with the primary delivery vehicle entry.
- Overall, the proposal includes an active interface for the new Cantonment Street / Queen Street and Elder Place / Queen Street corners, and the middle section of the ground floor Queen Street interface includes what will be high pedestrian traffic areas due to the new Office and Hotel main entrances.

Major Off Street pedestrian routes

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

- The development does not include off street pedestrian access through the site as encouraged by the policy.
- The development is supported by a Crime Prevention through Environmental Design (CPTED) report detailing measures to minimise antisocial activity on site.

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).
- The upper levels of the proposed development are occupied by Office and Hotel uses which provide passive surveillance over the adjoining Queen Street and corner areas of Cantonment Street and Elder Place public spaces.
- The provided east-west link is integrated with existing pedestrian patterns being Elder Place to Cantonment Street. The proposed building is consistent in form and incorporates a horizontal emphasis which complements the northern adjacent Elders Woolstores in form, treatment of roofline, material and general architectural detailing.

Discretionary Additional Building Height

The application has not been assessed against cl 7.1 – 7.6 of this policy as the development does not seek the discretionary additional building height relevant to these requirements.

Officer Comments

1.1) Demolition and Archaeological Investigation

The construction of the 'Woolstores Shopping Centre' and carpark in 1986 involved the complete demolition of the Elder Shenton Wool Stores (1917).

The advice of the City’s Heritage Coordinator is that demolition of the existing buildings can be supported *as the proposed partial demolition of the ‘Woolstores Shopping Centre’ would only have an impact on buildings that are of little or no significance.*

The proposed partial demolition of the existing building is supportable as the Heritage Assessment findings satisfy Clause 4.14.1 (a) and (b) in that the building is considered to have limited or no cultural heritage significance and does not make significant contribution to the heritage significance and character of the locality.

In addition to the above, whilst acknowledging the site is not individually heritage listed or within a prescribed heritage area which are the prerequisite criteria under Schedule A cl 13B for Archaeological Investigation, the City’s assessment also considered the potential for archaeological investigation given the extensive nature of the proposed development. The assessment stated that:

The proposed development is not within a Heritage Area nor is it included on the Heritage List. Furthermore the site to which the development application relates also contains the ‘Woolstores Shopping Centre’ and car park. It is highly likely that the intensive groundworks undertaken as part of the construction of these large buildings will have caused the complete removal of all archaeological evidence of the earlier Woolstores building.

It is therefore considered reasonable to assume that the place will reveal no evidence of contents, materials or objects that have aesthetic, historic, scientific, or social significance for the present community and future generations. It is therefore recommended that the condition referred to in clause 13B (1) of the Local Planning Scheme No 4, requiring an archaeological investigation of the place to be undertaken, should not be imposed.

With regards to the partial demolition of the building and its impact on the broader cultural heritage significance of the locality, this also is considered able to be supported as the portion of building to be removed has a neutral contribution to the greater area. Overall the demolition is supported against the criteria of 4.14 of LPS4.

1.2) Land use

Use	Permissibility
Shop	P
Restaurant	A
Office	P
Liquor Store	A
Civic Use (Police Station)	P
Child care premises	A
Public Car Park	A
Hotel	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 8 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.
- With respect to the proposed Liquor Store use, this is not considered to introduce any additional social impact as a liquor store is provided in the existing Woolstores Shopping Centre.
- It is noted that the subject site already accommodates public car parking, therefore this is not a new land use. Although, in accordance with the City's Integrated Transport Strategy, the subject site is located within in the 'low speed shared use core' access to the additional proposed public car parking bays is from Elder Place which is on the periphery of the low speed shared use zone and is located close to an area identified as appropriate for a major public parking facility on Beach street.

1.3) 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 23.5m with any portion of the building over 21m and up to 24.5m being both sufficiently setback from relevant adjoining streets so as to not be visible from the street and integrated with the design of the overall building. The proposed screens to the exterior of the building 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 3m above the highest part of the development.

Setbacks

The proposal complies with all setback provisions outlined in sub section (h) of Schedule 8 LPS4 including the ground level setback to Queen Street. The setback of the development to the Queen Street and Elder Place street corner is 6 metres, exceeding the maximum setback by 0.35m for a portion of the ground floor. This minor variation to the maximum setback results from the development following a straight line along this boundary while the lot boundary is angled away from the development. This variation is considered to be appropriate as this increase to the area of the pedestrian realm is consistent with the policy objective of LPP 3.1.5.

The basement of the development is located within the 3.65m ground floor setback area. If in the future the land was ceded as a part of a proposal which sought the relevant discretionary additional building height, this projection into the setback area below ground level could be maintained. The fins of the Hotel building project into the 3.65m setback area, however these are located above ground floor height and are considered to be an architectural feature.

Proportion of office use

The development provides approximately 5% of overall development floor area as Office land use in lieu of 15%. This variation is considered appropriate on the basis that the proposed Civic Use (Police Station) will be similar in use to an Office use. If the area of Civic Use is included in this calculation, a total of approximately 29.5% of the new development will be provided as Office land use or similar. This is considered to satisfy the objective of providing a range of land uses in the development.

1.5) Car parking

The development proposes an onsite car parking bay shortfall of 482 bays across the site and as such discretion is sought under clause 4.7.3 of LPS4 which 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 434 proposed and existing public onsite bays is high. Furthermore, the car bay shortfall is contributed to by the hotel parking deficiency and given the majority of future clientele is more than likely to be interstate or international tourists or business visitors who may well not arrive by private car, the actual need for parking for this use is considered to be substantially less than that required by the Scheme. Furthermore, it is considered that the peak operating times for the Hotel, 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 Civic Use (Police Station) is considered appropriate on the basis that this portion of the development is proposed in accordance with a specification provided to the applicant by the intended tenant of the development. 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. Incidental parking associated with the Civic Use can be accommodated in the public car parks in accordance with the above considerations for the remaining use on site.

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.

1.6) Delivery Bays

The dedicated service areas and new basement delivery facility for the Hotel addition are considered to provide adequate servicing needs for the entire development. 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.

Due to the removal of access from the loading bay through to other ground floor retail tenancies in the amended proposal plans which would have facilitated access from the loading dock to the remaining tenancies throughout the development, a condition of approval is recommended requiring the provision of a delivery management plan for the development, to the satisfaction of the City.

1.7) Bicycle parking and

1.8) End of Trip facilities

Appropriate conditions are to be imposed ensuring compliance with Scheme provisions for both of these requirements. While the development does not comply with the Local Planning Scheme No. 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.

3) Local Planning Policies

- LPP1.10 - Construction Sites
- LPP2.3 – Fremantle Port Authority
- LPP2.12 - Planning Applications Impacting On Verge Infrastructure And Verge Trees
- LPP2.13 - Sustainable Buildings Design Requirements
- LPP2.18 – New Residential Developments in the City Centre Zone - Noise from an Existing Source
- LPP 2.19 - Contributions for Public Art and/or Heritage Works
- LPP 3.1.5 – Precinct 5

Appropriate conditions and advice notes are to be imposed ensuring compliance with Scheme provisions for these requirements. The Civic Use (Police Station) provides visitor parking at the ground level adjacent to the public realm. This parking location is considered able to be supported as in accordance with the submitted development perspectives it will be appropriately screened from direct view and integrated into the overall development.

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 probably 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 revised application is summarised as follows:

- The application includes the development of a six storey Mixed use building containing Office space and 141 room Hotel and the construction of a five storey Civic Use (Police Station) building.
- The proposal seeks the exercise of discretion relating to land use, onsite car parking. In respect to these elements, the proposal is considered to satisfy the relevant merit based criteria.
- The City's Design Advisory Committee have reviewed the proposed design and support the design subject to conditions in relation to final detail being provided in relation to various matters. In summary the DAC advise that the improvements to the external facades result in a more coherent appearance of the Hotel/Office addition which contributes to the appropriateness of the scale of the addition to its surroundings.
- 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 tourism and business facilities. The development also proposes the inclusion of a large Police Station in the City Centre which is likewise supported by the City.

The application is recommended for approval subject to relevant conditions.

COUNCIL DECISION ITEM C2003-1
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Adin Lang

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, six storey with basement 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.

Carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

12. Reports and recommendations from committees

12.1 Planning Committee 4 March 2020

Nil

12.2 Finance, Policy, Operations and Legislation Committee 11 March 2020

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

The following items be adopted en bloc as recommended:

FPOL2003-4	Local Government House Trust – Deed of Variation
FPOL2003-5	Rates Waiver – 7A Watkins Street Fremantle
FPOL2003-6	Proposed Private Apartment Investment Policy
FPOL2003-7	Budget Amendments – February 2020

Carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2003-4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION

Meeting date: 11 March 2020
Responsible officer: Director City Business
Decision making authority: Council
Agenda attachments: 1. Deed of Variation
Additional information: 1. Nil

SUMMARY

The Western Australian Local Government Association (WALGA) has formally written to the City of Fremantle seeking consent to a variation to the Trust Deed for the Local Government House Trust (the Trust).

The proposed Deed of Variation is presented to Council for consideration and is recommended that the Council consent to the proposed variation as shown in Attachment 1 of this report.

BACKGROUND

The Local Government House Trust (the Trust) is a unit trust created for the purpose of providing building accommodation for WALGA.

The Trust's Board of Management is seeking a variation to the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 percent of all beneficiaries in order to execute the Deed of Variation. The City is a unit holder and beneficiary to the Trust and as a beneficiary, the City of Fremantle is requested to consent to the proposed Deed of Variation by a resolution of Council.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the *Income Tax Assessment Act 1936*.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Compliance with the Trust Deed.

CONSULTATION

Nil

WALGA COMMENT

The Chief Executive Officer of WALGA, Nick Sloan, has provided the following advice in relation to the proposed variation to the Trust Deed.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. Removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. Ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ **Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
22.3 **The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**
22.4 **The Beneficiaries may at any time by Special Resolution:**
 - (a) **remove a Trustee from the office as Trustee of the Trust; and**
 - (b) **appoint such new or additional Trustee.**

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

OFFICER COMMENT

City of Fremantle officers have considered the proposed amendments to the Trust Deed and do not believe the variation will have any impact or pose any risk to the City and therefore have recommended that the Council consent the proposed Deed of Variation as shown in Attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL2003-4
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council gives consent to a variation to the Trust Deed for the Local Government House Trust as provided in Attachment 1.

Carried en bloc: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2003-5 RATES WAIVER – 7A WATKINS STREET FREMANTLE

Meeting date:	25 March 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	Pension concession application (confidential) Advice from OSR regarding concession (confidential) Letter to Ratepayer (confidential) Rate notice PID 5082 (confidential) Email request for waiver (confidential)

SUMMARY

This report recommends that Council grant a rates waiver of \$2,500 for the rates owed by the ratepayer at 7A Watkins Street Fremantle, due to an administrative error whereby a State Government Pension Rebate was granted and property rates allowed to be deferred, however the applicant was ineligible under the Rates and Charges (Rebates & Deferments) Act 1992 (the Act) as the possession of land is under a “Inter Vivos” agreement rather than title ownership.

BACKGROUND

An application for State Government Rebate was received for the property located at 7A Watkins Street, Fremantle in 2003 that was granted by the City. The application described the applicant as a life tenant which under the Act is eligible for a State Government Rebate. Whilst a life tenant is eligible to claim a full State Government Rebate life tenants are unable to defer payment of rates.

In addition, the application was incorrectly recorded on the rate record and as a consequence the system automatically transferred the rates to deferred when no payments were received.

Late in 2019, officers suspected an error had occurred and sought confirmation from the Office of State Revenue of the ratepayer’s eligibility to defer. The advice received confirmed an Inter Vivos agreement (between two living parties) as opposed to a life tenancy. Such agreements are not entitled to a State Government Rebate nor have a right to defer. The ratepayer was notified of the error and provided with an amended rate notice. The deferred rates (\$18,055.91) were reversed to current becoming due and payable. On receipt of the notification, the ratepayer submitted a request for a concession of \$5,000 on the basis of it being an error of the City and included, subject to the request being granted, a commitment to pay the remaining balance in full.

The City has considered the request has merit, but counter offered an amount of \$2,500 concession as a more proportionate to the quantum of the financial consideration. A concession of \$2,500 is equivalent to approximately two years rates for this property (which is on minimum rate). The applicant had agreed to this offer, which is subject to council agreement.

It is beneficial to the City that the balance of \$15,555.91 is paid in full as opposed to the debt being paid by special arrangement over a longer period of time.

FINANCIAL IMPLICATIONS

Provision is made for rates concessions in the annual budget each year; the 2019/20 shows the estimated rates concession budget as \$233,162, current concessions granted total \$228,958. The impact on the provision account for this waiver is as follows:

Budget Item Name	100240.5969 Rate Concession
Budgeted Amount	233,162
Expenditure to Date	(228,598)
Proposed Cost	(2,500)
Balance	231,098

LEGAL IMPLICATIONS

Local Government Act 1995

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

* *Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation

to a rate or service charge.

* *Absolute majority required.*

The Chief Executive Officer's delegated authority to write off of a debt, not being due to an administrative error, is for debts not exceeding \$20,000. Due to this being an administrative error Council is required to authorise the waiver of rates.

CONSULTATION

Information gained from OSR in attachments

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL2003-5
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve a waiver of \$2,500.00 of rates for 7A Watkins Street Fremantle, in favour of the ratepayer (referenced in the confidential attachments) due to an administrative error in the consideration of an application under the Rates and Charges (Rebates & Deferments) Act 1992 made in 2003.

Carried en bloc: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2003-6 PROPOSED PRIVATE APARTMENT INVESTMENT POLICY

Meeting Date: 11 March 2020
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: 1. Private Apartment Investment Policy
Additional Information: Nil

SUMMARY

Since the development of the 2010 Community Strategic Plan Council has been engaged in encouraging residential development within Fremantle to encourage population growth, in particular to improve the residential population in proximity to the Fremantle CBD.

The current economic circumstances have made it more difficult to acquire financial support for developers and prospective purchasers in the residential apartment market place. This has affected both the ability for developers to source funding to undertake development and prospective purchasers from achieving loan support to consider purchasing. In 2015 the City considered supporting the purchase of private apartments within the Fort Knox development on Queen Victoria Street to assist an early development in achieving its milestone sales target to commence the development. Since then, council has informally considered supporting some other developments, more recently a development in White Gum Valley that met significant environmental outcomes.

During these deliberations there has been discussion on the need to develop a policy on this matter to ensure there are clear guidelines and consistency in any consideration. The lack of a policy makes it difficult to ensure consistency in consideration.

This report proposes that council consider the adoption of a policy for the circumstances in which council may consider support for a private residential apartment development to achieve a sales target milestone by purchasing up to two (2) properties in any one development, subject to meeting specific criteria.

BACKGROUND

The 2010 Community Strategic Plan focussed on improvement in the economic position of Fremantle and the re-establishment of Fremantle as the second city of Western Australia. This emphasis has remained with each review of the Strategic Plan since. Much of this emphasis has been focussed on ensuring opportunities to increase the residential population of Fremantle, more specifically within the CBD of Fremantle which would improve the vibrancy and add value to the weekday economy.

FINANCIAL IMPLICATIONS

It is not possible to consider financial implications until an actual situation arises.

Property purchases for investment purposes is a speculative investment and the property market can be unpredictable. The business case can take market and risk aspects into consideration to assist in consideration, however no absolute guarantee can be provided.

A requirement to purchase at a reduced price (ie 90%) of the market price/value is one way to mitigate this risk.

The use of loan funds ensures that municipal cashflow is not affected, however any borrowing may impact the capacity to borrow for other purposes. There are limits on the City's capacity to borrow, and consequently an assessment will be made of the City's borrowing limit and financial capacity on a case by case basis. This will also include an assessment of other current or anticipated loan obligations.

LEGAL IMPLICATIONS

Local Government Act 1995.

CONSULTATION

Nil for the consideration of this policy.

OFFICER COMMENT

The proposed policy will provide guidelines for consideration if circumstances arise where significant progress is made towards reaching sales milestone for residential apartment development within the CBD of Fremantle, but where a very small number (up to two (2)) of sales is needed to achieve the milestone.

There are several criteria which will need to be considered in such a circumstance.

TYPES OF DEVELOPMENT

Located in CBD:

Primarily, any consideration should be limited to the CBD of Fremantle as this is the primary location in achieving significant economic outcomes through residential development. This would ensure improved catchment for weekday economic activity, the CBD is well serviced by alternative transport services and would add to general vibrancy expected in a CBD environment.

Located Outside CBD:

Consideration could be provided for supporting apartment development outside the CBD area. Any development would need to meet sound sustainability and design principles and demonstrate innovation in diversity and affordability.

PRE-CONDITIONS FOR PURCHASE

Milestone Target

Any consideration to invest/purchase should only be made where the development can demonstrate a legitimate opportunity for development threshold to be met and therefore the development would commence upon council purchase and construction would commence within twelve (12) months of milestone being met. To be clear, any proposal for the City to purchase must be the final required purchase to meet the milestone.

The development must also demonstrate that a genuine attempt is being made to achieve the development milestone and be satisfied that the purchase is necessary to ensure the development proceeds.

Put Option Contract

The investment/purchase is only to be made via a “Put Option” contract, whereby the development will continue to market the property/s for sale and the City is only required to finalise a purchase if the property is not sold at the point of final payment being required. If another purchaser provides a written contract offer for the apartment/s that Council has offered to purchase or the sales milestone is met through other apartment purchases during the construction period, the contractual agreement is terminated and the City’s deposit and any other payments towards purchase are to be refunded.

The City may also choose to market the property for sale or sell the contracted apartments during the construction period.

The purchase contract will also contain a condition that the contract is terminated within twelve (12) months of being signed.

Purchase Price

The purchase payment price for council is to be no more than 90% of the listed sales price or to be no more than 90% of an independent valuation obtained no more than six (6) months prior to the purchase date.

Maximum Number of Apartments being Purchased

The maximum number of apartments to be purchased in any single development is to be two (2).

Type of Apartments Purchased

The type of apartments purchased by the City to be either single or double bedroom apartments that suit entry level type property and keeps the financial level of investment reasonable.

FINANCING OF PURCHASE AND ASSESSMENT OF BUSINESS CASE

Business Case

Any decision to purchase should only be made if supported by a positive business case to do so. Criteria would need to be established for developing the business case and the term of the business case should cover a maximum of three years. If an appropriate return cannot be achieved within three (3) years, then support should not be offered.

The business case criteria would include;

Cost	
Purchase Cost	Purchase price should be a maximum of 90% of the advertised sales price or independent market valuation. Other purchase costs such as fitout etc.
Holding Costs	These would include loan interest, risk interest and maintenance costs property management fees, insurance etc.
Future Sales Costs	Agent selling fees, valuations costs
Revenue	
Holding Revenue	Rent income from tenant leasing whilst holding.
Rates	Consideration of additional rate revenue provided from the completed development.
Future Sale	Income received from future sale of the property. Future value to be determined by past 5 year average of REIWA growth rates for the relevant suburb.

Financing Purchases

Purchases should only be made via specific external loan borrowings, subject to the City's borrowing limit and financial capacity. The investment is to be supported by a net positive business case. There are limits on the City's capacity to borrow, and consequently an assessment will be made of the City's borrowing limit and financial capacity on a case by case basis. This will also include an assessment of other current or anticipated loan obligations.

HOLDING PERIOD

Uses

The respective property will only be used for a residential purpose. The property will be managed on a commercial basis and leased through a qualified real estate agent for a term of no greater than twelve (12) month periods. This will allow council to consider selling options at regular intervals.

Holding Review

The property value should be reviewed at regular intervals of approximately twelve (12) months to consider whether an opportunity exists to sell. This could align with the tenancy agreements mentioned above. Once the property value has achieved a level to cover associated costs of purchasing and holding costs the property will be listed for sale.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council adopt the Private Apartment Investment Policy as shown in Attachment 1.

AMENDMENT 1

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

Amend the Private Apartment Investment Policy to include Affordable Housing under the Pre-conditions for Purchase section, as follows:

Affordable Housing

Preference will be given to developments providing housing options which support affordability, diversity and disability access. This does not mean that developments not supporting affordable housing options will not be considered.

Amendment carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright

Reason for change:

To add criteria that ensures preference is given to developments that support affordable housing (where possible) and disability access.

COUNCIL DECISION ITEM FPOL2003-6 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council adopt the Private Apartment Investment Policy (as amended) as shown in Attachment 1.

Carried en bloc: 11/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

FPOL2003-7 BUDGET AMENDMENTS - FEBRUARY 2020

Meeting date: 11 March 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2019/20 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution by Absolute Majority; or

(c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred;

(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and

(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	EV charging point installed. Remaining budget requested to install a containment bay for the temporary storage of road sweeper and gulley cleaner waste as required by Department of Water and Environmental Regulation (DWER)					
	300109.1606	P-10284 Design and construct-EV Charge point	(20,000)		17,500	(2,500)
	399999.1606	P-xxxxx Slab for disposal of sweeper tailings	-		(17,500)	(17,500)
1.2	Establish new budget of \$8,500 for the operating project of Cultural Convergence - sharing our story which is fully funded from Department of Communities grant					
	200xxx.4227	P-xxxxx Cultural Convergence - Sharing our story - Grant	-	8,500		8,500
	200xxx.6823	P-xxxxx Cultural Convergence - Sharing our story – Operating expense	-		(8,500)	(8,500)

1.3	Increase in budget for P-10350 Design and Construct Fremantle Park Sport and Community Centre to include additional works which is fully funded by a contribution from Tennis Australia.					
	300075.1606	P-10350 Design and construct-Fremantle Park Sport and Community Centre	(3,673,246)		(68,121)	(3,741,367)
	300075.4214	P-10350 Design and construct-Fremantle Park Sport and Community Centre	-	68,121		68,121

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

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

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

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
2.1	Reduced scope and budget for P-11876 Renovation of Fremantle Netball Club offset by a reduced contribution by the Netball club for this fully funded project.					
	300154.1606	P11876 - Renovation Fremantle Netball Club – Capital expense	(140,000)		20,000	(120,000)
	300154.4222	P11876 - Renovation Fremantle Netball Club - Grant	140,000	(20,000)		120,000

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL2003-7 (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	EV charging point installed. Remaining budget requested to install a containment bay for the temporary storage of road sweeper and gulley cleaner waste as required by Department of Water and Environmental Regulation (DWER)					
	300109.1606	P-10284 Design and construct-EV Charge point	(20,000)		17,500	(2,500)
	399999.1606	P-xxxxx Slab for disposal of sweeper tailings	-		(17,500)	(17,500)
1.2	Establish new budget of \$8,500 for the operating project of Cultural Convergence - sharing our story which is fully funded from Department of Communities grant					
	200xxx.4227	P-xxxxx Cultural Convergence - Sharing our story - Grant	-	8,500		8,500
	200xxx.6823	P-xxxxx Cultural Convergence - Sharing our story – Operating expense	-		(8,500)	(8,500)
1.3	Increase in budget for P-10350 Design and Construct Fremantle Park Sport and Community Centre to include additional works which is fully funded by a contribution from Tennis Australia.					
	300075.1606	P-10350 Design and construct-Fremantle Park Sport and Community Centre	(3,673,246)		(68,121)	(3,741,367)
	300075.4214	P-10350 Design and construct-Fremantle Park Sport and Community Centre	-	68,121		68,121
2.1	Reduced scope of works and budget for P-11876 Renovation of Fremantle Netball Club offset by a reduced contribution from the Netball club for this fully funded project.					
	300154.1606	P11876 - Renovation Fremantle Netball Club – Capital expense	(140,000)		20,000	(120,000)
	300154.4222	P11876 - Renovation Fremantle Netball Club - Grant	140,000	(20,000)		120,000

Carried en bloc: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2003-1 CRITERIA FOR KINGS SQUARE HOSPITALITY LEASE

Meeting date: 11 March 2020
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Committee
Agenda attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report to present an updated set of selection criteria for the leasing of the commercial hospitality tenancy located adjacent to the Walyalup Civic Centre.

This report recommends that Council approve the original criteria of August, 2017, with adjustments to placement of the criteria in mandatory or desirable category.

BACKGROUND

At Ordinary Council dated 7 August 2017 Council adopted the “criteria for use” for the hospitality space within the City’s new administration building.

The following is weighted selection criteria that was approved and used to assess expressions of interest for the hospitality premises. In conjunction with Council’s resolution (shown in italics) officers included criteria that assessed the applicants’ experience and financial capacity to deliver their proposal:

Council Criteria and Overview of Business (Weighting 30%)

1. *Mandatory - the business must;*
 - a. *Pay market rent.*
 - b. *Be a business that is considered a “destination” in itself.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.*
 - e. *Not sell takeaway or packaged alcohol.*
 - f. *Be externally focused and physically integrate with the public realm.*

2. *Desirable*
 - a. *12 – 16 hours per day operation.*
 - b. *Businesses that operate later in the day over businesses that operate earlier in the day.*
 - c. *Seven days per week trading, with a minimum of six days per week.*
 - d. *A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle’s overall visitor offering.*
 - e. *A business that does not sell takeaway food as normal part of its operations.*

3. General

- a. Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.
- b. Provide examples of your beverage offering and proposed pricing.
- c. Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.
- d. Provide an overview of key marketing activities you propose to undertake to support the business.
- e. What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?

4. Environmental Considerations

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- Waste Management
- Water consumption
- Energy consumption
- Materials utilised in plant operation, cleaning and general operations.
- Management, assessment and implementation of environmental initiatives.

5. Experience & Personnel (Weighting 20%)

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- Information on hospitality locations which you have been and are currently involved
- Provide information on your role and length of time at each location.
- Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.
- Provide an overview on how you intend to staff the offering.
- Are you an investor or independent operator?

6. Design, Fit Out and Concept (Weighting 20%);

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. Financials (Weighting 30%)

Please note that full completion of this section is required in order to meet the selection criteria.

- Proposed Rent per annum exclusive of GST
- Outline any proposed incentive requests if applicable.
- Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

Metier, who is acting on behalf of the City to lease the hospitality and retail spaces, commenced the leasing campaign for the hospitality space on 5 December 2018. The campaign included general advertising and targeted approaches towards operators that aligned with the weighted criteria. It was particularly focused on boutique operators and brands that were not currently located in Fremantle.

The campaign resulted in receiving one offer from Fremantle Doctor Restaurant and Bar Pty Ltd (FDRB). The City received the initial offer from FDRB in May 2019. Terms were negotiated over a period of seven months resulting in a recommendation being brought to Council for consideration.

At the Ordinary Meeting of Council on the 29th January, Council resolved to approve a Lease between the City of Fremantle and the Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle; and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease. The council approval included amendments to the original terms and conditions that had been proposed by the prospective tenant. The amended terms and conditions are outlined in 'FPOL2001-9 Proposed Lease for Civic Building Hospitality Space'.

Officers proceeded to finalise negotiations based on amended terms and conditions which resulted in the prospective tenant requesting further changes to terms and conditions which were not in line with those approved by Council. As a result, on the 3rd March 2020 officers advised FDRB Pty Ltd that the City will be declining the revised offer and will be putting the leasing opportunity back out to tender. FDBAR were advised that they can re-apply as part of the tender process.

FINANCIAL IMPLICATIONS

The amendment of selection criteria does not pose any considerable financial implications however may result in a different rate of rental return and/or incentive contribution in line with market expectations for respective types and sizes of hospitality operators that may be eligible. Any notable financial implications will be presented to council as part of a tender approval process.

LEGAL IMPLICATIONS

In accordance with Council's Leasing of City Property in a competitive manner policy the City is obligated to advertise commercial properties in an open and competitive manner when they become available for lease.

With respect to the manner in which the City can lease commercial property, any lease must comply with the requirements of Section 3.58 of the Local Government Act 1995; the Commercial Tenancy (Retail Shops) Act 1985 (WA) (Retail Shops Act); and the Commercial Tenancy (Retail Shops) Agreements Regulations 1985 (WA).

CONSULTATION

The premise has been marketed via standard real estate channels online as well as advertising in the West Australia Real Estate section for a period of six weeks. Metier in conjunction with City officers have and will continue to target a database of over 100 contacts external to Fremantle. These companies, brands and individuals have been approached individually regarding the hospitality opportunity within the City's civic building.

Any future tender that is inclusive of the selection criteria proposed will be advertised in an open and competitive manner and via standard real estate marketing channels. Companies on the existing database will be reinvited to apply.

Leasing Process

The City will undertake a process in line with Section 3.58 of the Local Government Act 1995 which relates to disposing of property. Under this section 'dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not; and property includes the whole or any part of the interest of a local government in property, but does not include money.

Pursuant to section 3.58 the City will undertake the following process:

- Deliver a public tender process in line with the City's purchasing policy that invites submissions addressing a set of council approved criteria.
- Upon selection of the preferred tenderer and agreement on lease terms and conditions, proposed lease terms and conditions will be presented to council for approval.
- Should no compliant tenders be received, and the City is required to pursue the disposal of the property outside of a tender process, the City will be required to give public notice of the agreed terms associated with any disposal, and invite public submissions over a period of no less than 2 weeks.
- The details provided as part of the public submission process will include but may not be limited to:
 - the names of all other parties concerned; and
 - the consideration to be received by the local government for the disposal; and;
 - the market value of the disposal, which is to be determined no more than 6 months prior the proposed date of disposal, or by resolution of council if the valuation was obtained more than 6 months prior.
- Any public submissions received would be presented to council for consideration prior to the full execution of any lease secured outside of a tender process.

OFFICER COMMENT

Lettable commercial space being offered as part of the City's new civic building has come on to the market at a challenging time for the retail and hospitality sectors. Feedback collected directly from prospective tenants via the City's leasing agent has suggested that operators who currently maintain a national and/or international presence have put a hold on considering any new premises in Australia, let alone WA or Fremantle. This is based on many operators deciding to consolidate operations within existing locations to mitigate current risks associated with unfavourable economic conditions, as opposed to making any moves to expand.

This has been coupled with a preference from prospective tenants to consider space that is already constructed so that they can adequately determine the physical 'look and feel' of the space and also consider its surrounding environment (foot traffic, design, activation etc.). Given Kings Square remains under construction, many have opted to 'wait and see' before making a decision to invest.

Whilst the current criteria approved by council is sound and would result in a strong outcome, the criteria coupled with the increasingly challenging leasing environment may be resulting in a limited response to the opportunity.

Initial feedback has suggested that an adjustment in the current selection criteria may facilitate a greater response and therefore the ability to negotiate a more favourable outcome for both the City and prospective tenants.

Officers believe that there is merit in maintaining the current criteria, although it may benefit from having mandatory and desirable criteria slightly reprioritised in order to encourage engagement with a broader number of operators.

To do this officers propose shifting the following criteria out of 'mandatory' and in to 'desirable' criteria:

- *“Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.”*
- *“Be a business that is considered a “destination” in itself.”*

It is also proposed that the assessment of desirable criteria is based on the extent to which 'some or all' of the desirable criteria are met, as opposed to presenting an expectation that all desirable criteria should be met collectively.

On this basis the proposed amended set of criteria would be as follows:

1. *The following criteria is mandatory and must be met in order to be considered for the tenancy:*
 - a. *Pay market rent.*
 - b. *Not sell takeaway or packaged alcohol.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Be externally focused and physically integrate with the public realm.*
2. *The following criteria is desirable and businesses able to meet some or all of this criteria will be considered more favourable than others who do not:**
 - a. *12 – 16 hours per day operation.*
 - b. *Businesses that operate later in the day over businesses that operate earlier in the day.*
 - c. *Seven days per week trading, with a minimum of six days per week.*
 - d. *A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle's overall visitor offering.*
 - e. *A business that does not sell takeaway food as normal part of its operations.*
 - f. *Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.*
 - g. *Be a business that is considered a “destination” in itself.*

**Note: Whilst only submissions that align with some or all of the desirable criteria will be considered, businesses are also invited to provide a second submission outlining alternative concepts that may or may not align with the criteria below.*

3. **General**

- a. *Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.*
- b. *Provide examples of your beverage offering and proposed pricing.*
- c. *Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.*
- d. *Provide an overview of key marketing activities you propose to undertake to support the business.*
- e. *What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?*

4. **Environmental Considerations**

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- *Waste Management*
- *Water consumption*
- *Energy consumption*
- *Materials utilised in plant operation, cleaning and general operations.*
- *Management, assessment and implementation of environmental initiatives.*

5. **Experience & Personnel (Weighting 20%)**

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- *Information on hospitality locations which you have been and are currently involved*
- *Provide information on your role and length of time at each location.*
- *Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.*
- *Provide an overview on how you intend to staff the offering.*
- *Are you an investor or independent operator?*

6. **Design, Fit Out and Concept (Weighting 20%):**

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. **Financials (Weighting 30%)**

Please note that full completion of this section is required in order to meet the selection criteria;

- *Proposed Rent per annum exclusive of GST*
- *Outline any proposed incentive requests if applicable.*

Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

It should be noted that whilst an agreed set of criteria can assist in selecting a proposed concept, terms and conditions provided within a lease must be in line with the Commercial Tenancy (Retail Shops) Act 1985 (WA) (Retail Shops Act); and the Commercial Tenancy (Retail Shops) Agreements Regulations 1985 (WA). Criteria such as opening hours and nature of the business's operations cannot be controlled under a lease.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council approve the following assessment criteria for the City's ground floor commercial hospitality space located adjacent to the Walyalup Civic Centre:

Council Criteria and Overview of Business (Weighting 30%)

1. *The following criteria is mandatory and must be met in order to be considered for the tenancy:*
 - a. *Pay market rent.*
 - b. *Not sell takeaway or packaged alcohol.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Be externally focused and physically integrate with the public realm.*

2. *The following criteria is desirable and businesses able to meet some or all of this criteria will be considered more favourable than others who do not:**
 - a. *12 – 16 hours per day operation.*
 - b. *Businesses that operate later in the day over businesses that operate earlier in the day.*
 - c. *Seven days per week trading, with a minimum of six days per week.*
 - d. *A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle's overall visitor offering.*
 - e. *A business that does not sell takeaway food as normal part of its operations.*
 - f. *Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.*
 - g. *Be a business that is considered a "destination" in itself.*

**Note: Whilst only submissions that align with some or all of the desirable criteria will be considered, businesses are also invited to provide a second submission outlining alternative concepts that may or may not align with the desirable criteria below.*

3. *General*
 - a. *Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.*
 - b. *Provide examples of your beverage offering and proposed pricing.*

- c. *Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.*
- d. *Provide an overview of key marketing activities you propose to undertake to support the business.*
- e. *What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?*

4. *Environmental Considerations*

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- *Waste Management*
- *Water consumption*
- *Energy consumption*
- *Materials utilised in plant operation, cleaning and general operations.*
- *Management, assessment and implementation of environmental initiatives.*

5. *Experience & Personnel (Weighting 20%)*

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- *Information on hospitality locations which you have been and are currently involved*
- *Provide information on your role and length of time at each location.*
- *Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.*
- *Provide an overview on how you intend to staff the offering.*
- *Are you an investor or independent operator?*

6. *Design, Fit Out and Concept (Weighting 20%)*

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

7. *Financials (Weighting 30%)*

Please note that full completion of this section is required in order to meet the selection criteria.

- *Proposed Rent per annum exclusive of GST*
- *Outline any proposed incentive requests if applicable.*

Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

COMMITTEE RECOMMENDATION ITEM FPOL2003-1
(Officer's amended recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

- 1. Call for public tenders for the lease of the ground floor commercial hospitality space adjacent to the new Walyalup Civic Centre in accordance with section 3.58 of the Local Government Act 1995 and part 2 below;**
- 2. Approve the following assessment criteria for the City's ground floor commercial hospitality space tender in part 1 above being:**

The City of Fremantle is seeking proposals for the development of a distinctive food and beverage venue that enhances community activity and attracts residents, workers and visitors to spend time in our new civic precinct.

It is envisaged the venue will operate every day, including morning and into the evenings. The venue shall be designed to integrate with and activate its surrounds. The menu, operating hours and business model shall be structured to offer affordable, accessible and appealing food options throughout the day for a range of customers, including but not limited to families using the playground and the Civic Centre, community members who regularly access the library and other Council activities, and those who live, work in and visit Fremantle.

It is recognised that a liquor license may be required to improve sustainability of the business, particularly those operating in to the evening, however Council seeks a venue with a focus on the sale of food and a family-friendly environment, rather than a venue that is predominately a bar. Take-away alcohol sales will not be accepted.

The tenancy is offered as a commercial lease, with financial terms and incentives may be negotiated with the proponents. Such negotiations may reflect the extent to which the tenancy delivers the mentioned outcomes envisaged by the City.

The following information is required to assist the City in determining the most suitable proponent:

Suitability of contractual terms;

The tenancy forms part of the City's commercial property portfolio and as such is seeking to achieve an outcome that is commercial in nature and in line with current market expectations. Please provide details on the following:

- Proposed rent payable**
- The duration of lease being requested**
- Any proposed financial incentives being requested**
- Level of contribution from the tenant for fitout**

Suitability of business;

The tenancy is located in the Kings Square precinct directly adjacent to the newly constructed Walyalup Civic Centre. Due to the prominence of this location it is the City's preference that the tenancy is family friendly in nature and remains activated for as long as possible, which in addition to during the day may include in to the evenings and throughout the weekend. Please provide details on the following:

- ***Days of trade***
- ***Operating hours per day***
- ***Proposed look and feel of the concept including brand values and any visuals***
- ***Customer demographics and strategies around how you will engage each demographic in this new location, both in terms of marketing and activating the tenancy***
- ***If a liquor license is being sought provide details on the type of license and type of beverages being offered***
- ***Any initiatives or intentions to align with and/or add value to the existing business mix in the immediate area***
- ***How the business will embrace or align with the brand values of Fremantle's destination brand 'This is Fremantle'***
- ***Outline your approach to the design and fit-out of the space including the fit out concept and floor plan. Where possible, include a design brief***

Management experience;

The City is seeking an highly experienced operator who has delivered similar successful businesses in the past. Please provide details on the following:

- ***Information on hospitality locations which you have been and/or are currently involved***
- ***Provide information on your role and length of time at each location***
- ***Detail your experience in applying for Liquor Licenses including its outcome and/or in operating a licensed venue***
- ***Provide an overview on how you intend to staff the offering***
- ***Specify whether you are an investor, independent operator, or franchisee***
- ***Provide information (business plan/financials) that demonstrates the financial and operational sustainability and capacity of the business***

Environmental objectives;

Please provide details on proposed approaches to the following with regard to achieving environmental sustainability outcomes:

- ***Waste management***
- ***Water consumption***
- ***Energy consumption***
- ***Materials utilised in plant operation, cleaning and general operations***
- ***Management, assessment and implementation of environmental initiatives***

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

The amended recommendation incorporates the public tender process and broadens the tender criteria to attract more diverse businesses.

Cr Andrew Sullivan Moved to refer the item to the Ordinary Meeting of Council on Wednesday, 25 March 2020 for Council decision.

Seconded: Cr Bryn Jones

At the ordinary meeting of council the following decision was made by the Presiding Member:

PRESIDING MEMBER DETERMINATION

Councillor Marija Vujcic proposed an amendment to the Committee Recommendation as follows:

‘That the scope of works befitting a Civic building be developed and that we develop our criteria from there.’

The Presiding Member determined that he did not consider the proposed amendment to be a minor amendment and therefore could not be moved as the required notice had not been given, to move an amendment, in accordance with the City’s Meeting Procedures.

COUNCIL DECISION ITEM FPOL2003-1
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

- 1. Call for public tenders for the lease of the ground floor commercial hospitality space adjacent to the new Walyalup Civic Centre in accordance with section 3.58 of the Local Government Act 1995 and part 2 below;**
- 2. Approve the following assessment criteria for the City’s ground floor commercial hospitality space tender in part 1 above being:**

The City of Fremantle is seeking proposals for the development of a distinctive food and beverage venue that enhances community activity and attracts residents, workers and visitors to spend time in our new civic precinct.

It is envisaged the venue will operate every day, including morning and into the evenings. The venue shall be designed to integrate with and activate its surrounds. The menu, operating hours and business model shall be structured to offer affordable, accessible and appealing food options throughout the day for a range of customers, including but not limited to families using the playground and the Civic Centre, community members who regularly access the library and other Council activities, and those who live, work in and visit Fremantle.

It is recognised that a liquor license may be required to improve sustainability of the business, particularly those operating in to the evening, however Council seeks a venue with a focus on the sale of food and a family-friendly environment, rather than a venue that is predominately a bar. Take-away alcohol sales will not be accepted.

The tenancy is offered as a commercial lease, with financial terms and incentives may be negotiated with the proponents. Such negotiations may reflect the extent to which the tenancy delivers the mentioned outcomes envisaged by the City.

The following information is required to assist the City in determining the most suitable proponent:

Suitability of contractual terms;

The tenancy forms part of the City's commercial property portfolio and as such is seeking to achieve an outcome that is commercial in nature and in line with current market expectations. Please provide details on the following:

- ***Proposed rent payable***
- ***The duration of lease being requested***
- ***Any proposed financial incentives being requested***
- ***Level of contribution from the tenant for fitout***

Suitability of business;

The tenancy is located in the Kings Square precinct directly adjacent to the newly constructed Walyalup Civic Centre. Due to the prominence of this location it is the City's preference that the tenancy is family friendly in nature and remains activated for as long as possible, which in addition to during the day may include in to the evenings and throughout the weekend. Please provide details on the following:

- ***Days of trade***
- ***Operating hours per day***
- ***Proposed look and feel of the concept including brand values and any visuals***
- ***Customer demographics and strategies around how you will engage each demographic in this new location, both in terms of marketing and activating the tenancy***
- ***If a liquor license is being sought provide details on the type of license and type of beverages being offered***
- ***Any initiatives or intentions to align with and/or add value to the existing business mix in the immediate area***
- ***How the business will embrace or align with the brand values of Fremantle's destination brand 'This is Fremantle'***
- ***Outline your approach to the design and fit-out of the space including the fit out concept and floor plan. Where possible, include a design brief***

Management experience;

The City is seeking an highly experienced operator who has delivered similar successful businesses in the past. Please provide details on the following:

- **Information on hospitality locations which you have been and/or are currently involved**
- **Provide information on your role and length of time at each location**
- **Detail your experience in applying for Liquor Licenses including its outcome and/or in operating a licensed venue**
- **Provide an overview on how you intend to staff the offering**
- **Specify whether you are an investor, independent operator, or franchisee**
- **Provide information (business plan/financials) that demonstrates the financial and operational sustainability and capacity of the business**

Environmental objectives;

Please provide details on proposed approaches to the following with regard to achieving environmental sustainability outcomes:

- **Waste management**
- **Water consumption**
- **Energy consumption**
- **Materials utilised in plant operation, cleaning and general operations**
- **Management, assessment and implementation of environmental initiatives**

Carried: 10/1

For
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against
Cr Marija Vujcic

FPOL2003-8 NOTICE OF MOTION BY CR SAM WAINWRIGHT – REQUEST FOR CONSULAR SUPPORT FOR JULIAN ASSANGE

Meeting date:	11 March 2020
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Agenda attachments:	1. Nil
Additional information:	1. Interview with Nils Melzer the UN Special Rapporteur on Torture and Cruel and Degrading Treatment (31 January 2020) 2. Amnesty International statement (21 February 2020)

ELECTED MEMBER SUMMARY

WikiLeaks publisher Julian Assange is in very poor health and threatened with extradition from the UK to the USA to face espionage charges for his publishing activity. If convicted, he faces 175 years imprisonment and therefore needs urgent consular support to help him prepare his defence.

Allowing the extradition of a non-US citizen to face charges for alleged crimes not even committed on US soil would create an extraordinary legal precedent, effectively endorsing US extraterritorial authority over the whole world. It would also amount to a serious attack on free speech and the ability of journalists to do their job.

Amnesty International's Deputy Director for Europe, Massimo Moratti has said the UK must not extradite Mr Assange to the US because of his organisations concerns for his human rights in the event that should happen.

UN Special Rapporteur on Torture and Cruel and Degrading Treatment Nils Melzer has also expressed his grave concern about Mr Assange's conditions of detention and ability to receive a fair trial should he be extradited. In an interview on ABC Radio National Melzer warned that Mr Assange could die in prison before going to trial and asserted that the British Government's handling of the extradition could contravene international human rights law.

A petition initiated by broadcaster Phillip Adams and signed by over 300,000 people calling for the release of Mr Assange was tabled in the federal parliament (on 10 February in the House of Representatives by Andrew Wilkie MP, and in the Senate on 12 February by Senator Peter Whish-Wilson).

Julian Assange is an Australian citizen and as such it is the fundamental responsibility of the Australian Government to ensure his human rights are not violated.

REASON FOR MOTION

In response to a request by community members including the Perth 4 Assange campaign group asking that the City of Fremantle council take a public position on the issue. Similar resolutions have been passed by City of Darebin, City of Yarra, City of Moreland and Byron Shire Council.

OFFICER COMMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM FPOL2003-8 (Committee recommendation)

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

Council:

1. Does not support the extradition of Julian Assange from the UK to the US.
2. Write to the Australian Foreign Affairs Minister requesting that the Australian Government take immediate action to ensure British authorities protect the human rights of Julian Assange and that his health conditions are addressed as a matter of priority.
3. Issue a public statement for dissemination through its regular media channels advising of the council's position and inform the federal member for Fremantle of the same.

Carried: 9/2

For
Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against
Cr Marija Vujcic, Cr Doug Thompson

**FPOL2003-9 NOTICE OF MOTION BY CR MARIJA VUJCIC – PROBITY
AUDIT, HOSPITALITY LEASE**

Meeting date: 11 March 2020
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil

ELECTED MEMBER SUMMARY

Oath of Office

“.....having being elected to the office of Councillor of the City of Fremantle, declare that I take the office upon myself and will duly, honestly and with integrity fulfill the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the Local Government (rules of conduct) and regulations 2007”.

It is incumbent upon us as the elected Councillors and custodians for protecting financial and community interests of Fremantle ratepayers and to scrutinise the process, implications and costs associated with purchases and services which extends to lease negotiations of significant value: financial, community and reputation.

As elected Councillors we are not only duty bound but required to observe the Policy Objective, as stated in the City of Fremantle Investments: Property and Other Non-Current Assets Policy:

“... primary objective in relation to the investment of funds is to maximise the return of those investments to provide an ongoing source of funding to help the City meet its community service obligations and thereby minimise the rate impost on ratepayers...

[Policy] to maximise returns on the City’ investments and ensure that the existing investment base is not eroded.”

Our City of Fremantle policies and guidelines are predicated on common law and statute legislation which underpin the principles required for transparency, governance, and accountability. In particular, financial arrangements that use and negotiate large amounts of ratepayers’ money, require us to exercise a high standard of scrutiny in our fiduciary duty.

As elected Councillors our Oath of Office delegates to us the responsibility and often the burden of making decisions without fear or favour.

Our policies and processes are based on compliance with the Local Government Act, ‘the Act’ and regulations which clearly articulate the simple Objectives and Principles of good governance achieved through:

- Open and Competitive Tendering
- Ensuring a high level of transparency, probity and accountability
- Open and Competitive tendering
- Ensuring a high level of transparency, probity and accountability
- Adopting a best value approach

- Fulfilment of our fiduciary duty and duty of care to our electors/ constituents who elected us to represent their best interests.

The Local Govt Act, 1995 and the relevant Regulations, require the utmost stringency in the application of due processes that do not expose ratepayers to high levels of risk.

The Risk Management Policy and the Risk Management Guidelines form the City of Fremantle Risk Management Framework. And within that Framework, risk is identified as

“the effect of uncertainty on objectives, and an effect is either a positive or negative deviation from what is expected.

The strong prima facie case points to the major financial variations that have taken place from the original scope and criteria of the EOI.

Therefore, in terms of Reputation, this puts governance into question, and potentially, without independent scrutiny, the City at risk for future financial activity.

In the Risk Management Guidelines, Under Table 1- Risk Reference Consequence Rating:

The Risk Category applied to a Financial Impact of \$1-4 million is Major.

The flow on effects from this are unsubstantial to the community and particularly the Risk Category of Reputation.

The specific Policy under which the City of Fremantle and its Officers are required to comply is the *Leasing of City property in a Competitive Manner* which clearly states:

“This Policy enables interested parties to compete in an open and competitive manner for City land and properties...when they become available for lease. It aims to achieve a strong financial return on investment and strong community outcomes from the City’s property portfolio”.

Councillors are obligated to, in exercising our fiduciary duty, to get the best market value for our investors, the ratepayers. Our role as the community’s representatives requires us to pursue an outcome for this space in alignment with the community’s expectations.

This Motion provides the ‘check and balance’ required to ensure that the right decision is made in the best interests of ratepayers, in an independent review of the process taken since 2018 about the Lease arrangements and negotiations: costs, determination of criteria, variations of arrangements, targets, advertising, everything involved to the recent withdrawal of the proponent and proposal, and its alignment with our purpose and role as protectors of ratepayer monies and interests, and the purpose of the hospitality space for lease within our original criteria for the Civic Building.

The negative feedback from ratepayers is enough reason for Councillors to provide that additional scrutiny that this motion would provide for the City of Fremantle.

If in doubt, then go the extra mile to restore confidence in our elected members. This Motion provides Councillors with the power to act.

OFFICER COMMENT

An item was presented to the January 2020 ordinary council meeting seeking consideration of terms between the City and proposed tenant to lease the hospitality space within the new civic building in Kings Square. At this meeting council resolved a counter offer proposal.

Officers have presented the counter offer to the proposed tenant and received a counter offer from the proposed tenant.

The proposal from the tenant was outside the parameters of the council decision from January, 2020, and therefore was declined and the propose lease negotiations concluded.

The negotiations for the proposed lease were conducted in accordance with section 3.58 of the Local Government Act 1995. This section states;

“3.58. Disposing of property

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

- (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

It is considered that a review of probity would need to be undertaken in accordance with the requirements of section 3.58 of the Local Government Act 1995 and decisions made by council in negotiating the conditions of the proposed lease which led to the council decision in January, 2020, albeit that the lease has now not proceeded.

Officers have yet to seek a formal quote to undertake such an audit and it is difficult to do so without specific terms. The cost of such could be estimated to be between \$5,000 and \$10,000.

The City has used a probity auditor in the past. These have been for procurement matters when dealing with multiple tenderers to ensure equity in providing information to tenders, clarifying questions in the tender process and evaluation against the tender criteria. In this instance it is considered more of a process audit of legislation and relevant council policy.

Due to the fact that the specific proposed lease negotiations with Fremantle Doctor Bar and Restaurant Pty Ltd have concluded, officers do not consider an audit of this process necessary in this instance.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-9
(Elected Member motion)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

That Council engage an Independent Probity Auditor to assess the financial, reputational and community risk in the Council's proposed lease for the Civic Building Hospitality Space.

LOST: 0/7

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

COUNCIL ITEM FPOL2003-9
(Elected Member motion)

Moved: Cr Marija Vujcic

Seconded: Mayor, Brad Pettitt

That Council engage an Independent Probity Auditor to assess the financial, reputational and community risk in the Council's proposed lease for the Civic Building Hospitality Space.

LOST: 1/10

For
Cr Marija Vujcic

Against
**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**FPOL2003-10 PROPOSED SPECIAL MEETING OF COUNCIL TO CONSIDER
MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF
ELECTORS**

Meeting date: 11 March 2020
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to seek approval for a proposed Special Meeting of Council to consider the motions moved at the Annual General Meeting of Electors (AGME).

This report recommends that Council approves the holding of a Special Meeting of Council on Wednesday, 22 April 2020 at 6.00 pm in the North Fremantle Community Hall, to consider the motions moved at the Annual General Meeting of Electors held on 9 March 2020.

BACKGROUND

The City's Annual General Meeting of Electors/Special Meeting of Electors policy requires the motions moved at the AGME be considered at a Special Meeting of Council. The details of the Special Meeting of Council will be determined at the Ordinary Meeting of Council following the annual general meeting of electors.

FINANCIAL IMPLICATIONS

There are no financial implications related to this report.

LEGAL IMPLICATIONS

Local Government Act 1995
Section 5.4, Calling Council meetings

CONSULTATION

No consultation was undertaken in relation to this report.

OFFICER COMMENT

In order to comply with the requirements of the *Local Government Act 1995* and the Annual General Meeting of Electors / Special Meeting of Electors policy, the special meeting to consider the motions moved at the AGME is to be held before the Ordinary Council Meeting scheduled for 29 April 2020.

There is already a meeting of the Strategic Planning and Transport Committee scheduled for this date, this meeting will be amended to accommodate the Special Council Meeting.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2003-10

(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve to hold a Special Meeting of Council on Wednesday, 22 April 2020 at 6.00 pm in the North Fremantle Community Hall, Fremantle to consider the motions moved at the Annual General Meeting of Electors held on 9 March 2020.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

ADDITIONAL OFFICER COMMENT

Given current uncertainties it seems prudent not to specify an exact location for this meeting to be held but to leave the location open to allow flexibility in responding to any new social distancing or other measures that may eventuate in the coming weeks.

COUNCIL ITEM FPOL2003-10

(Amended officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approve to hold a Special Meeting of Council on Wednesday, 22 April 2020 at 6.00 pm ~~in the North Fremantle Community Hall, Fremantle~~ to consider the motions moved at the Annual General Meeting of Electors held on 9 March 2020.

Lost: 0/11

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

12.3 Strategic Planning and Transport Committee 18 March 2020

SPT2003-2 DEPARTMENT OF TRANSPORT'S DRAFT PERTH LONG TERM CYCLE NETWORK

Meeting Date:	18 March 2020
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Committee
Agenda Attachments:	1. Map of the Department of Transport draft Long Term Cycle Network 2. Comparison Maps and description of the draft Long Term Cycle Network and City's Bike Plan
Additional Information:	1. Department of Transport referral of draft Long Term Cycle Network & Request for Endorsement

SUMMARY

The Department of Transport (DoT) drafted a metropolitan Long Term Cycle Network (LTCN) plan in 2016 to support the *Perth and Peel @ 3.5 Million* planning initiative. However it was recognised the initial draft did not involve the input of local government, and DoT has subsequently been consulting with local government across the region to refine the plan. The DoT is now seeking support from Councils on the revised LTCN. The LTCN seeks to provide a long term plan for cycling routes across Perth and Peel and will also link to the annual DoT cycling infrastructure grant process.

The purpose of this report is to consider the draft Perth Long Term Cycle Network and to determine Council's position on this. The Network plan is generally consistent with the City's Bike Plan (adopted August 2019), excepting seven additional cycling routes and five variations to the Bike Plan, as described in the Officer Comment section and attachment to this report. Whilst officers maintain a preference for the route alignments outlined in the Bike Plan (and have been liaising with DoT staff on this over the last year), the variations are acknowledged to be minor.

This report consequently recommends that Council:

1. Notes the Department of Transport's draft Perth Long Term Cycling Network as provided in Attachment 1 and the variations it proposes to the City's Bike Plan outlined in Attachment 2.
2. Endorses the Department of Transport's draft Perth Long Term Cycling Network as an aspiration long term plan but advise the Department that consideration should be given in the development and delivery of the network to the alternative routes identified along Thompson Road, Marine Terrace and Forsyth Street through community engagement on the Bike Plan.

BACKGROUND

The Department of Transport (DoT) has written to the City requesting Council's endorsement of the Long Term Cycle Network (LTCN) it has developed (refer Additional Information 1).

The LTCN aims to improve connectivity of the current cycling network and ensure future projects are delivered in a coherent manner. Once complete, the LTCN will provide a complete cycling network for the Perth and Peel region. The project objective is to develop a cycling network which provides safe and attractive cycle routes, with the focus being on providing continuous routes along major corridors establishing links between Perth's various strategic, secondary, district, specialised activity centres and public transport services.

The plan applies a route hierarchy consisting of:

- Primary routes – high demand corridors connecting major destinations forming the 'spine' of the network; fully separated, uninterrupted paths e.g. Principal Shared Paths (PSP).
- Secondary routes – lower demand routes providing connections between Primary routes and shopping/industrial/major health, education, sporting and civic activities; combination shared paths, protected on and off road paths.
- Local routes – local residential routes connecting into secondary and primary routes and locations; shared paths, protected bike lanes and low speed and low traffic volume shared streets. May involve Safe Active Street treatment and bike friendly Local Area Traffic Management (LATM) treatments. Can utilise existing quiet local streets and include wider footpaths.

This hierarchy was used in the development of the City's Bike Plan.

The DoT note the LTCN will represent the aspirational ('ultimate') cycling network across Perth and Peel. It will not constitute a firm commitment from local governments or DoT to deliver the identified network or identify prioritisation or any particular timelines for the delivery, but it will inform planning and design, and grant allocation. It should be considered a 'live' network and subject to refinements and changes as required.

Council's endorsement of the plan is sought in acknowledgement of the ongoing collaboration necessary between state and local government in delivery of an upgraded network.

OFFICER COMMENT

The draft LTCN is broadly consistent with the City's Bike Plan, officers having collaborated in the development of both documents. The LTCN does, however, propose seven additional routes and five variations to the City's adopted Bike Plan, as outlined in the following table and Attachment 2. Numbers and route description correlate with the maps in the second attachment to this report.

LTCN <i>additional</i> routes to the Bike Plan		DoT Rationale for inclusion in LTCN
1	<p>Local route from existing separated path along Port Beach Road, North Mole Drive, Kooronga Place and Rous Head Road to Rous Head ferry terminal.</p> <p>Bike Plan did not include due to conflict with port freight traffic and consultation with Fremantle Ports (Local route typology does not necessarily include fully separated paths which would be required to ensure a safe and comfortable ride).</p>	<p>DoT long term planning is to retain the Local route to Rous Head in the LTCN, given the nature of the public ferry services that operate from Rous Head, and to provide access to these services.</p>
2	<p>Primary Route from North Fremantle train station along Queen Victoria Street, Stirling Highway, Stirling Bridge to Local route at Sewell Street (East Fremantle).</p> <p>Bike Plan identifies a Duke Street (in East Fremantle) Stirling Bridge route as a Local route, with preference for the Primary route to be across Fremantle Traffic Bridge connection into Perth to Fremantle PSP.</p>	<p>The LTCN will retain the Primary route from King Street/Canning highway to North Fremantle train station as it is on the major road network and important river crossing and will require a future separated path.</p>
3	<p>Local route from East Fremantle along George Street, Dorothy Street to Tuckfield Street</p> <p>Bike Plan identifies the east-west Local route to be along Forrest Road, connecting to a future Secondary route at East Street and Ellen Street.</p>	<p>The LTCN will retain this additional Local route along George Street as a connection from the activity area in East Fremantle to the Fremantle Local route network (Town of East Fremantle).</p>
4	<p>Local route from East Street along Vale and Finnerty Street to connect to Ord Street Secondary route.</p> <p>Bike Plan does not identify this as a Local route.</p>	<p>The LTCN will retain these additional Local routes along Finnerty Street and Vale Street to connect the Secondary routes of Marmion Street/East Street and to Ord Street, adjoining origin/destination areas of the high school, Fremantle Arts Centre and Leisure Centre.</p>
5	<p>Local route from James Street Secondary route along Tuckfield Street to Canning Highway connecting to Fremantle Traffic Bridge and river Primary routes.</p> <p>Bike Plan does not identify this as a Local route.</p>	<p>The LTCN will retain the Local route along Tuckfield Street to Canning Highway to connect from the Secondary route of James Street to public open space (Cantonment Hill) and existing and future Primary routes at Fremantle traffic bridge.</p>
6	<p>Local route along Peter Hughes Drive.</p> <p>The Bike Plan did not include due to the route being within Fremantle Port Authority land and could be closed at any time, and to</p>	<p>The LTCN will retain the Local Route along Peter Hughes Drive as this path already exists.</p>

	reiterate the importance of a Primary route along Beach Street in the future (to connect to the future Perth/Fremantle PSP).	
7	<p>Continues the Attfield Local route from Stevens Street through Fremantle Hospital to connect to the Fremantle Prison and Fothergill Street/Fairbairn Street to Parry Street.</p> <p>Bike Reference Group discussion recommended the prison was not a bike destination (and lack of permeability through the hospital) though this could change long term if/when the hospital and Fremantle Oval is redeveloped.</p>	The LTCN will retain the Local Route along Attfield Street and Fothergill Street to show a long term aspiration for local connectivity through these corridors if the Fremantle Hospital or Fremantle Oval sites are redeveloped in the future.
LTCN and Bike Plan <i>differences</i>		DoT rationale for omission in LTCN
8	<p>Bike Plan includes an alternative Local route from the northern river PSP, Thompson Road, Stirling Highway crossing to Harvest Road, North Fremantle town centre to Fremantle Traffic Bridge. Identified as a route through community consultation.</p>	The LTCN will show the main route identified in the City's Bike Plan (Rule Street) and will not show alternate routes (Thompson Road) as it is considered a duplicate route.
9	<p>Bike Plan includes a Local route from Stirling Bridge to Marmion Street along Duke Street rather than King Street (Town of East Fremantle).</p> <p>The King Street route was considered in the development of the Bike Plan, but route/crossing analysis and community consultation identified a more convenient route along Duke Street. Note this is within the Town of East Fremantle.</p>	This Local route is located in the Town of East Fremantle and the LTCN will reflect the Town's preference for the King Street route.
10	<p>LTCN does not include Marine Terrace as a Secondary route.</p> <p>Bike Plan includes Marine Terrace as a Secondary route for more confident/faster cyclists and alternative route parallel to the coastal PSP and Local route of South Terrace.</p>	The LTCN avoids identifying parallel routes in close proximity, which are duplicate LTCN routes. As such the LTCN will show the Primary Route along the coast and Local route along South Terrace but will not include a Secondary Route along the Marine Terrace corridor.
11	<p>Bike Plan includes an alternative Local route from the Secondary route of Carrington Street, Forsyth Street, Stock Road (LTCN future Primary route) to Boon Street (Willagee, City of Melville) with an alternative Local route on Garling Street.</p>	The LTCN will retain the main route identified in the City's Bike Plan (Sainsbury Street) and will not show the alternative route of Forsyth Street due to duplication.

	Alternative route identified via discussion with City of Melville officers and community engagement.	Garling Street is identified as a Local route in the LTCN.
12	Bike Plan includes the Hollis Park route (separated path in South Fremantle from South Beach to Rockingham Road/Cockburn Road/Hampton Road intersection) as a Primary Route: as it connects into the Primary coastal path and future Rockingham Road route (City of Cockburn)	The LTCN will identify this route as a Secondary route (rather than a Primary route) given the Secondary route classification of Rockingham Road and Clontarf Road.

The City’s Bike Plan utilises the DoT LTCN three route typologies of Local, Secondary and Primary routes, but recognises the urban environment of the city centre would require a different treatment to a standard typology due to interfaces with the West End, Round House, Fishing Boat Harbour and the ‘low speed core’ principle for the city centre.

The additional routes proposed on the LTCN to the City’s Bike Plan build on the cycling network within and outside the municipal boundaries and so are supported.

The differences of cycle routes described in sections 8-12 in the table, whilst in officers views not always the best alternative, are neither considered particularly problematic or of major significance. It is noted the DoT advise that the LTCN is ‘live’ network and will be subject to refinements as required, subject to further liaison as planning on each route progresses. On this basis, it is recommended that Council confirm its support for the planned network.

City officers will continue to liaise with DoT on the LTCN and other cycling projects and funding opportunities.

FINANCIAL IMPLICATIONS

From July 2020, the Perth Bike Network (PBN) grant funding will only be issued to projects that form part of the agreed LTCN (albeit with potential for minor refinement).

LEGAL IMPLICATIONS

Nil.

CONSULTATION

DoT has undertaken consultation with 33 local governments, including route mapping and meetings with City officers (in conjunction with the development of the City’s Bike Plan). The City undertook extensive community engagement in the development of the Bike Plan including on-line surveys and mapping, Bicycle Reference Group workshops and community feedback at events.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

That Council

1. Notes the Department of Transport's draft Perth Long Term Cycling Network as provided in Attachment 1 and the variations it proposes to the City's Bike Plan outlined in Attachment 2.
2. Endorses the Department of Transport's draft Perth Long Term Cycling Network as an aspiration long term plan but advise the Department that consideration should be given in the development and delivery of the network to the alternative routes identified along Thompson Road, Marine Terrace and Forsyth Street through community engagement on the Bike Plan.

AMENDMENT

Moved: Cr Sam Wainwright

Seconded: Mayor, Brad Pettitt

To include Peel Street in part two of the recommendation as follows

2. **Endorses the Department of Transport's draft Perth Long Term Cycling Network as an aspiration long term plan but advise the Department that consideration should be given in the development and delivery of the network to the alternative routes identified along Thompson Road, Marine Terrace and Forsyth Street/*Peel Street* through community engagement on the Bike Plan.**

Carried: 6/0

**Mayor Brad Pettitt, Cr Sam Wainwright, Cr Adin Lang,
Cr Marija Vujcic, Cr Su Groome, Cr Geoff Graham**

Reason for change:

To provide further information on an appropriate alternative route in the Forsyth Street and Peel Street, O'Connor area.

PROCEDURAL MOTION

At 6.48pm the following procedural motion was moved:

COMMITTEE DECISION ITEM SPT2003 - 2

Moved: Cr Sam Wainwright Seconded: Mayor, Brad Pettitt

That the item be referred to Ordinary Council Meeting 25 March 2020 to allow officers to prepare an amended recommendation that identifies additional or amended North - South routes including a route through the Heart of Beaconsfield area across South Street.

Carried: 6/0

**Mayor Brad Pettitt, Cr Sam Wainwright, Cr Adin Lang,
Cr Marija Vujcic, Cr Su Groome, Cr Geoff Graham**

ADDITIONAL OFFICER COMMENT

At the Strategic Planning and Transport Committee meeting on 18 March 2020, discussion occurred regarding the suitability of routes identified. Committee members requested the preparation of a revised recommendation which:

1. Recognises the desirability of maintaining the original South West Route 7 from the Perth Bicycle Network along Peel Road as an alternative to Forsyth Road (refer Plan 1 below), providing a quieter, safer alternative to South Street, Garling Street and Leach Highway/High Street ; and
2. Incorporates an additional north-south route crossing South Street through the 'Heart of Beaconsfield' masterplan area. This would recognise the significant development planned for this area, and provide a further Green-Plan aligned link between neighbourhoods, also connecting Booyeembara Park with Bruce Lee oval, South Street Local Centre, Fremantle College and ultimately linking to South Beach. It also presents an opportunity for incorporation of a safe convenient crossing for South Street as part of the area's redevelopment. The precise alignment of this would be subject to finalisation of the masterplan, informed by Davis Park Structure Plan (currently under assessment).



Plan 1: Alternative Local Route along Peel Road (as originally proposed in Perth Bicycle Network)



Plan 2: Additional Local Route

AMENDED OFFICER RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

That Council

1. Note the Department of Transport's draft Perth Long Term Cycling Network as provided in Attachment 1 and the variations it proposes to the City's Bike Plan outlined in Attachment 2.
2. Endorse the Department of Transport's draft Perth Long Term Cycling Network as an aspiration long term plan subject to:
 - a. Inclusion of an additional north-south route through the Heart of Beaconsfield redevelopment area between the two already identified Local Routes (East Fremantle to Beaconsfield and Stevens Street to Lefroy Road). As part of this route, appropriate cycling crossings across South Street will be required to be considered in route planning and development.
 - b. The Department noting that consideration should be given in the development and delivery of the network to the alternative routes identified through community engagement on the Bike Plan along Thompson Road, Marine Terrace and Forsyth Street/ Peel Road.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Mayor, Brad Pettitt

To add Part 3 to the Amended Officer Recommendation, as shown below:

3. Encourages the State Government to provide sufficient funding and collaborates with Local Governments to progress the Perth Long Term Cycling Network in a timely manner.

Amendment carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM SPT2003-2

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

That Council

- 1. Note the Department of Transport's draft Perth Long Term Cycling Network as provided in Attachment 1 and the variations it proposes to the City's Bike Plan outlined in Attachment 2.**
- 2. Endorse the Department of Transport's draft Perth Long Term Cycling Network as an aspiration long term plan subject to:**
 - a. Inclusion of an additional north-south route through the Heart of Beaconsfield redevelopment area between the two already identified Local Routes (East Fremantle to Beaconsfield and Stevens Street to Lefroy Road). As part of this route, appropriate cycling crossings across South Street will be required to be considered in route planning and development.**
 - b. The Department noting that consideration should be given in the development and delivery of the network to the alternative routes identified through community engagement on the Bike Plan along Thompson Road, Marine Terrace and Forsyth Street/ Peel Road.***
- 3. *Encourages the State Government to provide sufficient funding and collaborates with Local Governments to progress the Perth Long Term Cycling Network in a timely manner.***

Carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

***The Presiding Member noted the numbering of the parts of the amended officer recommendation printed in the agenda should read 1 and 2 (not 3 and 4 as printed), and has been corrected in the minutes.**

Cr Bryn Jones vacated the chamber at 7.21 pm during discussion on the following item and returned at 7.24 pm prior to determination.

SPT2003 - 3 KNUTSFORD STREET PUBLIC REALM: AN URBAN DESIGN PLAN TO SUPPORT THE EVOLUTION OF A PRECINCT

Meeting date:	18 March 2020
Responsible officer:	Russell Kingdom, Manager City Design and Projects
Decision making authority:	Committee
Agenda attachments:	1. Knutsford Public Realm Plan - panels
Additional information:	1. Knutsford Public Realm Plan Study

SUMMARY

The area around Knutsford Street is now entering a transition period whereby land uses – other than industrial – are now supported to create a sustainable inner city precinct. In particular, land uses now include residential as well as creative industries. The vision is that this evolving mix of uses, together with key sustainability initiatives, over time will redefine the area as a livable and creative precinct that still values its working industrial character.

One of the physical attributes of Knutsford Street is a wide road reserve, originally engineered to support the vehicle movements and parking demands of an industrial precinct. With the changing nature of the street, this now presents an opportunity to add a connected network of pedestrian paths; street trees; and a potential to support new place activation initiatives on wide verges from a transitioning community.

The purpose of this report is to present a strategic approach to streetscape design, and identify key priorities for Knutsford Street, for Council approval.

This report recommends that Committee approves the Knutsford Street Public Realm plan (including 3 panels dated 9 March 2020) to guide infrastructure planning and upgrading.

BACKGROUND

Urban design aspects of Knutsford Street – in particular, the design of the public realm - have been discussed over several years through various design enquiries, including:

- *'Knutsford Research Project'* by the Australian Urban Design Research Centre (AUDRC), and
- *'Knutsford Street Precinct Green Spine'* by Josh Byrnes and Associates (JBA).

Development WA has approved plans for Lot1819 in Knutsford Street and has indicated its support to reinforce Knutsford Street as a 'green spine' as well as connecting the pedestrian path networks.

In anticipation of further developments – as well as responding to a growing interest within the community to be more engaged with the changes happening, it is now considered timely that the Council establishes a strategic framework to guide future improvements to the public realm in Knutsford Street.

OFFICER COMMENT

Previous Studies – Establishing A Vision

Design proposals for Knutsford Street by Australian Urban Design Research Centre (AUDRC) and Josh Byrne & Associates (JBA) draw on the industrial heritage of the Knutsford precinct and try to utilise the opportunities in the precinct - such as wide road reserve - to create an engaging and activated public domain. In addition, the proximity of Knutsford Street to major green spaces such as Booyeembara Park, golf course and Monument Hill reinforces the idea of a green corridor that increases the amount of flora/vegetation and improves biodiversity.

Although AUDRC and JBA proposals use different approaches - flexible space versus fixed space - both schemes adopt Knutsford Street as a central spine of activity within the precinct. Neither proposal has been developed in consideration of the extent of practical requirements of changes to infrastructure, services, funding or sequencing of works.

The previous schemes share two broad concepts that underpin a future vision for the area:

- *Green Spine* – street tree and vegetation planting.
- *Community Areas* – creating flexible spaces within the public realm that can be used for various functions / activities as the precinct evolves.

Urban Design Analysis of Existing Conditions

A summary of the urban design analysis that was undertaken in preparation of the Knutsford Street Public Realm plan is available as Additional Information, appended to this report. Essentially, the key findings of the existing conditions are:

- Disconnected footpath network
- Poor / inconsistent tree canopy
- Disorganised verge parking (hindering pedestrian movements)
- Constraints regarding existing services, especially overhead power.
- Uncertainty regarding development timelines.

Current ‘Policy Gap’ regarding Active Verges

The City has previously adopted various policies in regards to design, use and maintenance of road reserves/ verge areas and streetscapes. These include:

- Street and Reserve Tree Policy: Outlines how the city will plant, prune, maintain and remove trees under management and care of the City of Fremantle.
- Verge Garden Policy: Outlines the City’s approach to the verge preparation assistance scheme, mulch, plant subsidy scheme and verge garden maintenance.
- Crossover Policy: Controls the number and widths of crossovers on residential streetscape in order to minimize the impact of hardstands.

- **Parklet Policy:** Encourages the temporary use of portion of a road reserve (parking bays) for community-driven activities, with a clear city-centre focus.

Although these policies are partially relevant, none fully address an objective of encouraging ‘active verges’ in a mixed residential / industrial area.

It is considered that Knutsford Street would be an ideal ‘model street’ to develop a comprehensive policy that encourages active uses on wide verges. If successful, such an approach may lend itself to other areas in Fremantle.

Knutsford Street Public Realm Plan – Key Principles

The following principles have been developed for the Knutsford Street Public Realm plan:

<i>Walkability and Active Transport</i>	Provide safe, legible, connected and attractive pedestrian pathways through the precinct. Paths should be wide enough to also cater for slow-speed recreational cyclists.
<i>Landscape Improvements</i>	Introduce more street trees and verge planting to create a green, shady spine. Existing landscape should be conserved and added too, wherever possible.
<i>Flexible Street Design</i>	An overarching objective should be to ‘calm’ traffic speeds; improve on-road cycling in a shared environment; and develop innovative ways to encourage more active uses on verges.

Key Priorities and Short-Term Actions

The Knutsford Street Public Realm Plan (Attached) proposes that the following key priorities and actions shall become the City’s focus for the precinct in terms of public realm improvements:

Key Priorities

- 1 *Path Network*
Provide safe, legible, connected and attractive path network throughout the precinct.

Actions

- 1.1 Extend the pedestrian path network through conditions on land subdivisions.
- 1.2 Seek funding through the City’s Capital Works Program to complete any remaining gaps in the footpath network.
- 1.3 Pursue formalising of car parking on verge areas through developing a pedestrian path network plan.

- | | |
|---|---|
| <p>2 <u>Street Trees</u>
<i>Provide a dense and continuous shade canopy for pedestrians and to establish Knutsford Street as a 'green spine'.</i></p> | <p>2.1 Pursue infill street tree planting through conditions on land subdivisions.</p> <p>2.2 Seek funding through the City's Capital Works Program to complete any remaining gaps in the street tree canopy.</p> |
| <p>3 <u>Cycle Friendly Street</u>
<i>Add street art and BAS signage to road at key areas along the Knutsford Street to slow vehicles and identify the street as shared space for cycling.</i></p> | <p>3.1 Engage with stakeholders to develop ideas around community art and designs for applying colour / images to the road surface.</p> |
| <p>4 <u>Active Verge Policy</u>
<i>Preparation of a guiding policy for design, approval, implementation and management of 'active verge' treatments.</i></p> | <p>4.1 Commence community consultation to prepare a guiding policy for creating and managing 'active verge areas, in the Knutsford precinct.</p> |

Long-Term Options

The following items could be pursued subject to funding availability as well as sustained community involvement, as the precinct evolves in the future:

1. Traffic Calming and Place Activation

Opportunities to further calm the traffic in the street by introducing verge build-outs and/or other infrastructure changes to physically narrow the street at key locations. These interventions would also allow for the expansion of 'active verge' initiatives.

2. Infill Planting

Additional greening through infill tree planting and vegetation planting could be introduced in relation to the public realm (additional space on build-outs) as well as private open spaces that impact on the quality of the public realm within the new developments.

Alignment with Existing Strategic Documents

The Knutsford Street Public Realm plan is consistent with the City's following key Strategic Documents:

- Greening Fremantle: Strategy 2020
- Urban Forest Strategy
- Integrated Transport Strategy 2015
- Fremantle Bike Plan 2019-24

It is noted that the recently adopted Bike Plan clearly identifies Knutsford Street as part of the local cycling network. This means that cyclists will share the road space with

vehicles in a low-speed, low volume environment. In addition, slow speed cycling - particularly for the non-confident rider or children - will be able to share the footpaths with pedestrians.

FINANCIAL IMPLICATIONS

Short-Term

There are no immediate financial implications to this report.

It is anticipated that most enhancements to verges will be funded over time through upgrading works as part of land development.

In addition, the City has an ongoing tree-planting program and footpath construction program which could be directed towards this precinct as part of the City's annual works. In particular, these programs could be targeted at existing gaps in the streetscape where redevelopment is unlikely to occur in the foreseeable future.

One short-term action that will require specific funding consideration is the application of cycling BAS symbols and community art to the road surface. The potential cost of these actions could range from \$15,000 to \$100,000. It is therefore suggested to work with the community on design options in 20/21 and, depending upon results, seek funding in the follow year's annual budget.

Long-Term

The longer-term options that might include infrastructure modifications of the road carriageway – especially in the already established sections of Knutsford Street – are currently unlisted in the City's 10 year Financial Plan. These works will require further funding considerations as the overall changes in the precinct take place.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Various community engagements have occurred in the Knutsford area over the past few years including structure planning, workshops and surveys. In the past nine months the City has facilitated a joint workshop with a range of community members and stakeholders, and participated in research within the area bordered by Stevens, Swanbourne, High and Montreal Streets.

The proposed guiding principles of the Knutsford Street Urban Realm Plan will be used as a guide for future improvements to the street and are consistent with the general vision for sustainable urban development of the Knutsford area. The recent research (October 2019) showed both high community awareness of, and support, for this vision. The principles are also consistent with existing work such as the Urban Forest Plan and Bike Plan 2019-24 which involved wide community engagement.

This plan will be shared with the Knutsford area community at the next available engagement opportunity. The following two actions will provide tangible opportunities to engage with the community on specific matters:

- Developing a new policy on Active Verges;
- Developing community art ideas for applying colour / painted images (and BAS symbols) to the road surface to reset the perception of how the street is shared.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

COMMITTEE RECOMMENDATION ITEM SPT2003 - 3 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council approves the Knutsford Street Public Realm plan (including 3 panels dated 9 March 2020) to guide infrastructure planning and upgrading, noting that the key priorities are:

1. ensure development sites along Knutsford street contribute to the overall vision – in terms of upgrading works to the road / verge;
2. applying where possible, City's infrastructure programs for tree planting and footpath construction to target the 'gaps' that are unlikely to be fixed in the short-term through land redevelopment;
3. working with the community on:
 - a. the development of an Active Verge Policy;
 - b. design ideas for applying community art to the road surface to reset the perception of how the street should be shared.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Mayor, Brad Pettitt

To add Part 4 to the Committee Recommendation, as shown below:

4. **Consider a future long-term design option that would consolidate bicycle movements into fully protected bike lanes, physically separated from vehicles in the roadway and pedestrian footpaths, or a bike boulevard.**

Amendment carried: 11/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM SPT2003-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Sam Wainwright

Council approves the Knutsford Street Public Realm plan (including 3 panels dated 9 March 2020) to guide infrastructure planning and upgrading, noting that the key priorities are:

- 1. ensure development sites along Knutsford street contribute to the overall vision – in terms of upgrading works to the road / verge;**
- 2. applying where possible, City’s infrastructure programs for tree planting and footpath construction to target the ‘gaps’ that are unlikely to be fixed in the short-term through land redevelopment;**
- 3. working with the community on:**
 - a. the development of an Active Verge Policy;**
 - b. design ideas for applying community art to the road surface to reset the perception of how the street should be shared.**
- 4. Consider a future long-term design option that would consolidate bicycle movements into fully protected bike lanes, physically separated from vehicles in the roadway and pedestrian footpaths, or a bike boulevard.**

Carried: 10/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Andrew Sullivan

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

Nil

17. Closure

The Presiding Member declared the meeting closed at 7.28 pm.