Agenda

Ordinary Meeting of Council

Wednesday, 27 March 2019, 6.00pm

City of Fremantle

CITY OF FREMANTLE

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday, 27 March 2019** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

Philip St John
Chief Executive Officer

22 March 2019

Table of Contents

Contents		Page
1.	**Official opening, welcome and acknowledgement**	**1**
2.	**Attendance, apologies and leaves of absence**	**1**
3.	**Applications for leave of absence**	**1**
4.	**Disclosures of interest by members**	**1**
5.	**Responses to previous public questions taken on notice**	**1**
6.	**Public question time**	**1**
7.	**Petitions**	**1**
8.	**Deputations**	**2**
8.1	**Special deputations**	**2**
8.2	**Presentations**	**2**
9.	**Confirmation of minutes**	**2**
10.	**Elected member communication**	**2**
11.	**Reports and recommendations from committees**	**3**
11.1	**Planning Committee 6 March 2019**	**3**
PC1903-3	DEFERRED ITEM - CADD STREET, 1 (LOT 37) BEACONSFIELD - TWO STOREY GROUPED DWELLING (JCL DA0365/18)	3
11.2	**Finance, Policy, Operations and Legislation Committee 13 March 2019**	**15**
FPOL1903-3	ACCEPTANCE OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS	15
FPOL1903-4	PROPOSED RESERVE (PARK) NAME - LOT 29 NOS. 2-4 NANNINE AVENUE, WHITE GUM VALLEY	18
FPOL1903-5	FREMANTLE COMMUNITY LEGAL CENTRE FAMILY VIOLENCE SOLICITOR REPORT FEBRUARY 2019	23
FPOL1903-6	COMMUNITY ENGAGEMENT POLICY REVIEW	26

FPOL1903-7 REVOCATION OF VESTING ORDER RESERVE NO.38196 BEING 3/34 PAGET STREET, HILTON - TRANSFER TO CHILD ADOLESCENT HEALTH SERVICES (CAHS) 44

FPOL1903-8 PROPOSED PARTIAL ROAD CLOSURE/AMALGAMATION WITH 45 HENDERSON STREET FREMANTLE (FORMER POLICE STATION) 49

N1903-1 NOTICE OF MOTION SUBMITTED BY CR WAINWRIGHT- REQUEST TO FUND LIQUIDATOR OF FLY-BY-NIGHT CLUB 53

11.3 Strategic Planning and Transport Committee 20 March 2019 55

SPT1903-1 HILTON HERITAGE AREA LOCAL PLANNING POLICY (LPP 3.7) - REVIEW OF FENCING PROVISIONS 55

SPT1903-2 USE OF CASH IN LIEU OF PUBLIC OPEN SPACE - LOT 1819 BLINCO STREET, FREMANTLE 68

SPT1903-3 REVIEW OF SPECIFIC LOCAL PLANNING POLICIES RELATING TO THE CITY CENTRE ZONE 76

11.4 Audit and Risk Management Committee 82

11.5 Library Advisory Committee 82

12. Reports and recommendations from officers 82

C1903-1 CONSIDERATION OF FLOODLIGHTING AT HILTON PARK 82

C1903-2 VARIATION OF FREMANTLE PARK SPORTS AND COMMUNITY CENTRE BUSINESS CASE AND LEASE TERMS SHEET 85

C1903-3 MONTHLY FINANCIAL REPORT - FEBRUARY 2019 90

C1903-4 STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2019 93

C1903-5 SCHEDULE OF PAYMENTS FEBRUARY 2019 98

13. Motions of which previous notice has been given 100

14. Urgent business 100

15. Late items 100

16. Confidential business 100

C1903-6 HIGH STREET UPGRADE PROJECT 100

17. Closure 100

Agenda attachments 1

SPT1903-1 HILTON HERITAGE AREA LOCAL PLANNING POLICY (LPP 3.7) - REVIEW OF FENCING PROVISIONS 2

C1903-1	CONSIDERATION OF FLOODLIGHTING AT HILTON PARK	4
C1903-2	VARIATION OF FREMANTLE PARK SPORTS AND COMMUNITY CENTRE BUSINESS CASE AND LEASE TERMS SHEET	5
C1903-3	MONTHLY FINANCIAL REPORT - FEBRUARY 2019	49
C1903-4	STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2019	82
C1903-5	SCHEDULE OF PAYMENTS FEBRUARY 2019	95

CITY OF FREMANTLE

Ordinary Meeting of Council

Agenda

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Whadjuk people as the custodians of the greater Walyalup area and that their cultural and heritage beliefs are still important to the living Whadjuk people today.

2. ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

Cr Andrew Sullivan is on a leave of absence.
Cr Jenny Archibald is on a leave of absence.
Cr Jon Strachan is on a leave of absence.

3. APPLICATIONS FOR LEAVE OF ABSENCE

_____ requests a leave of absence from _____to _____ inclusive.

4. DISCLOSURES OF INTEREST BY MEMBERS

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

5. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There are no responses to public questions taken on notice at a previous meeting.

6. PUBLIC QUESTION TIME

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed here, or upon entering the meeting.

7. PETITIONS

Petitions to be presented to council.

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

8. DEPUTATIONS

8.1 SPECIAL DEPUTATIONS

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

8.2 PRESENTATIONS

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

The HMAS Success exercised her final freedom of entry in Fremantle on 9 March 2019. The HMAS Success is to be decommissioned later this year after 33 years of service.

Mayor, Brad Pettitt presents the following gifts, given to him and the City of Fremantle on the occasion of the Freedom of Entry scroll-signing ceremony:

1. Ships plaque.
2. Ships medallion.

In addition a copy of the official scroll has been framed for posterity and as remembrance of the HMAS Success:

9. CONFIRMATION OF MINUTES

Officer's recommendation

That the minutes of the Ordinary Meeting of Council dated 27 February 2019 be confirmed as a true and accurate record.

10. ELECTED MEMBER COMMUNICATION

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

11. REPORTS AND RECOMMENDATIONS FROM COMMITTEES

11.1 PLANNING COMMITTEE 6 MARCH 2019

PC1903-3 DEFERRED ITEM - CADD STREET, 1 (LOT 37) BEACONSFIELD - TWO STOREY GROUPED DWELLING (JCL DA0365/18)

Meeting Date: 6 March 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Amended Development Plans
2: Original Development Plans
2: Site Photo's

SUMMARY

Approval is sought for a two storey Grouped dwelling at No. 1 Cadd Street, Beaconsfield. The application is presented to Planning Committee (PC) due to submissions received that cannot be addressed through a condition of development approval. The original proposal included the following discretional assessments:

- **Wall built up to lot boundary (west)**
- **Open space**
- **Building height**
- **Site works**
- **Retaining walls (east/south)**
- **Visual privacy (south)**
- **Storage**

The original application was referred to PC at its meeting held in February 2019 where it was resolved to:

> **'*Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the two storey grouped dwelling at 1 Cadd Street, Beaconsfield, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal in order to address concerns relating to overlooking from the open space area and the building bulk impacts on the western and southern neighbours*.'**

The applicant has lodged amended plans in response to the resolution of PC. The amended proposal has been assessed against the Local Planning Scheme No.4 (LPS4), Residential Design Codes (R-Codes) and local planning policies and has removed the boundary wall, open space, retaining wall and visual privacy variations. The following discretionary assessments remain:

- **Building height;**
- **Site works; and,**
- **Storage.**

The amended application has been reviewed against the relevant Design principles of the R-Codes for the above elements and is recommended for conditional development approval.

PROPOSAL

Detail

Approval is sought for a two storey Grouped dwelling at No. 1 (Lot 37) Cadd Street, Beaconsfield.

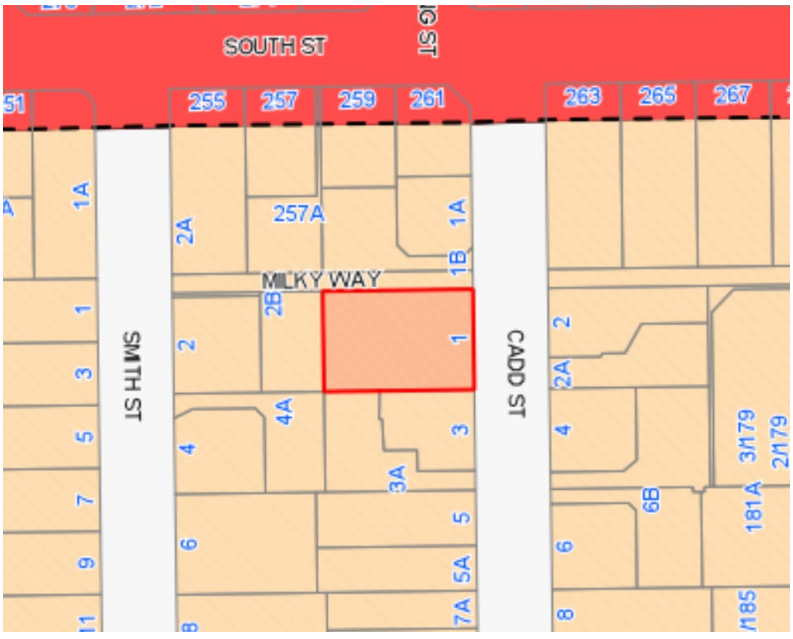
The applicant submitted amended plans in response to PC's resolution outlined above including the following changes:

- Provision of a 1m setback between garage wall and the western lot boundary;
- Removal of retaining to the southern lot boundary.
- Lowering of the ground level of the rear outdoor living area, thereby removing the visual privacy variation;
- Reducing the height of the alfresco area to below 0.5m above natural ground level, thereby rendering the alfresco as open space;
- Minor interior alterations (no variations posed);
- Minor alterations to windows (no variations posed);
- Minor reduction in the height of the roof pitch.

The amended plans are included as attachment 1. The plans of the originally submitted to PC are included as attachment 2.

Site/application information

Date received:	15 August 2018
Owner name:	Chillair Services Pty Ltd
Submitted by:	David Marshall
Scheme:	Residential (R20)
Heritage listing:	Not Listed
Existing land use:	Single house
Use class:	Grouped dwelling.



CONSULTATION

External referrals
Nil required.

Community
The original application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. The advertising period concluded on 17 September 2018, and five submissions were received, all objecting to the proposal. The original concerns raised were as follows:

- Objection to the wall built to the western lot boundary.
- Objection to the east and western lot boundary setback variations on building bulk, visual privacy, solar access, ventilation, and amenity grounds.
- Objection to building height on visual amenity and building bulk grounds, in addition to its being inconsistent with the prevailing development context and blocking views of significance.
- Objection to visual privacy variations to north, south, east, and western boundaries.
- Objection to open space variation as it may be insufficient to serve needs of the residents of the proposed dwelling, may impact on solar access for proposed dwelling, and is inconsistent with prevailing development context. In addition, the outdoor living area does not optimise the northern aspect of the site.
- Objection to the height of the proposed retaining wall and site works due to amenity, solar access, bulk, and visual privacy impacts. The cumulative effect of the retaining and fill, in addition to the building height will result in the development having a significant height difference relative to adjoining properties, impacting on amenity.
- Potential fencing on top of the retaining wall is viewed with concern due to potential amenity impacts.
- Concern was raised that the outdoor living area is insufficient for the number of residents housed by the dwelling, thereby resulting in amenity impacts due to a concentration of activity in one area.
- Concerns regarding the proposal utilising the right-of-way (Milky Way) due to increased traffic, in addition to the legality of the subject site gaining access to Milky Way. Comment was made regarding the impact of traffic on the surrounding properties' use of Milky Way for visitor parking.
- Concern with regard to cumulative impact of overshadowing.

In response to above it is noted that:
- The development complies with the Deemed to comply requirements of the R-Codes in relation to the overshadowing and an outdoor living area.
- The rights and responsibilities of land owners regarding dividing fences are governed by the Dividing Fences Act 1961. An appropriate advice note has been included in the officer's recommendation.
- The subject site has access rights for the use of Milky Way in accordance with the *Transfer of Land Act 1893.*

In addition to the above, the amended plans have removed a number of previously sought variations that were raised as concerns in the submissions received; notably being the west facing boundary wall, retaining as a result of site works and visual privacy.

As no new discretions have arisen from the revised plans, in accordance with LPP1.3 – Public Notification of Planning Proposals, re-advertising of the proposal was not required in this instance.

Other relevant matters are discussed further in this report.

OFFICER COMMENT

The amended proposal has been assessed against the relevant provisions of Local Planning Scheme No. 4 (LPS4), the Residential Design Codes (R-Codes), and relevant Local Planning Policies.

Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design Principles of the R-Codes. Not meeting the Deemed-to-comply requirements is not a valid reason for refusal. With regard to the subject application, the elements below do not meet the relevant Deemed-to-comply or local planning policy provision, and require assessment under the Design Principles:

- Building height;
- Site works; and,
- Storage

The above matters are discussed below.

Background

The subject site contains a Single house located within the Beaconsfield Local Planning Area (Local Planning Area 5). The proposal includes the retention of the existing dwelling and the construction of a second dwelling on the western portion of the subject site. The new dwelling will gain vehicle access from the adjacent Right of Way known as Milky Way.

A subdivision application has been conditionally approved by the WAPC on 3 February 2019. It is noted that the applicant has increased the proposed lot boundary for the new dwelling, however it is noted that the dimensions of the lot are generally the same.

The portion of the site where the proposed dwelling is to be constructed has a 2.8m north-south slope falling to the south, and a cross-fall of 0.8m falling from east to west. The highest spot height on the subject site is 8.41. See Figures 1 and 2 for a visual representation of the extent of sloping (noting that the annotations round the measurements up).

Milky Way is the private road name of the right of way that is located adjacent to the subject site. In accordance with the *Transfer of Land Act 1893* as the plan or diagram for the original subdivision of the area included the subject right of way on the plan, the subject site is considered to have an ‘implied right’ easement enabling access to be obtained directly from the right of way. This easement benefit is appropriately noted on the Certificate of Title for the subject site.

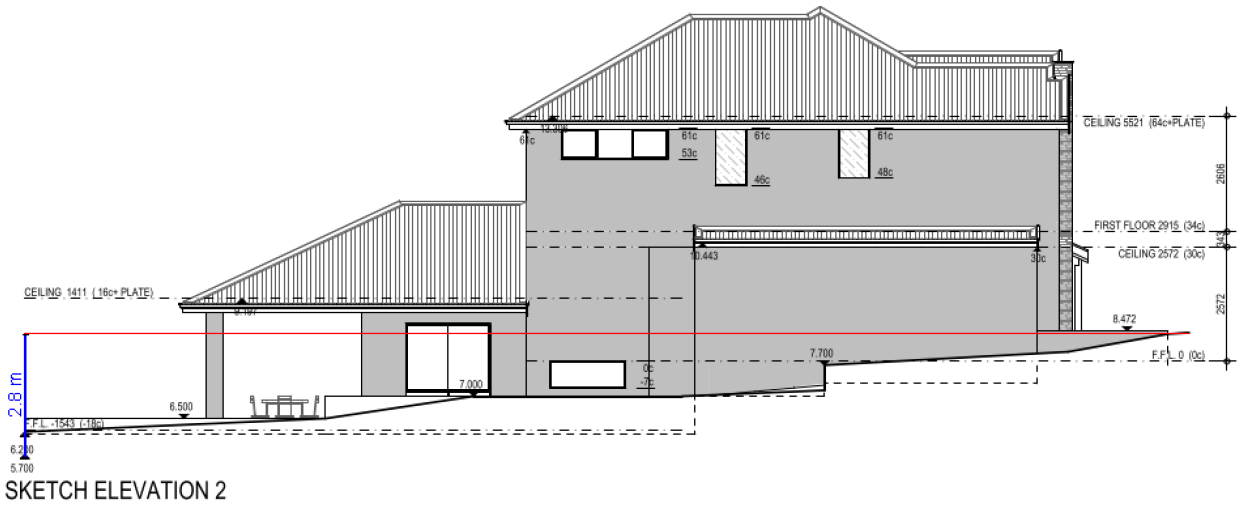


Figure 1: Slope from north to south of subject site (measurements round up).

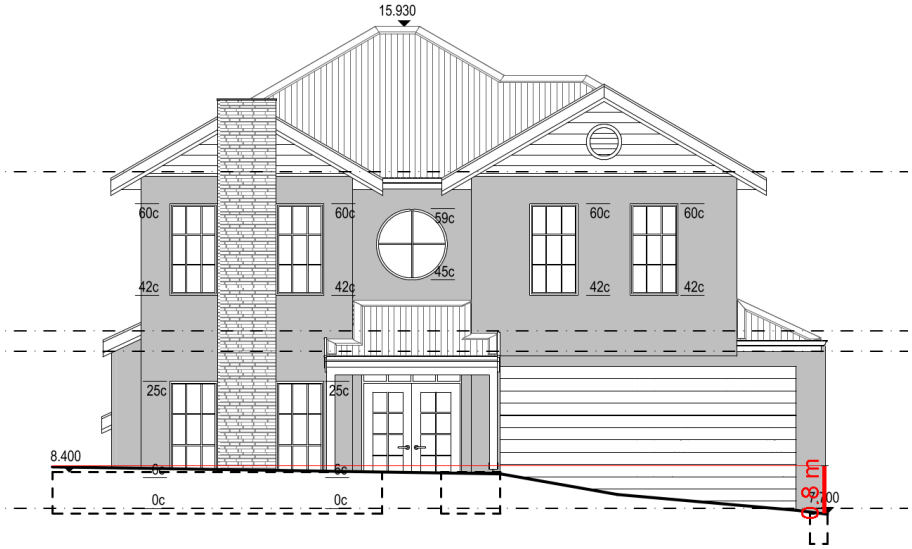


Figure 2: Slope from east to west (measurements round up)

Boundary Wall

Previous plans

Element	Required	Proposed	Variation
Boundary wall (West)	1.1m	Nil	1.1m

Revised (Current) plans

Element	Required	Proposed	Variation
Boundary wall (West)	1m	1m	Nil

The western boundary wall which formed part of the original application has been deleted in the amended proposal, with the garage wall being setback 1m from the western lot boundary in compliance with the setback requirements of Table 2a of the R-Codes.

Open space

Previous plans

Element	Required	Proposed	Variation
Open space	50%	46.1%	3.9%

Revised (Current) plans

Element	Required	Proposed	Variation
Open space	50%	55%	Nil

The amended plans comply with the Deemed-to-comply criteria of the R-Codes applicable to open space. Compliance has resulted from the finished floor level of the alfresco being reduced to below 0.5m above natural ground level (and therefore being able to be considered as open space) and the setback of the garage.

Building height

Element	Permitted	Proposed	Variation
Wall height (west and south)	6.5m*	Up to 7.1m	0.6m

*It is noted that cl. 4.8.1.2 of LPS4, permits a development to exceed the building height requirement of Schedule 8 where there is a variation in the ground level across the footprint of the development of more than 1m and the height that exceeds the requirement is not located on the higher side of the site. In this instance the permitted wall height can be increased to 6.5m in accordance with this clause.

These variations are considered to satisfy the relevant Design Principles of the R-Codes for the following reasons:

Western wall

- The 5.5m long section of wall impacting the western lot boundary has a maximum height of 7.1m above natural ground level (ngl) (see image highlighted yellow below in Figure 3). The wall height variation impacting the western portion of the site is confined to a 5.5m section of the mid-western portion of the dwelling due to the slope of the site. This section of the wall is setback approximately 11.1m from the southern boundary at its closest point. To the west, the wall is set back a minimum of 2.39m (at the corner of the walk in wardrobe wall), 3.1m for a length of 2.9m, and 4.9m for a length of 2.6m from the western boundary due to the wall staggering away from the lot boundary. This section of wall is illustrated in Figure 3 below.

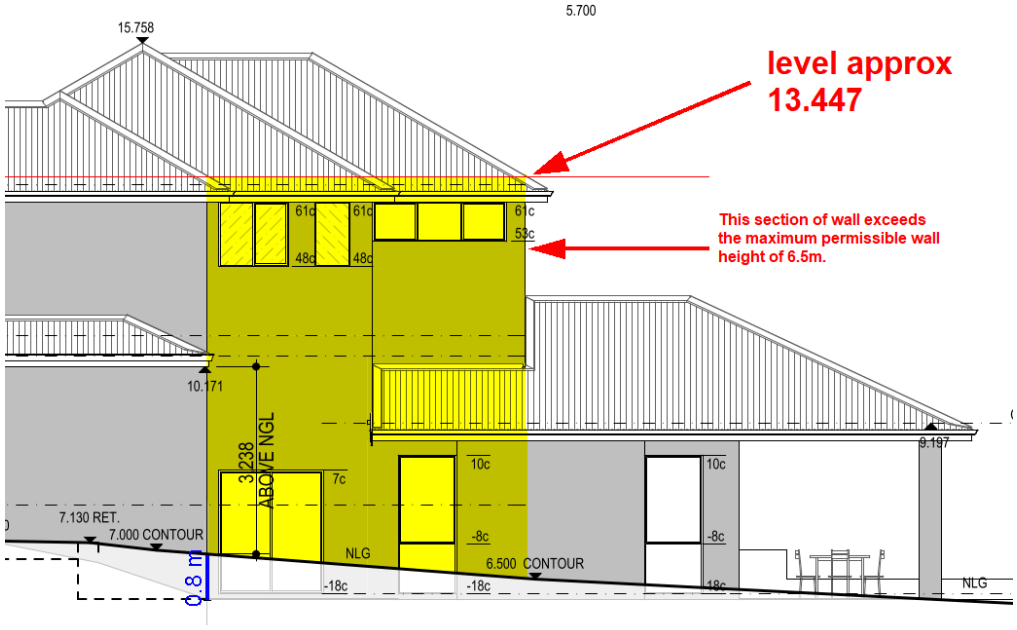


Figure 3: Western section of wall exceeding 6.5m above natural ground level directly below (figures round up).

Southern wall

- As a result of the significant slope (north to south) combined with the east to west cross fall, the two storey southern elevation of the dwelling exceeds the 6.5m allowable height, reaching a maximum height of 7.1m above existing NGL (see image highlighted yellow below Figure 4). This section of wall is set back between 11.2m-16.7m from the southern lot boundary. Moreover, the wall is set back 2.39m from the western lot boundary at its closest point.

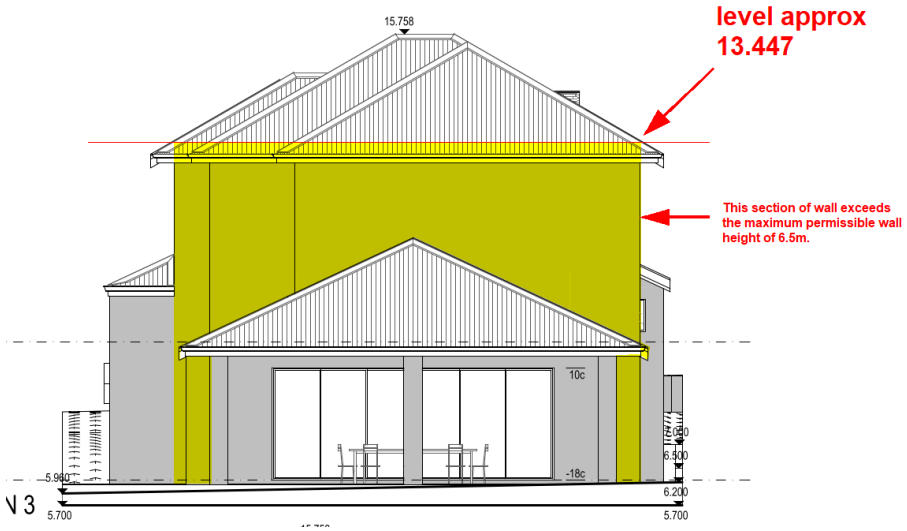


Figure 4: Southern section of wall exceeding 6.5m above natural ground level directly below (figures round up).

- The staggered setback of the over-height walls of the proposed dwelling from the southern and western lot boundaries minimises the impact of building bulk on neighbouring properties. Moreover, it is not considered to significantly impact on the daylight and ventilation access to the adjoining properties due to the development complying with the lot boundary setback and solar access to adjoining sites Design Elements of the R-Codes. Moreover, the removal of the western garage boundary wall further reduces the building bulk impact on the western neighbour and its existing outdoor living area.
- The building height variation is not considered to adversely impact any identifiable views of significance captured by adjoining properties.

Site works
Previous plans

Element	Permitted	Proposed	Variation
Fill (south-west)	0.50m	0.71m	0.21m

Revised (current) plans

Element	Permitted	Proposed	Variation
Excavation	0.50m	0.724m (north east corner of development, closest to Milky Way)	0.224m

The amended plans have removed the previously proposed fill against the rear (southern) boundary of the lot by reducing the level of the proposed alfresco to be lower than that proposed dwelling.

The amendments have resulted in an area of excavation located in the north east corner of the portion of the lot where the second dwelling is proposed. This variation is considered to satisfy the Design Principles of the R-Codes for the following reasons:

- Given the irregular topography of the site, the proposed level of excavation is considered to reasonably respond to the significant slope and cross fall of the site, whilst allowing for an appropriate FFL for the construction of the dwelling, in addition to providing a level area of open space, thereby allowing for an appropriate outdoor living area at the southern portion of the site with minimal fill required.

Retaining walls
Previous plans

Element	Permitted	Proposed	Variation
Retaining wall (south)	0.5m	0.982m	0.482m
Retaining wall (east)	0.5m	0.971m	0.471m

Revised (current) plans

Element	Permitted	Proposed	Variation
Retaining wall (south)	0.5m	Nil	Nil
Retaining wall (east)	0.5m	0.857m	N/A

The amended plans have removed all previously sought variations posed by retaining walls, thereby minimising any adverse impacts caused to neighbouring properties.

It is noted that sections of proposed retaining with a height above 0.5m are proposed to the eastern portion of the development, however given that these retaining walls are located internal to the parent lot, no variation is posed. Moreover, the small end section of retaining which abuts the southern neighbour is less than 0.5m in height.

Visual Privacy
Previous plans

Element	Required	Proposed	Variation
Unenclosed outdoor space (south)	7.5m	Up to Nil	Up to 7.5m

The amended plans remove the visual privacy variation posed by the raised outdoor living area through reducing the retained level height of the outdoor living area to a maximum of 0.453m above natural ground level at its greatest height.

Storage

Element	Required	Provided
Storage area	4m^2 Storage Area	Nil provided

No enclosed, lockable storage area has been proposed, which is required for a Grouped dwelling. It is noted that a 4m^2 colourbond shed has been indicated on the survey plan, however given it is not included on the floor plans or elevations, it will not form part of this determination.

It is noted that sufficient space on site is available for the provision of a storage area in the future should one be required by the residents, thereby satisfying the requirements of Local Planning Policy 2.1 - *External storage areas for Grouped and Multiple dwellings.*

CONCLUSION

Approval is sought for the construction of a two storey Grouped dwelling at No. 1 Cadd Street, Beaconsfield.

Amended plans have been submitted addressing areas of concern relating to the location of retaining walls and boundary walls and overlooking. Whilst the amended proposal still proposes variations to building height, excavation and storage, , the impact on neighbouring properties has been reduced and these remaining variations are supported through a Design Principle assessment, or addressed through imposing conditions. The amended proposal is recommended for conditional approval.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICERS RECOMMENDATION

Moved: Cr Dave Hume **Seconded: Cr Jeff McDonald**

The Planning Committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey Grouped dwelling at No. 1 (Lot 37) Cadd Street, Beaconsfield, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 12 February 2019. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.

2. The approved development shall be wholly located within the cadastral boundaries of 1 Cadd Street, Beaconsfield including any footing details of the development.

3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.

4. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
   - Protection of infrastructure and street trees within the road reserve;
   - Access to site by construction vehicles;
   - Contact details;
   - Noise - Construction work and deliveries;
   - Sand drift and dust management;
   - Waste management;
   - Traffic management;
   - Works affecting pedestrian areas; and
   - Impact on the access to and from the Right of Way.

ADVICE NOTES:

i. The City strongly encourages deep planting zones that should be uncovered, contain a retained or planted tree to Council's specification, have a minimum dimension of 3.0m and at least 50% is to be provided on the rear 50% of the site.

ii. The colourbond shed indicated on the survey plan does not form part of this approval and may be subject to a separate application for Planning Approval.

iii. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Milky Way road reserve. An application for obstruction permit can be found via https://www.fremantle.wa.gov.au/treesandverges.

iv. It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website: http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx.

v. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.

vi. It is recommended complete removal of the pool:
- If the pool is in excess of 40m2, an Application for a Demolition Permit is required.
- Once the pool is removed/decommissioned, the property owner is to advise the City so that the Officer Authorised by the City can conduct an inspection.
- If the building permit application is uncertified, the plans and engineering documents should be clear that there was an existing pool and the soil has been compacted to the satisfaction of the design engineer, and suitable for the dwelling to be constructed.

vii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.

viii. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via http://www.fremantle.wa.gov.au/development/policies. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf

The Infrastructure Engineering department can be contacted via ibs@fremantle.wa.gov.au or 9432 9999.

Lost: 2/5
For
Cr Jon Strachan, Cr Bryn Jones
Against
Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

COMMITTEE RECOMMENDATION ITEM PC1903 - 3

Moved: Cr Dave Hume **Seconded: Cr Jeff McDonald**

Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the two storey grouped dwelling at 1 Cadd Street, Beaconsfield, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal to comply with the deemed to comply requirements relating to building height and storage.

Carried: 4/3
For
Cr Jeff McDonald, Cr Dave Hume,
Cr Bryn Jones, Mayor, Brad Pettitt,
Against
Cr Ingrid Waltham, Cr Adin Lang, Cr Jon Strachan,

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

11.2 FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE 13 MARCH 2019

FPOL1903-3 ACCEPTANCE OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS

Meeting Date: 13 March 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Minutes of the Annual General Meeting of Electors held 25 February 2019

SUMMARY

The purpose of this report is to receive the minutes and consider outcomes from the 2018 Annual General Meeting of Electors (AGME), at the AGME.

A motion requesting the Council remove parking bays on the southern side of Wray Avenue outside Moondyne Joe's Hotel was moved and carried at the AGME, and this report considers that motion. Responses to questions taken on notice at the meeting are also provided in this report.

BACKGROUND

Local governments are required to hold a general meeting of electors once a year to receive the annual report and to give an opportunity to electors to move motions for the Council to consider, and ask questions on council matters.

The City of Fremantle 2018 AGME was held on Monday 25 February 2019, and one motion was carried at that meeting.

A number of questions were also asked at the meeting and those not answered were taken on notice for future response.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Under section 5.33 of the *Local Government Act 1995* decisions made at electors meetings are to be considered at the next Ordinary Meeting of Council or if that is not practicable, the meeting after that.

The minutes have been made available to the public before the Council meeting in accordance with section 5.32 of the *Local Government Act 1995*.

CONSULTATION

Nil

OFFICER COMMENT

Approximately 20 members of the public attended the annual general meeting of electors.

One motion was moved at the 2018 AGME as follows:

> *"That the Council remove the 4 parking bays on the southern side of Wray Avenue outside Moondyne Joe's Hotel."*

In response to this motion the City will investigate the impact of on-street parking on Wray Avenue (outside Moondyne Joe's Hotel)and report back to the Finance Policy Operations and Legislation Committee.

During question time several members of the public asked questions, and those questions and responses are summarised in the minutes of the 2018 AGME which are attached to this report.

Responses to the questions taken on notice (that were not answered at the meeting) are shown in the below table:

Question	Referring to page 81 of the financial reports and to the schedule of real estate assets I sent to the City, on what page are the "accompanying notes" referred to
Response	The table below responds to the query of property information received prior to meeting

Description	Book Status	Market Value at 2009	Annual gross rents FYE 30/06/09	Market Value at 2012	Annual gross rents last full year	Date Sold	Sale Price
Point Street Carpark (including Port Cinema)	Sold	9,150,000.00	447,198.00	9,215,000.00	512,036.00	Mar-14	10,000,000.00
Bannister Street Car Park	Sold	2,450,000.00	32,843.00	2,400,000.00	44,842.00	Sep-14	2,800,000.00
Queensgate Carpark	Sold	6,400,000.00	1,691,943.00	6,750,000.00	1,501,296.00	Jul-17	16,500,000.00
Queensgate Complex	sold (vacant value)	16,000,000.00	1,393,051.00	12,100,000.00	183,866.00	Jul-17	6,400,000.00
Spicer Car Park	sold	6,400,000.00	397,265.00	6,850,000.00	430,189.00	Dec-18	6,650,000.00
Carpark Cnr Josephson & High Streets	For sale	1,300,000.00	56,994.00	1,475,000.00	78,493.00	Under offer	1,350,000.00
Former Dental Site (cnr Parry & Holdsworth)	For sale	1,700,000.00	1.00	1,700,000.00	1.00	Under offer	1,150,000.00
		43,400,000.00	**4,019,295.00**	**40,490,000.00**	**2,750,723.00**		**44,850,000.00**

Question	When will there be a comprehensive plan of McCabe Park, which will meet the needs of the park users?
Response	Officers have arranged to meet the local representative/s at McCabe Park in March 2019 to discuss the community's needs for the Park.
Question	Why do some areas on Market Street and South Terrace have a reduced distance between the road and the café obstructions? It takes our walk space, and seems very unsafe, with some places a distance of under 200mm to the kerb. What is the required distance and will it be policed?
Response	The City is currently auditing signs and hoardings on South Terrace and Market Street for the purpose of reviewing these activities. It is anticipated this audit will be concluded within the month of March.
Question	Why was the Spicer Site sold as part of the Kings Square deal and why did Council approve the sale by Sirona to Minderoo?
Response	The sale of Spicer car park was part of the publically advertised business plan adopted by council in March 2013. The plan provided for the integrated development of the Kings Square precinct which included the sale and development of Queensgate Commercial Centre, Queensgate Car Park and Spicer Car Park as well as the redevelopment of the former Myer building and the City Civic Centre. The sale of the Spicer car park to a third party by Sirona was part of an external arrangement. The only involvement of the City was to ensure development conditions provided in the business plan were maintained.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1903-3
(Officer's recommendation)

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

Council:

1. **Receives the minutes of the 2018 Annual General Meeting of Electors held on 25 February 2019.**

2. **Acknowledges the following motion carried at the 2018 Annual General Meeting of Electors:**

   "That the Council remove the 4 parking bays on the southern side of Wray Avenue outside Moondyne Joe's Hotel."

3. **Investigates on-street parking on Wray Avenue (outside Moondyne Joe's Hotel) and reports the findings to the Finance Policy Operations and Legislation Committee.**

Carried en bloc: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

FPOL1903-4 PROPOSED RESERVE (PARK) NAME - LOT 29 NOS. 2-4 NANNINE AVENUE, WHITE GUM VALLEY

Meeting Date: 13 March 2019
Responsible Officer: Manager Parks and Landscape
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

This report is for Council to consider the naming of the Public Open Space (POS) Reserve No. 52419 being Lot 29 (Nos. 2-4) Nannine Avenue. The naming of a Reserve or Park is assessed by the Landgate Geographic Names Committee (GNC) in accordance with the *Policies and Standards for Geographical Naming in Western Australia version 01:201* ('the Standards') – with the final approval required from the Minister for Lands. The proposed names listed below have received conditional approval from the GNC.

1. **'*Cower Park*'**
2. **'*Sullivan Park*'**
3. **'*Pigeon Park*'**

This report recommends that Council support the proposed name of 'Pigeon Park' to be applied to Reserve No. 52419 being Lot 29 on Plan 406250 (Nos. 2-4) Nannine Avenue, White Gum Valley and the advertising for a period of 30 days be approved.

BACKGROUND

The new POS reserve No. 52419 was created from the subdivision of the former Kim Beazley Special School and incorporates the new park to the north of Sullivan Hall and the site of the former Men's Shed.

The proposed park names for the POS reserve will apply to the whole reserve being a requirement of the Landgate Geographic Names Committee (GNC) in accordance with the Policies and Standards for Geographical Naming in Western Australia version 01:201 ('the Standards') which states:

5.1.4 Recommended sources for new names
It is expected that all new local parks or recreational reserves will be named after an adjoining road name.

If, due to duplication, an alternate name is required the following are considered suitable sources for such submissions:
- *names from Aboriginal languages formerly identified with the general area*
- *names of pioneers who were relevant to the area*
- *names of persons who died during war service*
- *names associated with historical events connected with the immediate area.*

Proposed names with significance to specific groups only (this excludes Aboriginal names) or names with no relevance to a particular area are not acceptable for approval.

Local park or recreational reserve naming or renaming proposals will not be approved if:
- *the proposal seeks to adopt a developer's estate/promotional name coined to endorse a development*
- *the proposal seeks to adopt the names used for existing infrastructure, for example schools, shopping precincts, hospitals etc*
- *the proposed name has no relationship to the area or is a made-up name*
- *petitions presented in support only represent one point-of-view*
- *the proposal is not supported by local government*
- *no broad-based community survey has been undertaken for a renaming*
- *the renaming proposal does not have strong local community support*
- *the proposal is to rename all or part of a local park or recreational reserve after urban development occurs.*

Use of Aboriginal names
In instances where the name is of Aboriginal origin, the submission must conform to the information regarding the appropriate use of Aboriginal names and terms which can be found in Section 7: Appropriate use of Aboriginal names and dual naming. Any local park or recreational reserve name derived from an Aboriginal source must be local to the area and shall be endorsed by the recognised local community. Evidence of this endorsement must be included with the naming proposal.

The Standards require that Local Governments advertise a proposed Reserve name as part of the naming process. The advertising period is not specified in the Standards and is therefore left to the individual Local Government to follow their own procedures in relation public advertising. Officers recommend a thirty (30) day advertising period for this proposal.

FINANCIAL IMPLICATIONS

Existing base operating budget will be used to install park signage.

LEGAL IMPLICATIONS

The proposed naming of Reserve No. 52419 is carried out in accordance with:

- Policies and Standards for Geographical Naming in Western Australia version 01:2017
- Australian Standard AS/NZS 4819:2011 Rural and urban addressing.

CONSULTATION

The City will carry out public advertising for a period of 30 days by:

- Advertising in the Fremantle Herald (NewsBites)
- Public comments invited on the City's "My Say Freo" website
- Erecting signage at the site location
- Incorporating into engagement activities as part of the 'future of the former men's shed site' project.

A report will be brought back to Council, after the notice period has been given, for final approval prior to submission to the Landgate Geographic Names Committee (GNC).

OFFICER COMMENT

Officer's investigated the following names with the GNC as they are roads adjacent to or nearby the reserve or have historical references to the site.

Stevens Park
Stevens Park was not accepted by the GNC as it is a duplication of the name Stevens applied to the nearby Stevens Reserve.

Beazley Park
Beazley Park is a street name within the WGV development and has an historical link to the former school site. The GNC did not give conditional approval due to it being a duplication of Beasley Park (different spelling, same sounding) in Leeming. The proposed name is also not an adjoining road to the POS reserve.

Cower Park
Cower Mews is a street name within the WGV development. Cower - pronounced *'Cow-er*' - (from the Nyoongar Language) is the name of the Purple Crown Lorikeet. The Cower is part of the dreaming place of Cowaramup and while the bird does not originate from Fremantle it does follow the blossoms to Fremantle. The word is referenced from "*A Nyoongar Word List"*.

On 12 November 2012, the City received approval from the *South West Aboriginal Sea and Land Council Whadjuk Working Park* to use the word for road naming.

On 06 November 2018, the City referred the proposed park name back to the SWALSC to confirm that the earlier approval (for the use of the name '*Cower*' for road naming) would also be suitable for the park name. As a result Carolyn Fenelle of SWALSC advised that; "we have referred back to the Whadjuk Working Party Meeting Minutes of 17 October 2012 and confirm that the Aboriginal name '*Cower*' was considered appropriate by the members".

Sullivan Park and Pigeon Park

The name '*Sullivan*' is associated with Sullivan Hall located within the Reserve area. Sullivan Hall is listed with the Heritage Council (Place Number 22583). The listing notes the Hall as having, '*social significance to the local community as a venue for recreational and community pursuits*.' The history of community involvement with the hall is noted and transposed below from the Heritage Council register. The listing also notes the Pigeon Racing Hall (former Fremantle Men's Shed which has since been removed) being the second building adjoining Sullivan Hall which housed the Pigeon Racing Club.

The Heritage Council lists the following historical information for the site:

The history as *"a parent group in the area began meeting in April 1958 to call for a local community hall to be built. Council allocated the land, which it had acquired from the Anglican Church in 1945, and the community set about acquiring materials. The main frame is believed by locals to be a reused army shed.*

Sullivan Hall was constructed by the local community and opened in October 1959 as a Guide Hall. It was named after Jim Sullivan, as a thank you to both the Sullivan and Notley families, who had supported the building project. Guides and Brownies met at the hall, and it was also widely used for concerts and dances. In 1962, a second half to the hall was completed. Local community members subscribed ten shillings a piece towards its construction. The place was managed and cleaned by volunteers and all profits went back into its maintenance. White Gum Valley Square Dance Club was formed, which used the hall from the early 1960s into the 1990s."

The physical description as *"Comprises of two single storey timber framed halls, clad with corrugated metal to dado and fibrous cement sheeting above. There are corrugated iron clad gabled rooves. The main hall (closest to Stevens Street) features 'Sullivan Hall' on the gable of the north elevation. The lesser hall (facing Nannine Street) has limestone foundations."*

Recommendation

Following the investigations into potential site names and liaison with the GNC, officers recommend one Pigeon Park is selected by Council and publically advertised. If Pigeon Park is not preferred, Officer's recommend either Cower Park or Sullivan Park as a suitable name. Following the public advertising period, a report will be brought back to Council with the outcome of the consultation and a recommendation of the reserve name to be submitted to the GNC.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1903-4
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Ingrid Waltham**

Council;

1. **Supports the proposed name of *'Pigeon Park'* to be applied to Reserve No. 52419 being Lot 29 on Plan 406250 (Nos. 2-4) Nannine Avenue, White Gum Valley and approves the advertising of the proposed name change for a period of 30 days.**

2. **Acknowledges a report will be brought back to Council, after the notice period has been given, for final approval prior to submission to the Landgate Geographic Names Committee (GNC).**

Carried: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

FPOL1903-5 FREMANTLE COMMUNITY LEGAL CENTRE FAMILY VIOLENCE SOLICITOR REPORT FEBRUARY 2019

Meeting Date: 27 March 2019
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: 1. Supporting Information – Family Violence Solicitor
2. Infographic - Fremantle Community Legal Centre Statistics

SUMMARY

The purpose of this report is to provide Council feedback on the Family Violence Solicitor position at the Fremantle Community Legal Centre. The information provided covers the 2018/2019 financial year to date.

This report recommends that Council support the continuation of funding for the Family Violence Solicitor position as part of the staffing establishment at the Fremantle Community Legal Centre for a further 12 months as part of the consideration of the 2019/2020 draft Operational Budget.

BACKGROUND

At the Ordinary Council Meeting held on 23 November 2016, Council endorsed Project-10924, to establish a new position to support domestic violence with a budget allocation of $89,000 as part of the October Budget Review Process. At Ordinary Council Meeting on 12 April 2017, Council endorsed the Family Violence Solicitor position being continued as part of the Fremantle Community Legal Centre with a budget allocation of $75,000 as part of the draft budget deliberation process of the 2017/2018 financial year. At Ordinary Council Meeting on 13 June 2018, Council again endorsed the Family Violence Solicitor position being continued as part of the Fremantle Community Legal Centre with a budget allocation of $75,000 as part of the draft budget deliberation process of the 2017/2018 financial year.

The Family Violence Solicitor (FVS) position offers legal advice and assistance regarding family violence restraining orders and family law and assists clients by:

1. Providing legal advice regarding family violence restraining orders and protective measures;
2. Representing clients in Fremantle Magistrates Court on with respect to restraining order hearings;
3. Engaging with services on their behalf to implement a safety plan for the client and their children by;
    a. Contacting the local police to follow up with serving restraining orders and prosecution when there are breaches or criminal offences; and
    b. Contacting schools to inform them of the safety issues and to implement safety plans for the children and client.
4. Representing clients in Family Court WA to formalise arrangements with the other parent and mitigate any risks for the children and vulnerable client; and

5. Interacting with all necessary support service and refuges to prevent the client from having to repeat their story to numerous organisations and constantly relive the trauma.

Included in the FVS role is to advise on other tangential legal issues such as criminal injuries compensation (CIC), tenancy and some minor civil and criminal matters.

FINANCIAL IMPLICATIONS

This report recommends an allocation of $90,000 in the 2019/2020 staffing establishment for a twelve month appointment of a Family Violence Solicitor.

The increased budget reflects the fact that the FVS will move from a restricted practitioner role to unrestricted practice; meaning ongoing intensive supervision is no longer required. Officers continue to seek grants to embed this role in the service without the need to revert to Council for funding.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The FVS has continued to consult with many agencies to provide information regarding the role and provided a reference for referrals, along with meetings and presentations. The FVS has formed a strong link and referral pathway between organisations in the Fremantle area that provide assistance and support to victims of family and domestic violence.

Organisations that regularly provide warm referrals on behalf of clients to the FVS include:

- Fremantle Family and Domestic Violence Response Team (WA Police, Lucy Saw and Department of Child Protection and Family Services)
- Family Violence Support Service at Fremantle Magistrates Court
- Fremantle Family Support Network
- Four Women's refuges
- St Patricks
- Relationships Australia Fremantle
- Alma Street (Mental Health)
- Fremantle Hospital
- Fiona Stanley Hospital
- Fremantle Multicultural Centre
- Fremantle Women's Health Centre
- Multicultural Futures

OFFICER COMMENT

The FVS role has become integral to the Fremantle Community Legal Centre service. This initiative in 2016 has enhanced the service provision of the Fremantle Community Legal Centre and led initiatives that raise community awareness of the impact of family and domestic violence.

Attached to this report is a diagrammatic overview of FCLC's service provision, and supporting interpretive information which demonstrates the increase demand for delivery of this service to the community in the year to date.

While the role has enhanced the service of the FCLC, demand cannot always be met. The 760 people stated in the diagrammatic overview of FCLC's service provision is a reference to total number of people FCLC as a whole has turned away in 2017/2018, not just the FV Solicitor Role. Of these 760 people, 164 were living in the Fremantle Council district, this equates to 21%.

One of the most common reasons FCLC could not assist them was either because they were seeking assistance in an area of law FCLC does not practice in (such as respondents to FVRO matters, wills and estates, major criminal law and landlords seeking tenancy advice).

Other reasons FCLC couldn't assist include the time-frame requested by the person (because they requested assistance too late or at last minute notice where there were risk issues present) or they wanted guaranteed court representation (which cannot be guaranteed).

To ensure that the current level of service can be maintained and that the need for legal support in areas of family and domestic violence can still be provided, it recommended that operating budget be allocated for the continuation of the Family Violence Solicitor for the 2019/2020 period.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1903-5
(Officer's recommendation)

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

Council supports the continuation of funding for the Family Violence Solicitor position as part of the staffing establishment at the Fremantle Community Legal Centre for a further twelve months as part of the consideration of the 2019/2020 draft Operational Budget.

Carried en bloc: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

FPOL1903-6 COMMUNITY ENGAGEMENT POLICY REVIEW

Meeting Date: 13 March 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Current Community Engagement Policy (OP47)

SUMMARY

The City's current Community Engagement policy was prepared in 2010 and is due for review. A revised draft policy has been prepared which sets out the purpose, principles and approach to community engagement to be taken by the City of Fremantle (when engaging communities and stakeholders) in more detail than the current policy.

The revised policy would be applied by all employees and consultants appointed by the City when engaging those affected by and interested in decisions to be made by Council.

The proposed policy has been developed across the organisation and tested against various engagements or projects. This report recommends that Council adopt the revised policy as shown below.

BACKGROUND

Community engagement plays a key role in the City of Fremantle's strategic commitment to be a transparent and responsive organisation. The City is committed to providing opportunities for all members of the community to participate in civic decision-making processes and to lead a culture which respects and welcomes community input.

Council adopted its current Community Engagement Policy (attachment 1) in 2010. This reiterates the City's commitment to engagement and outlines a series of principles to guide engagement processes.

A review of the policy commenced in 2018 with a view to updating the policy and providing further direction on implementation. The review was conducted in house and involved input from a range of departments involved in delivery of services and projects.

OFFICER COMMENT

The policy (and its review) relate to the key theme of 'capability' in the City of Fremantle Strategic Community Plan 2015-2025, which includes an outcome to be a transparent and responsive organisation. Objectives under this theme include providing greater opportunities for the community to participate in decision-making processes, encouraging active civic participation and improving both the quality of community engagement and access to information to ensure people are well informed of council activities.

These outcomes were derived from the Freo 2029 visioning process conducted in 2013/14, where 'decide' was a key area of community interest, based on a collaborative and connected community with a shared vision and good governance.

The current community engagement policy was developed in 2010, prior to this process, and is in need of review to ensure that it reflects best practice and contemporary terminology. Extension to provide clearer direction on application was also identified as desirable to assist in decision making on engagement, and to increase public understanding of the approaches the City takes and their rationale.

Since the development of the current policy, the accessibility and use of digital technology has increased significantly, enabling broader community participation. Anecdotally there has also been an increase in interest in local government decisions. This is supported by the identification of 'inclusive' as a key theme in the current review of the Local Government Act, and initial input from across Western Australia into the review.

The City's My Say Freo online community engagement website was launched in 2015 to encourage broader participation and access to information. Awareness of and use of the website has steadily grown each year. The City has also seen the benefits of innovative and early community engagement on strategic projects. The revised community engagement policy seeks to support a consistent approach to community engagement, delivering on our commitment and leading a culture which respects and welcomes community input.

Review of the policy commenced in 2018 and involved input across the organisation. Recognising that projects and decisions range from operational to strategic, both localised and City-wide, the policy aims to be adaptable to suit a range of circumstances with resourcing reflective of the significance and reach of each decision. It is adaptable to balance innovative, creative and relevant engagement practices with low impact or operational decisions and also acknowledges there are situations where it is neither effective nor appropriate to engage.

To assist in determining appropriate engagement approaches, a matrix is included in the policy to provide guidance for staff and contractors in the early scoping phase of a project, where engagement can have the greatest benefit. Defining the potential impact and scale of a decision or issue early helps to apply an appropriate amount of time, resources and budget to the community engagement.

The draft policy was tested against a variety of recent and current engagements to check its effectiveness when applied to the type and variety of decisions made by Council. The policy was refined incorporating feedback from this process and the current version was found to be suitable for use across the organisation. The matrix was considered a valuable component which provided guidance without being too prescriptive.

It is intended, subject to resources, to develop administrative procedures and 'tools' consistent with this policy to support planning, doing, reporting and evaluating community engagement at the City. Development of this 'tool kit' may help particularly with consultation and notification procedures for routine activities. Improving the explanation between localised actions which enact strategic direction established through earlier consultation and decision-making would be one focus of this process.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil, though community engagement is statutorily required for a number of decisions taken by Council and the policy assists in identifying how this should occur.

CONSULTATION

This policy draws on a key community theme heard through the Fremantle 2029 community visioning - 'decide' - which focused on a collaborative and connected community with a shared vision and good governance. Consultation on the policy revisions is not considered necessary as they build on the established principles and themes identified in early engagement and on more widely accepted good practice; however communication of the policy to precinct and interest groups may provide a forum to further explore their expectations, experiences of and preferences for engagement.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

Cr Rachel Pemberton moved an amendment to the policy within the officer's recommendation, as follows.

AMENDMENT 1

Moved: Cr Rachel Pemberton Seconded: Cr Doug Thompson

Amendment to part 2.6 of the policy, to include the words 'written in plain English' (shown in green italics) to read as follows;

2.6 We complement our engagement with high quality communication.

We provide clear, comprehensive and accessible information, *written in plain English*, to stakeholders throughout the engagement process. Information about our engagement is available on My Say Freo (mysay.fremantle.wa.gov.au) and through the City's communication channels.

Amendment carried: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

Cr Hannah Fitzhardinge moved the officer's recommendation as amended, to read as follows.

COMMITTEE RECOMMENDATION ITEM FPOL1903-6
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Rachel Pemberton**

Council adopt the revised Community Engagement Policy as shown below, and rescind the current Community Engagement Policy (OP47).

Community Engagement Policy

Policy scope

This policy outlines the purpose, principles and approach to community engagement to be taken by the City of Fremantle when engaging communities and stakeholders.

The policy will be applied by all employees and consultants appointed by the City when engaging those affected by and interested in decisions to be made by Council.

Policy statement

1. Purpose

The City of Fremantle is committed to providing opportunities for all members of the community to participate in civic decision-making processes. We recognise that our community is a source of knowledge and expertise, and this can be harnessed to help find solutions to local issues as well as complex city challenges.

Community engagement is a key part of our commitment to be a transparent and responsive organisation. Our objective is to make better decisions by bringing the voices of communities and stakeholders into the topics that are important to them and to lead a culture which respects and welcomes community input.

2. Principles

The City of Fremantle's approach to community engagement is guided by the following principles:

2.1 We clearly communicate why we are engaging and the community's role in the engagement.

From the outset, we articulate the purpose of our engagement and what will happen as a result of the information gathered. We explain what level of influence the community, stakeholders and Council have on the decision to be made, and any associated limitations or constraints. We consider the requirements for each project and its level of potential

impact on the community to determine the required level of engagement. We provide all information necessary so participants can make informed choices.

2.2 We carefully consider who to engage.

Before we begin engaging, we identify communities and stakeholders who are directly involved, or likely to be affected by the project. On major projects that set a direction or define a position for the City, we encourage broad community participation to ensure that a diverse range of views and ideas are expressed and considered. We also consider barriers that prevent or deter people from participating in engagement activities and consider ways to minimise them.

2.3 We explain the process.

We aim to be transparent, and make our decision-making process clear. We do this by explaining upfront the process to be undertaken, identifying where there is opportunity for the community and stakeholders to have input, and where the decision-points are.
Where possible, we build on the outcomes of previous engagement. If the engagement crosses over with a previous engagement process, we explain the outcomes, identify how they relate to the current process and why a new process is required.

2.4 We carefully consider how to engage and ensure our processes, venues and information are accessible.

We recognise people engage with civic life in different ways depending on a number of factors, such as age, background and ability. We aim to be responsive to this broad spectrum of needs, and ensure there are multiple engagement methods in various settings, to achieve appropriate community participation.

We ensure our engagement is accessible by providing information in clear and easy to understand formats, or is available in alternative formats on request. Our engagement events and venues are designed to be accessible whenever practical and achievable.

2.5 We design our engagement to be engaging.

The City of Fremantle is working to continuously improve how we engage, and design approaches that are creative, relevant and engaging. We are open to new and innovative engagement methodologies, and tailor our approach to draw people into the process and maximise the reach and impact of our engagement.

2.6 **We complement our engagement with high quality communication.**

We provide clear, comprehensive and accessible information, *written in plain English*, to stakeholders throughout the engagement process. Information about our engagement is available on My Say Freo (mysay.fremantle.wa.gov.au) and through the City's communication channels.

2.7 **We acknowledge contributions made during the engagement process and let participants know how their feedback was used in our decision-making.**

We are transparent with the community about how their participation was considered, by reporting back what we heard from contributors and how their input has been incorporated in decision making. We share the results of engagement through My Say Freo - mysay.fremantle.wa.gov.au.

We also advise contributors when the matter is to be considered by committee or council so they may attend the meeting if they wish.

3. Approach

3.1 **When we engage**

The City will engage with the community when:

- **Council resolves formally to engage.**
- **A decision or plan will substantially impact the community and there is some part of the decision or plan that is negotiable.**
- **Stakeholders or the community have expressed an interest, or could be interested in a decision or plan where there is a range of potential outcomes.**
- **Community input can enhance decision-making, project outcomes or future opportunities.**
- **There is legislation, policy or an agreement requiring community engagement or consultation.**

3.2 **How we engage**

The level of engagement will vary depending on the nature and complexity of the project or decision and will be guided by the City of Fremantle community engagement principles in section 2.

Consideration is given to things like community and stakeholder interest, political sensitivity, opportunities for partnerships, the level of impact, legislative requirements, time, resource and budget constraints.

Quality community engagement is well planned and executed, inclusive and accessible to all members of the community.

At times Council will engage the community on issues that are of importance or interest to a specific part of the community, and engagement will be targeted towards this group.

The City's engagement approach has four stages to ensure we deliver a consistent approach to engagement activities. This includes a process of planning (developing an engagement plan), doing (preparing and engaging), reporting (analysing information and providing updates on the engagement) and evaluating (both the process and outcomes).

The following matrix is used to assist in determining the most suitable approach, relative to the likely 'level of impact' of a project, plan, service or action. As highlighted by the matrix, more than one level of engagement is generally required, as there is likely to be movement back and forth through the different levels as the engagement is implemented, except in the case of projects or issues with only a low level of impact of a localised nature or if there is a statutory requirement to consult (see 3.4).

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Examples of engagement methods the City may use
High – City wide	High level of impact on all or a large part of the City of Fremantle. Any significant impact on attributes that are considered to be of high value to the whole of Fremantle, such as the natural environment or heritage. Likely high level of interest across the City of Fremantle. Potential high impact on state or regional strategies or directions.	Early engagement with community and stakeholders. Involves a broad range of stakeholders and community members. Utilises a variety of engagement methods to give people who want to contribute, the opportunity to do so. Updates are provided to interested stakeholders and local community. Engagement plan developed in collaboration with the Community Engagement team and approved by Director. Budget allocated to deliver community engagement. Council briefed on engagement plan. Process is evaluated to assess the quality and overall effectiveness of the engagement and assist the City's commitment to continually improve our engagement practice.	Inform Consult Involve Collaborate	Focus groups Workshops Working group Surveys Online tools on My Say Freo Face to face at engagement events Pop ups at community events and spaces Feedback and submission forms

High – Local	**High level of impact on a local area, small community or user group(s) of a specific facility or service.** **Significant change to any facility or service to a local community.** **Potential for a high degree of community interest at the local level.**	**May range from seeking comment on a proposal to involving the community and stakeholders in discussion on proposed options.** **Comprehensive information is made available to the community to enable informed input.** **Uses a combination of face to face and online engagement methods to encourage broad participation at different levels.** **Feedback is collated and made available to all stakeholders.** **Updates are provided to interested stakeholders and local community.**	**Inform** **Consult** **Involve**	**Surveys** **Online tools on My Say Freo** **Face to face at engagement events** **Pop ups at community events and spaces** **Feedback and submission forms**
Low – City wide	**Lower level of impact across City of Fremantle** **Level of interest among various communities or stakeholder groups** **Potential for some although not significant impact on state or regional strategies or directions**	**Approach may range from seeking comment on a proposal to involving the community and stakeholders in discussion and debate on proposed options.** **Ensures informed input through making comprehensive information available to the community.** **Uses a combination of face to face and online engagement methods to encourage broad participation at different levels.** **Feedback is collated and made available to all stakeholders.** **Updates are provided to interested stakeholders and local community.**	**Inform** **Consult** **Involve**	**Surveys** **Online tools on My Say Freo** **Face to face at engagement events** **Pop ups at community events and spaces** **Feedback and submission forms**
Low - Local	**Lower level of impact on a local area, small community or user group of a specific facility or**	**Approach consists of advising the community or stakeholders of a situation or proposal or informing of a decision or direction.**	**Inform**	**Letterbox** **Email** **Signage** **Social**

	service Only a small change to a facility or service at the local level Low interest at the local or user group level	Communication strategy that provides high quality, accessible information to those affected by and interested in the change or decision. Communication channels relevant to the target audience are used.		media Advertising

3.3 When it is not effective or appropriate to engage

It is neither effective nor appropriate for the City to engage when:

- **A final decision has already been made by council or another agency.**
- **Council cannot influence a decision by another agency or party.**
- **The decision to be made concerns a minor operational matter with minimal impact on the community or stakeholders.**
- **Implementing a project or decision that has already been engaged on.**
- **There is insufficient time due to legislative or legal constraints, or urgent safety issues to be addressed.**

In these events, the City will inform stakeholders why the decision has been made.

3.4 Statutory engagement

In some instances, the City of Fremantle is legally required to consult with the community. In these cases, the City will treat the prescribed level of community engagement as the minimum standard.

The most common instance of this is in relation to development applications and other planning proposals. For planning proposals, the City relies on its policies adopted under the Planning and Development Act 2005 for guidance in regard to consultation and these will continue to be the basis on which the City engages with the community on planning matters.

Delivery of community engagement beyond legally required levels will depend on the decision to be made (or project or service to be delivered), the community's interest to participate, the need for Council to understand the community's view, and the opportunity for the community to influence the decision.

3.5 Engagement with Aboriginal communities

The City's Aboriginal Engagement Plan (2015) guides dialogue between the City of Fremantle and the Aboriginal community on community, land and heritage matters and will be applied in conjunction with this policy.

3.6 Holiday periods

The City will not commence an engagement process between the last council meeting of the calendar year and the first council meeting of the new-year, unless there is a legal requirement, council direction or other unavoidable necessity to do so.

An additional 14 days will be added to any engagement period that falls between 15 December and 15 January and 7 days before and 7 days after Easter Sunday.

Definitions and abbreviations

Engagement **– The practice of actively bringing community voices into decisions that affect or interest them, using a range of methods.**

Consultation **– Seeking and receiving feedback or opinion, usually on a proposed plan or decision, e.g. seeking comment on a draft policy or concept.**

Community **– A general term for individuals and groups of people not part of an organised structure or group. They may be a community based on geography, or interest, or both, e.g. residents of Beaconsfield, people impacted by proposed traffic calming measures, young people interested in skateboarding. The community is not restricted to ratepayers or residents of the City of Fremantle.**

Stakeholders **– People who are organised under the banner of a defined group or organisation, often providing representation to a broader group, e.g. Fremantle Chamber of Commerce, a local school or precinct group.**

Engagement tools/methods **– The things we use to activate community input, e.g. a workshop, an online survey, a community meeting.**

Level of engagement **– Refers to any one of five levels of engagement (inform, consult, involve, collaborate, empower) defined by the International Association of Public Participation (IAP2) Public Participation Spectrum to describe the community's role in any engagement programme. A complete description of the IAP2 Public Participation Spectrum can be found online at www.iap2.org.**

Review information and related documentation

Reviewing officer:	Director of Strategic Planning and Projects
Policy adopted:	[insert date of adoption and report number]
Policy amended:	
Legislation:	*Local Government Act 1995* *Planning and Development Act 2005* *Aboriginal Heritage Act 1972*
Delegations:	N/A
Related documents:	Relevant City of Fremantle Plans and Policies
Next review date:	[recommended 5 years from adoption date]

Carried: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

ADDITIONAL OFFICER'S COMMENT

In response to queries raised by Elected Members during debate on the revised Community Engagement Policy considered at the Finance and Policy Committee on 13 March 2019, several additional points of clarification are proposed to be added to the policy as follows:

1. Amend the explanatory text of cl. 2.1 to reference consideration of appropriate timing (as well as level) of engagement, as follows:

   We consider the requirements for each project and its level of potential impact on the community to determine the required level and timing of engagement.

2. Add reference to how listed considerations will affect how and when engagement will be undertaken in cl. 3.2 in paragraph two, as follows:

   Consideration is given to things like community and stakeholder interest, political sensitivity, opportunities for partnerships, the level of impact, legislative requirements, time, resource and budget constraints. These considerations will guide how and when in the life of a project or decision community engagement may offer the greatest benefit.

3. Add a further explanation of how engagement is planned and community input will be considered and reported in cl. 3.2 after paragraph five:

   The purpose of the engagement and the type of input that will assist with the decision to be made is reflected in the way community engagement is planned and reported. We carefully consider aspects of both qualitative input (such as trends and thoughts) and quantitative input (such as number of participants) when designing engagement methods and reporting back what we heard.

The proposed modifications do not materially affect the originally recommended direction of the policy but add clarity. A revised officer's recommendation is consequently made as follows:

AMENDED OFFICER'S RECOMMENDATION

Council adopt the revised Community Engagement Policy as shown below, and rescind the current Community Engagement Policy (OP47).

Community Engagement Policy

Policy scope

This policy outlines the purpose, principles and approach to community engagement to be taken by the City of Fremantle when engaging communities and stakeholders.

The policy will be applied by all employees and consultants appointed by the City when engaging those affected by and interested in decisions to be made by Council.

Policy statement

1. Purpose

The City of Fremantle is committed to providing opportunities for all members of the community to participate in civic decision-making processes. We recognise that our community is a source of knowledge and expertise, and this can be harnessed to help find solutions to local issues as well as complex city challenges.

Community engagement is a key part of our commitment to be a transparent and responsive organisation. Our objective is to make better decisions by bringing the voices of communities and stakeholders into the topics that are important to them and to lead a culture which respects and welcomes community input.

2. Principles

The City of Fremantle's approach to community engagement is guided by the following principles:

2.1 We clearly communicate why we are engaging and the community's role in the engagement.

From the outset, we articulate the purpose of our engagement and what will happen as a result of the information gathered. We explain what level of influence the community, stakeholders and Council have on the decision to be made, and any associated limitations or constraints. We consider the requirements for each project and its level of potential impact on the community to determine the required level and timing of engagement. We provide all information necessary so participants can make informed choices.

2.2 We carefully consider who to engage.

Before we begin engaging, we identify communities and stakeholders who are directly involved, or likely to be affected by the project. On major projects that set a direction or define a position for the City, we encourage broad community participation to ensure that a diverse range of views and ideas are expressed and considered. We also consider barriers that prevent or deter people from participating in engagement activities and consider ways to minimise them.

2.3 We explain the process.

We aim to be transparent, and make our decision-making process clear. We do this by explaining upfront the process to be undertaken, identifying where there is opportunity for the community and stakeholders to have input, and where the decision-points are.

Where possible, we build on the outcomes of previous engagement. If the engagement crosses over with a previous engagement process, we explain the outcomes, identify how they relate to the current process and why a new process is required.

2.4 We carefully consider how to engage and ensure our processes, venues and information are accessible.

We recognise people engage with civic life in different ways depending on a number of factors, such as age, background and ability. We aim to be responsive to this broad spectrum of needs, and ensure there are multiple engagement methods in various settings, to achieve appropriate community participation.

We ensure our engagement is accessible by providing information in clear and easy to understand formats, or is available in alternative formats on request. Our engagement events and venues are designed to be accessible whenever practical and achievable.

2.5 We design our engagement to be engaging.

The City of Fremantle is working to continuously improve how we engage, and design approaches that are creative, relevant and engaging. We are open to new and innovative engagement methodologies, and tailor our approach to draw people into the process and maximise the reach and impact of our engagement.

2.6 We complement our engagement with high quality communication.

We provide clear, comprehensive and accessible information, written in plain English, to stakeholders throughout the engagement process. Information about our engagement is available on My Say Freo (mysay.fremantle.wa.gov.au) and through the City's communication channels.

2.7 We acknowledge contributions made during the engagement process and let participants know how their feedback was used in our decision-making.

We are transparent with the community about how their participation was considered, by reporting back what we heard from contributors and how their input has been incorporated in decision making. We share the results of engagement through My Say Freo - mysay.fremantle.wa.gov.au.

We also advise contributors when the matter is to be considered by committee or council so they may attend the meeting if they wish.

3. Approach

3.1 When we engage

The City will engage with the community when:

- **Council resolves formally to engage.**
- **A decision or plan will substantially impact the community and there is some part of the decision or plan that is negotiable.**
- **Stakeholders or the community have expressed an interest, or could be interested in a decision or plan where there is a range of potential outcomes.**
- **Community input can enhance decision-making, project outcomes or future opportunities.**
- **There is legislation, policy or an agreement requiring community engagement or consultation.**

3.2 How we engage

The level of engagement will vary depending on the nature and complexity of the project or decision and will be guided by the City of Fremantle community engagement principles in section 2.

Consideration is given to things like community and stakeholder interest, political sensitivity, opportunities for partnerships, the level of impact, legislative requirements, time, resource and budget constraints. These considerations will guide how and when in the life of a project or decision community engagement may offer the greatest benefit.
Quality community engagement is well planned and executed, inclusive and accessible to all members of the community.
At times Council will engage the community on issues that are of importance or interest to a specific part of the community, and engagement will be targeted towards this group.
The City's engagement approach has four stages to ensure we deliver a consistent approach to engagement activities. This includes a process of planning (developing an engagement plan), doing (preparing and engaging), reporting (analysing information and providing updates on the engagement) and evaluating (both the process and outcomes).
The purpose of the engagement and the type of input that will assist with the decision to be made is reflected in the way community engagement is planned and reported. We carefully consider aspects of both qualitative input (such as trends and thoughts) and quantitative input (such as number of participants) when designing engagement methods and reporting back what we heard.

The following matrix is used to assist in determining the most suitable approach, relative to the likely 'level of impact' of a project, plan, service or action. As highlighted by the matrix, more than one level of engagement is generally required, as there is likely to be movement back and forth through the different levels as the engagement is implemented, except in the case of projects or issues with only a low level of impact of a localised nature or if there is a statutory requirement to consult (see 3.4).

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Examples of engagement methods the City may use
High – City wide	High level of impact on all or a large part of the City of Fremantle. Any significant impact on attributes that are considered to be of high value to the whole of Fremantle, such as the natural environment or heritage. Likely high level of interest across the City of Fremantle. Potential high impact on state or regional strategies or directions.	Early engagement with community and stakeholders. Involves a broad range of stakeholders and community members. Utilises a variety of engagement methods to give people who want to contribute, the opportunity to do so. Updates are provided to interested stakeholders and local community. Engagement plan developed in collaboration with the Community Engagement team and approved by Director. Budget allocated to deliver community engagement. Council briefed on engagement plan. Process is evaluated to assess the quality and overall effectiveness of the engagement and assist the City's commitment to continually improve our engagement practice.	Inform Consult Involve Collaborate	Focus groups Workshops Working group Surveys Online tools on My Say Freo Face to face at engagement events Pop ups at community events and spaces Feedback and submission forms
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	to a local community. Potential for a high degree of community interest at the local level.	Uses a combination of face to face and online engagement methods to encourage broad participation at different levels. Feedback is collated and made available to all stakeholders. Updates are provided to interested stakeholders and local community.		Pop ups at community events and spaces Feedback and submission forms
Low – City wide	Lower level of impact across City of Fremantle Level of interest among various communities or stakeholder groups Potential for some although not significant impact on state or regional strategies or directions	Approach may range from seeking comment on a proposal to involving the community and stakeholders in discussion and debate on proposed options. Ensures informed input through making comprehensive information available to the community. Uses a combination of face to face and online engagement methods to encourage broad participation at different levels. Feedback is collated and made available to all stakeholders. Updates are provided to interested stakeholders and local community.	Inform Consult Involve	Surveys Online tools on My Say Freo Face to face at engagement events Pop ups at community events and spaces Feedback and submission forms
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It is neither effective nor appropriate for the City to engage when:

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In these events, the City will inform stakeholders why the decision has been made.

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In some instances, the City of Fremantle is legally required to consult with the community. In these cases, the City will treat the prescribed level of community engagement as the minimum standard.

The most common instance of this is in relation to development applications and other planning proposals. For planning proposals, the City relies on its policies adopted under the Planning and Development Act 2005 for guidance in regard to consultation and these will continue to be the basis on which the City engages with the community on planning matters.

Delivery of community engagement beyond legally required levels will depend on the decision to be made (or project or service to be delivered), the community's interest to participate, the need for Council to understand the community's view, and the opportunity for the community to influence the decision.

3.5 Engagement with Aboriginal communities

The City's Aboriginal Engagement Plan (2015) guides dialogue between the City of Fremantle and the Aboriginal community on community, land and heritage matters and will be applied in conjunction with this policy.

3.6 Holiday periods

The City will not commence an engagement process between the last council meeting of the calendar year and the first council meeting of the new-year, unless there is a legal requirement, council direction or other unavoidable necessity to do so.

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Definitions and abbreviations

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***Engagement tools/methods* – The things we use to activate community input, e.g. a workshop, an online survey, a community meeting.**

***Level of engagement* – Refers to any one of five levels of engagement (inform, consult, involve, collaborate, empower) defined by the International Association of Public Participation (IAP2) Public Participation Spectrum to describe the community's role in any engagement programme. A complete description of the IAP2 Public Participation Spectrum can be found online at www.iap2.org.**

Review information and related documentation

Reviewing officer:	Director of Strategic Planning and Projects
Policy adopted:	[insert date of adoption and report number]
Policy amended:	
Legislation:	*Local Government Act 1995* *Planning and Development Act 2005* *Aboriginal Heritage Act 1972*
Delegations:	N/A
Related documents:	Relevant City of Fremantle Plans and Policies
Next review date:	[recommended 5 years from adoption date]

FPOL1903-7 REVOCATION OF VESTING ORDER RESERVE NO.38196 BEING 3/34 PAGET STREET, HILTON - TRANSFER TO CHILD ADOLESCENT HEALTH SERVICES (CAHS)

Meeting Date: 13 March 2019
Responsible Officer: Economic Development & Marketing Manager
Decision Making Authority: Council
Agenda Attachments: 1. Copy Vesting Order Reserve No. 38196
2. Environmental Services report
3. Copy of 1977 Lease agreement

SUMMARY

The City of Fremantle ('City') proposes to transfer the management of Reserve No. 38196 being No. 3/34 Paget Street, Hilton (Infant Health Centre) to the Department of Health with the Management Order in favour of the Child Adolescent Health Service (CAHS). The City currently leases the property to the CAHS.

An old lease agreement exists between the City and the Minister for Works with a commencement date of 01 January 1976 for a term of 21 years together with an option of a further 21 years (the option was not exercised). Therefore the lease has expired and remains in a 'holding over' status.

The Infant Health Centre is currently funded and managed by the CAHS exclusively without assistance from the City. Therefore, the City has approached the CAHS with proposal to transfer Reserve No. 38196 ('the Reserve') over to the Department of Health (DoH) as the Responsible Agency for the management of CAHS. As a result the CAHS board has approved the proposal to accept the Reserve management to include the encroached land (approximately 124m^2) at 85 Rennie Crescent, Hilton (see figure 5 and 6) pursuant of Section 36(1) of the Health Services Act 2016 (HSA) subject to Council and Ministers approval.

The Department of Planning, Lands and Heritage (DPLH) has indicated that from an initial standpoint they see no issue with the potential transfer of the management of the Reserve from the City to the DoH subject to both parties agreement.

This report recommends that Council;

1. **Approve the revocation of Reserve No. 38196 at No. 3/34 (Lot 2661) Paget Street, Hilton (with the current use of 'Infant Health Centre') in favour of the Department of Health (as the Responsible Agency) with a Management Order granted to the Child Adolescent Health Service pursuant of Section 36(1) of the *Health Services Act 2016* for the purpose of '*Health (Health Centre and Allied Purposes) with the power to lease for any term*' being subject to;**

    a. **The amalgamation of the encroached area of approximately 124m2 of the adjoining Reserve No. 38197 (Lot 2662) with Reserve No. 38196 (Lot 2661) as shown on JBL Survey Drawing No. 19025-APS01.**

2. Submit a formal application to the Department of Planning, Lands and Heritage (DPLH), together with a Statutory Declaration identifying any potential contamination and/or unregistered interests over the land.

BACKGROUND

In 1957 the City held Certificate of Title Volume 1223 Folio 20 as a Crown Grant in Trust linked to the former Lot 1847 and Cancelled Reserve No. 24842. The reserve was vested to the City for the purpose of 'Community Centre Recreation and Park'. Current Lot 2661 was created from Lot 1847.

A Government Gazette Notice dated 15 November 1977 confirmed the City's lease of a portion of Cockburn Sound Location 1847 being part of the land contained in the now cancelled Certificate of Title Volume 1223 Folio 20 to the Public Works Department for a period of forty-two years. The lease agreement related to the Infant Health Centre now located within Reserve No. 38196 being Lot 2661 with the street address of 3/34 Paget Street, Hilton.

The lease, with a commencement date of 01 January 1976, noted that the Lessee (Public Works Department) would be responsible for the construction of a Community and Child Health Centre at its own expense. In addition the lessee was responsible for all expenses apart from the rates and taxes not addressed within the lease agreement. The Lease continued for a term of 21 years with a further term option of 21 years. The extension of the lease term was not formally exercised however the agreement continued in a 'holding over' status whereby the current conditions would apply. As a result the Child and Adolescent Health Services have funded all costs associated with the facility as per the agreement.

Current Reserve No. 38196 being Lot 2661 Paget Street, Hilton was Vested to the City on 16 February 1983 for the purpose of 'Infant Health Centre' with the power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands (see Attachment 1). The lease continued unaffected.

Asbestos Report

In May 2008, QED Environmental Services were commissioned by the City of Fremantle to conduct, analyse and report on Asbestos Containing Materials at the Children's Health Centre, 34 Paget Street, Hilton (current street address is No. 3/34 Paget Street) – see Attachment 2. The inspection formed part of the City's 'Asbestos Materials Workplace Register'.

The following conclusions were made in section 1.4 of the Report;

'*No major or moderate asbestos material risk issues identified.*

All other nominated in situ materials do not appear to impact adversely on the micro-environment, however if at any such stage there is a possibility of disturbance before the next inspection (e.g. refits/upgrades to mechanical service) a monitoring and removal programme is recommended.

General Note:-

All identified asbestos containing material requires labelling and ongoing management. Control measures and workplace procedures in the workplace and maintenance registers need to be adhered to so as not to impact adversely on the micro-environment.

- *All vinyl tiles should be considered as asbestos containing material. If removal is required Scanning Electron Microscope analysis technique maybe required to have accurate confirmation of containing asbestos.*

- *All coal tar pitch boards should be Presumed Asbestos Containing Materials; Brand names include zelemite, miscolite & legah.*

On the 21 May 2008 the City forwarded the report, as part of the City's Asbestos Registers and Management Plans, to the Facilities Manager of Child and Adolescent Community Health.

Encroachment

Over time the CAHS has utilised a portion of the adjoining Reserve No. 38197 located at 85 (Lot 2662) Rennie Crescent, Hilton (see Figure 1 and 2). As part of the conditions that the CAHS take management of Reserve No.38196, they ask that the encroached area of approximately 124m^2 be amalgamated with Reserve No.38197 being 3/34 Paget Street, Hilton at the City's cost.

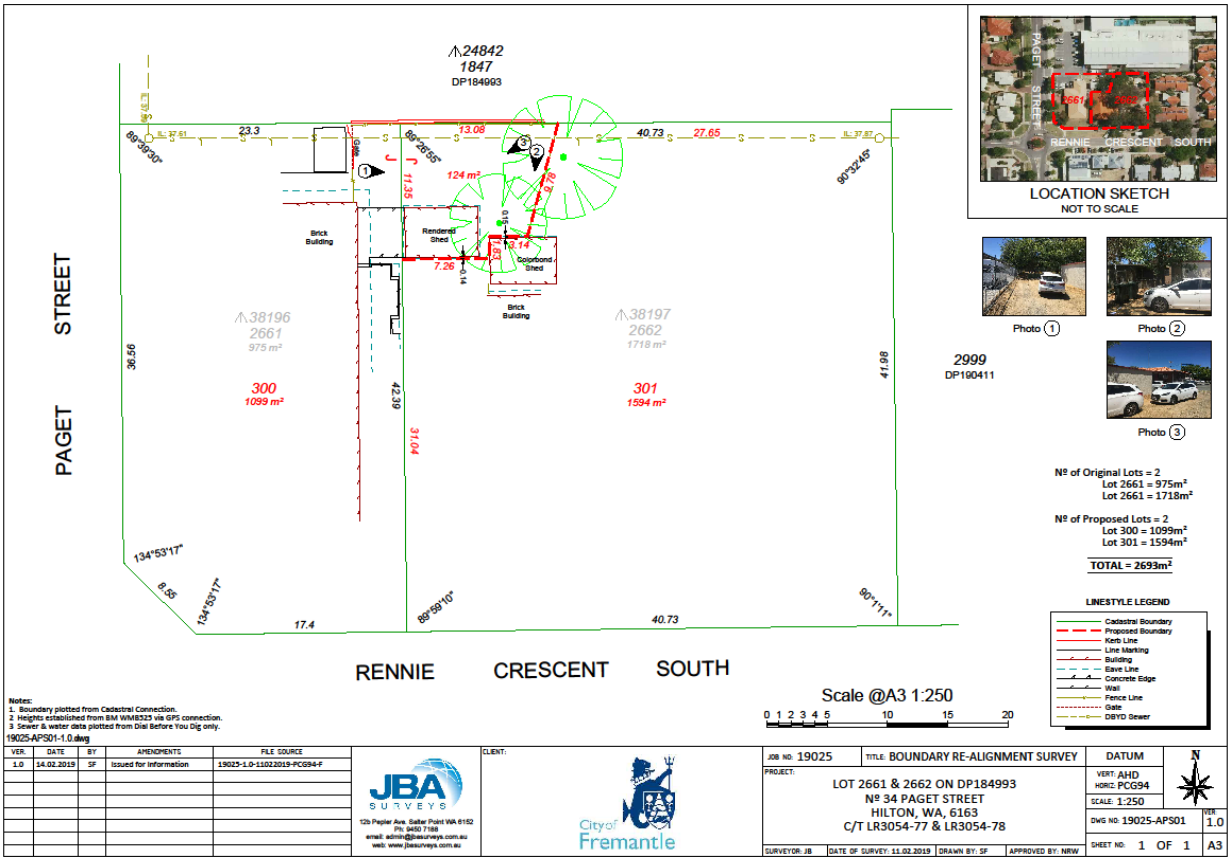


Figure 1 - JBL Survey Drawing No. 19025-APS01

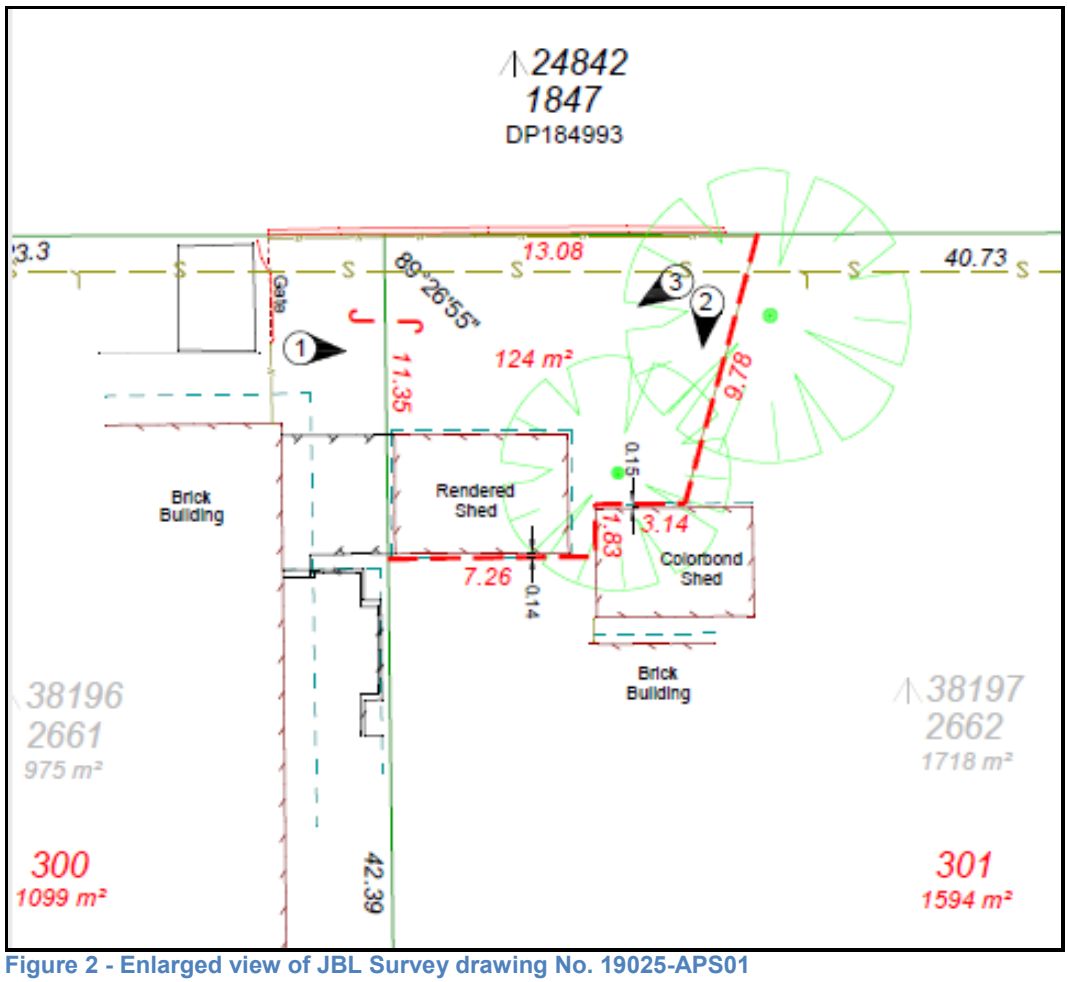


Figure 2 - Enlarged view of JBL Survey drawing No. 19025-APS01

FINANCIAL IMPLICATIONS

- Survey costs to undertake a field survey to re-stablish lot boundaries and provide a feature survey $1,430.00. A deposited plan showing a Crown to Crown transfer may be required later by the DPLH.

- There is no charge to issue a new management order to a State Government Department.

- The City may require legal assistance to with regard to the preparation of a Statutory Declaration required DPLH.

LEGAL IMPLICATIONS

- The revocation of a reserve vesting or management order is pursuant of Section 50 of the *Land Administration Act 1997* ;
- CAHS as a recognised health service provider (see Government Gazette Notice 17 June 2016) may acquire property in its own right pursuant of Section 36 (1) of the *Health Services Act 2016*.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1903-7
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge **Seconded: Cr Sam Wainwright**

Council:

1. **Approve the revocation by the Minister for Lands for Reserve No. 38196 at No. 3/34 (Lot 2661) Paget Street, Hilton in favour of the Department of Health with a Management Order granted to the Child Adolescent Health Service in accordance with Section 36(1) of the *Health Services Act 2016* for the purpose of '*Health (Health Centre and Allied Purposes) with the power to lease for any term*' being subject to;**

    a. **The amalgamation of the encroached area of approximately 124m2 of the adjoining Reserve No. 38197 (Lot 2662) with Reserve No. 38196 (Lot 2661) as shown on JBL Survey Drawing No. 19025-APS01.**

2. **Submit a formal application to the Department of Planning, Lands and Heritage (DPLH), together with a Statutory Declaration identifying any potential contamination and/or unregistered interests over the land.**

Carried: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

FPOL1903-8 PROPOSED PARTIAL ROAD CLOSURE/AMALGAMATION WITH 45 HENDERSON STREET FREMANTLE (FORMER POLICE STATION)

Meeting Date: 13 March 2019
Responsible Officer: Economic Development & Marketing Manager
Decision Making Authority: Council
Agenda Attachment 1: RM Surveys (Feature Contour Survey) provided by the Applicant

SUMMARY

The City of Fremantle ('City') has received an application from the owners of 45 Henderson Street, Fremantle ('Applicant') to close a portion of Henderson Street road reserve for amalgamation with 45 (Lot 535) Henderson Street, Fremantle. A large portion of the road reserve is located within the heritage limestone and iron fence ('limestone wall').

Being road reserve land the applicants request will need to be considered by the Minister for Lands. The State is the approving authority for the closure and amalgamation and will also determine the financial consideration, if any.

It is recommended that Council, in accordance with Sections 58 and 87 of the *Land Administration Act 1997,* approve the advertising of the proposed partial closure of a portion (approximately 466.9m^2) of Henderson Street, Fremantle for the purpose of amalgamation with the adjoining property at 45 (Lot 535 on Plan 406856) Henderson Street, Fremantle, and subject to no objections being received:

a. **Support the proposal, and apply to the Minister for Lands to close and amalgamate a portion of Henderson Street, Fremantle, described in part 1, leaving a 3m x 3m (approximately 4.5m^2) truncation as road reserve, and**

b. **Indemnifies the Minister for Lands against any claim for compensation that may arise from the proposal described in part 1.**

BACKGROUND

The original boundary line of Henderson Street, Fremantle did not encroach into the former Police Station and Courthouse located at 45 Henderson Street, Fremantle. Prior to 1984, the traffic was congested and in order to alleviate the traffic issues, a proposal to create a round-a-bout was suggested at the intersection of Henderson Street, Queen Street and Holdsworth Street. The Parry Street extension built in 1984 ended up providing a better solution and removed the need for a round-a-bout at Henderson Street leaving the subject land behind the wall as road reserve.

The Applicant's feature survey (see attachment 1) proposes to purchase a total of 471.436m^2 of road reserve including a 3m x 3m truncation located at the very corner point outside the limestone wall.

The re-instatement of the boundary line (along the heritage limestone wall) will provide additional protection to the area known as the 'Convict Establishment'.

FINANCIAL IMPLICATIONS

N/A, any financial consideration will be a matter between the applicant and the State Government.

LEGAL IMPLICATIONS

The proposed partial closure and amalgamation is in accordance with Sections 58 and 87 of the *Land Administration Act 1997(LAA)*.

All public road closures for the purpose of amalgamation with an adjoining property require a 35 day public comment period before being submitted to the Department of Planning, Lands and Heritage (DPLH), in accordance with Section 58 of the *Land Administration Act 1997 (LAA)*. Section 87 of the LAA provides the Minister with the power of disposal.

CONSULTATION

In accordance with Section 58 of the *LAA,* the City will carry out public advertising for a period of not less than 35 days by;

- Advertising in the Fremantle Herald (NewsBites)
- Public Comment invited on the City's "My Say" webpage
- Writing to public utility service providers for comments.

Subject to no objections received after the 35 days, Council may make a final decision regarding the proposal in order to save a second unnecessary report to Council.

The Applicant has provided details of this proposal to the Department of Planning, Lands and Heritage (DPLH). At this stage the DPLH and Department of Planning (DoP) may not proceed with the proposal without the City's approval and compliance with statutory requirements under the LAA.

The City has conducted an initial "*Dial Before You Dig*" enquiry on 25 January 2019. The enquiry identified assets located in the **vicinity only** of the subject area with comments from the following agencies;

Atco Gas	Has a 100 PVC gas pipe located within the 3 x 3m area to remain as road reserve (truncation)
Western Power	Has assets in the vicinity of the subject area
NBN Services	Has assets in the vicinity of the subject area
Focus Communications	Has fibre optic services in the vicinity of the subject area
Water Corporation	Has a drainage pipeline in the vicinity of the subject area
Telstra	Has assets in the vicinity of the subject area

OFFICER COMMENT

The proposed closure and amalgamation of the subject section of road reserve (inside the limestone wall) is recommended for Council consideration, as shown in Figure 1 below.

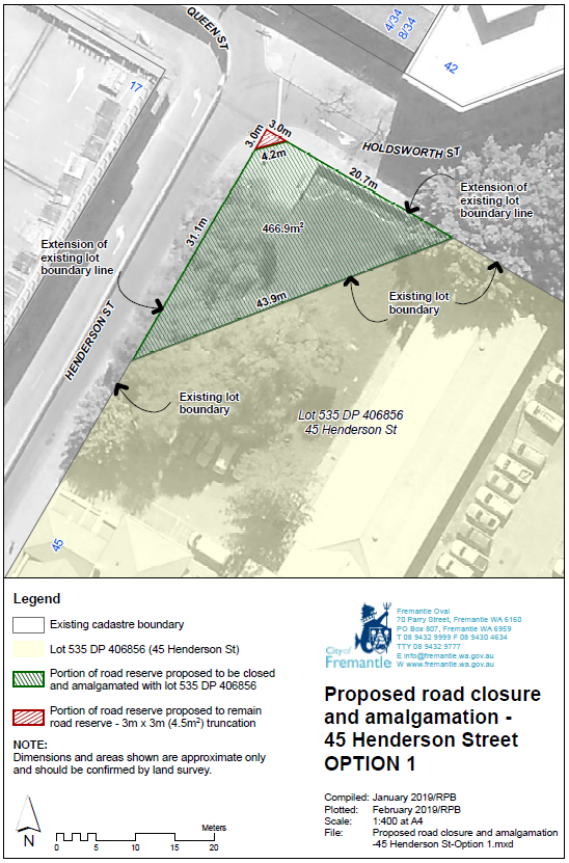


Figure 1 - Includes a 3m x 3m truncation to remain as road reserve

The portion of road reserve proposed for closure is largely located inside the limestone wall and has the general appearance of being part of the 45 Henderson Street property rather than an encroached portion of road reserve. This proposal will provide the applicant with the opportunity to purchase the land as requested and rectify the encroachment. In addition, the applicant proposes to close a portion of the road reserve on the western side of the limestone wall noting the future use of the land "*is to landscape the entire area, thereby making it visually appealing and a feature to the City of Fremantle*".

The applicant's feature survey has calculated a total area of road reserve proposed for amalgamation (excluding the truncation) being approximately 466.9m^2, this figure is submitted to Council for consideration as the recommended option.

From a Heritage perspective the proposal is supported as it protects the original perimeter of the Convict Establishment.

An alternative option to exclude the 3m x 3m corner truncation located outside the boundary wall is proposed. Excluding the extended portion of road reserve preserves the existing (two) public benches and 'rest stop' located within the subject area as shown in Figure 2 below.

The overall effect, if this area is excluded, would reduce the proposed area for closure and amalgamation with 45 Henderson Street, Fremantle to approximately 412.5m2.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1903-8
(Officer's recommendation)

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

1. Council, in accordance with Sections 58 and 87 of the *Land Administration Act 1997,* approve the advertising of the proposed partial closure of a portion (approximately 466.9m^2) of Henderson Street, Fremantle for the purpose of amalgamation with the adjoining property at 45 (Lot 535 on Plan 406856) Henderson Street, Fremantle, and subject to no objections being received:

a. Support the proposal, and apply to the Minister for Lands to close and amalgamate a portion of Henderson Street, Fremantle, described in part 1, leaving a 3m x 3m (approximately 4.5m^2) truncation as road reserve, and

b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the proposal.

Carried en bloc: 6/0
Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan

N1903-1 NOTICE OF MOTION SUBMITTED BY CR WAINWRIGHT- REQUEST TO FUND LIQUIDATOR OF FLY-BY-NIGHT CLUB

Meeting Date: FPOL 13 March 2019
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: Nil

ELECTED MEMBER SUMMARY

In November 2018 the Fly-By-Night Club located at Victoria Hall in Fremantle went into voluntary liquidation. Mr David Spencer of Business and Insolvency Solutions was appointed as Liquidator to oversee the process.

As the decision to commence this process was voluntary there is no pro-bono option and as such the current Chair of the Fly paid the contribution ($7,500) for the cost of appointing the liquidator. This has been confirmed by email from Mr Spencer.

The Fly has been an iconic Fremantle institution for more than 30 years and after losing their tenancy at the Drill Hall moved to Victoria Hall in 2015. As this not for profit organisation has played such an important part in Fremantle's cultural history an argument could be made that the current Board shouldn't bear the burden of this process solely.

This Notice of Motion is seeking council to consider the proposal that the City fund the appointment cost of $7,500 for the Liquidator and allow the Chair of the Fly to be refunded this element of the expense. Mr Spencer has provided confirmation via email that he would be prepared to refund the Chair these funds if the City agreed to provide for this.

Email correspondence received from Mr Spencer stated the following;

"I confirm that I am the liquidator of Fly by Night Musicians Club Ltd and I attach a copy of the ASIC notification.

As Liquidator of the Fly by Night Musicians Club Ltd, if the City of Fremantle pays $7,500 into the Fly by Night account as security for my costs (to replace the previous funding), I agree to transfer the $7,500 previously paid as security for my costs by Mr ……"

OFFICER COMMENT

The City has provided in-kind and financial support in the past to the Fly-By-Night Club. This further request is considered a matter for Council.

If council supports this request, funds can be allocated from the sponsorship budget (account 100003.5961).

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM N1903-1
(Notice of Motion)

Moved: Cr Sam Wainwright **Seconded: Cr Rachel Pemberton**

Council approves to contribute the amount of $7,500 (from the sponsorship budget account 100003.5961) for the security of the Liquidator appointed to the Fly-By-Night Club, on the basis that the Liquidator refunds this value to the original funder.

Carried: 5/1
For
Cr Ingrid Waltham, Cr Doug Thompson, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Andrew Sullivan
Against
Cr Hannah Fitzhardinge

11.3 STRATEGIC PLANNING AND TRANSPORT COMMITTEE 20 MARCH 2019

SPT1903-1 HILTON HERITAGE AREA LOCAL PLANNING POLICY (LPP 3.7) - REVIEW OF FENCING PROVISIONS

Meeting Date: 20 March 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Site Photos - Examples of Hilton Fence Styles

SUMMARY

At its Ordinary Meeting on 12 December 2018, Council resolved to request a review of the current provisions for street fencing outlined in Local Planning Policy 3.7: 'Hilton Garden Suburb Precinct' Heritage Area Local Planning Policy (LPP 3.7). This was sought in light of a number of recent compliance actions relating to street fencing within the Hilton Heritage Area, and objections received from the affected owners.

Following on from the compliance action, community concern has been raised in relation to the maximum (1.2m) street fencing height stipulations within the policy via a petition lodged with Council.

This report outlines the background to the current policy, the issues presented through recent applications, and options to amend the policy. It recommends that the fundamental requirements of the policy be maintained but that greater flexibility be introduced to allow variations to this under a broader than currently (but still limited) set of circumstances, and that community consultation on this be undertaken.

BACKGROUND

The suburb of Hilton, and in particular the area which comprises of the 'Hilton Heritage Area' where LPP 3.7 is applied, was originally planned as a 'garden suburb' and to this day still displays a number of characteristics which typify those planning principles. These include an open, green and permeable interface between streets and dwellings to create an open 'park-like' setting and semi-radial street layout design around parks and amenities. This retained character, still quite discernible in the present day, is one of the key reasons why the suburb of Hilton is recognised as a 'heritage area' under the Local Planning Scheme.

In the 1990s, a number of studies were carried out by the City on the heritage significance and 'garden suburb' characteristics of Hilton. These studies were triggered in part due to concerns surrounding significant redevelopment plans by the then-Department of Housing (Homeswest), and resulted in a set of design guidelines being prepared with the objective of protecting the 1940s-60s character of Hilton. When the City's Municipal Heritage Inventory was adopted in 2000, approximately 600 individual dwellings in Hilton were included on the list as separate entries.

It was later concluded that the heritage significance of Hilton related to the collective appearance and presentation of the suburb, and not specific properties or dwellings, and that the suburb would be more appropriately classified as a 'heritage area'.

A major review of the Municipal Inventory (involving considerable community consultation) was undertaken by independent consultants *Heritage and Conservation Professionals* in 2003. The documents produced in this review became a key resource for the establishment of the Hilton Heritage Area as well as subsequent design guidelines and local planning policy provisions for the suburb. In regard to fencing, the 2003 review noted that '*front fences are predominantly low and were traditionally timber framed with woven wire…'* noting that many properties traditionally had no fencing. This characteristic reflected the 'garden suburb' planning principles employed during the suburb's original design as well as contemporary building practices of the day.

In March 2005, a set of design guidelines for Hilton were adopted by Council in response to the designation of the suburb as a Heritage Area and the above-mentioned review in 2003. In relation to street fencing, the guidelines stated that fences should achieve a maximum height of 1.2 metres and be entirely visually permeable i.e. no 'solid' component to the fence was permitted.

In 2010, after extensive community consultation, the current local planning policy was adopted by Council – Local Planning Policy 3.7 (LPP 3.7) – which introduced the fencing provisions as they currently stand. These stipulate a maximum solid wall height of 300 millimetres, with the remainder of the fencing up to 1.2 metres to be 'visually permeable'. It is noted that the term 'visually permeable' in the context of LPP 3.7 refers to the relevant definition in the Residential Design Codes of WA (R-Codes). Unlike the 2005 design guidelines, the policy allows for a low section of 'solid' fencing and also gives the ability to vary these provisions through consideration of other fences in the 'prevailing streetscape'.

In December 2018, Council considered two retrospective development applications for non-compliant street fencing within the Hilton Heritage Area. The constructed fences were seeking discretion for variations to the policy in regard to the overall height and/or visual permeability criteria. Whilst recommended for refusal by officers due to non-compliance with LPP 3.7 provisions, Council opted to defer making a decision on both proposals and resolved to request that staff review the current fencing requirements, citing resident discontent with the current height restrictions (often seeking higher fences for privacy/security reasons) as well as the number of non-compliant fences within the Hilton Heritage area and resulting compliance concerns.

Council was also presented at that same meeting with a petition from one of the affected landowners containing 89 signatures from approximately 70 properties which read:

> To the Mayor and Councillors of the City of Fremantle, we the undersigned, do respectfully request that the Council perform a review of the Local Planning Policy (LPP 3.7) for the suburb of Hilton. We believe the policy should be amended to allow for higher, visually permeable fences on the primary street to provide improved crime deterrence and security for young children and pets. The policy should also make consideration for homes with the primary green space forward of the building line, as well as site topology and dwelling ground clearance.

The following report considers the concerns raised with the current fencing provisions, options for revision and recommended modifications to the policy.

CONSULTATION

The 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* outline the preparation and consultation requirements for local planning policies, including requirements for public consultation in the preparation and review of policies. No consultation has been undertaken in the preparation of the report though the issues raised in the submitted petition have been considered.

OFFICER COMMENT

Current Provisions

As outlined in the background section of this report, the current fencing provisions were adopted in 2010 as part of the introduction of LPP 3.7. They originated in early design guidelines prepared for the Hilton Garden Suburb heritage area, but with the 2010 policy softening these to introduce a permissible solid wall component to the fencing, as well as establishing a variation clause to consider applications seeking discretion.

The current policy provisions are summarised as follows:

- For properties on South Street between Stock Road and Lee Avenue, the maximum overall fencing height is 1.8 metres, with a maximum height of 1.2 metres of solid wall permitted (consistent with the provisions in *LPP 2.8: Fences Policy*);
- For fences abutting Stock Road, solid rear fencing is permitted up to 2.0 metres in height;
- For fencing in all other areas, maximum solid wall height of **300mm** and maximum overall height of **1.2 metres**, with the portion of fencing above 300mm 'visually permeable';
- Variations are only permitted where consistent with *prevailing streetscape* and *where surveillance is maintained*.

This report considers the requirements for street fencing within the Hilton Heritage Area, however it does not include fencing located on a major road, given the greater flexibility in height and materials these already enjoy, and the absence of concern raised in relation to these. The primary focus of the review relates to the maximum 1.2m height, the proportion and degree of permeability and the provisions for performance based relaxation.

Permeability
The R-Codes definition for visual permeability, as used in the context of assessing street fencing in Hilton, is as follows:

*In reference to a **wall**, gate, door or fence that the vertical surface has:*

- *continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;*

- *continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or*
- *a surface offering equal or lesser obstruction to view;*

as viewed directly from the street.

There are essentially two components to the first part of this definition. Where gaps of 50 mm or greater are proposed in the fencing material, the gaps must occupy at least one-third (or 33%) of the total face of the fence. The assumed logic behind this provision is that a gap of 50 mm alone will allow a clear line of sight and therefore a fence with a third of the total surface with gaps greater than 50 mm is sufficient to provide a suitable level of visual permeability.

Where gaps of less than 50 mm are proposed, then the gaps in the fence need to occupy half (or 50%) of the total face of the fence. It is assumed that gaps of less than 50 mm do not in themselves allow a clear line of sight and therefore a greater overall requirement of gaps (or *openness*) in the fence is required to achieve a suitable level of visual 'permeability'.

It should be noted that under both scenarios, solid pillars could be permitted with the fence still meeting the overall definition of visually permeable.

The second part of the R-Codes' definition is interpreted to allow different materials or designs, aside from slats, that will offer an equivalent level of visual permeability as the first part of the definition. An example may be for the fence to contain some tinted glass or mesh which would allow persons/objects to be seen from the street.

Variations Clause
Whilst the current policy provides some flexibility for variation to the general requirements, it stipulates that this is only to occur where consistent with the prevailing streetscape, and defines prevailing streetscape as follows:

Means the characteristics (generally limited to the setback and orientation of buildings including garages and carports from the primary or secondary street, front walls and fencing, building height, building/roof form and proportion) of the 3 properties, where appropriate, adjoining either side of the subject site, fronting the same street and in the same street block.

In the case of a corner lot where the dwelling is orientated to the splay, the characteristics of the adjoining three properties, where appropriate, facing both streets shall be considered.

Greater weight may be given to the characteristics of the two immediately adjoining properties on either side of the subject site fronting the same street(s).

For the purpose of this definition, properties separated by a street shall not be considered 'adjoining'.

This is a very clear cut but relatively restrictive definition of streetscape which sometimes baffles applicants referring to numerous nearby precedents. However it was specifically included to avoid the subjective assessments and debates which more open ended definitions often result in.

Existing Fencing Characteristics

As part of this review, existing street fences within the Hilton Heritage area have been reviewed through a site visit. It was noted that a significant number of fences involve some deviation from the policy, either in relation to height or, more commonly, in relation to the 'visual permeability' requirements. This is mostly due to the spacing of pickets, or other materials, not satisfying the required spacing as detailed above. Many, however, satisfy the intent of the policy in respect to materials, height and surveillance, and/or would only represent minor deviations from the policy. Fencing styles in Hilton can be roughly attributed to the following categories:

1. **Lower-style 'Hilton' fencing:** these fences are what most would consider being the typical style of the Hilton heritage area, comprising of low height and traditional materials (e.g. wire, timber, pickets). This style of fence remains common (although no longer dominant).
2. **'Hybrid' fences:** these fences typically combine a traditional picket fence with a low solid wall and higher solid piers. They are usually constructed to 1.2 metres in height however some marginally exceed this, particularly in relation to the piers. These are reasonably common.
3. **Higher R-Code Compliant Fences:** these are fences which typically comply with the generic fencing standards in the Residential Design Codes, generally constructed of brick or limestone and comprising of 1.2 metres of solid wall, with higher piers and infill panels/slats. They remain relatively rare.
4. **Solid walls:** there are a number of different solid wall styles evident on some properties, comprising of various heights and materials, and typically do not permit surveillance to and from dwellings. They remain relatively rare.

A number of fences combine types (e.g. incorporating a solid taller component with portions of open style).

Whilst the survey was not comprehensive and did not formally audit compliance or proportions, it confirms the reasonably high incidence of non-compliance but also the continuing predominance of lower and more open fencing styles overall.

Issues

The key issues relating to front fencing in Hilton relate to:

1. Heritage considerations which prompt the continued pursuit of low, lightweight fencing consistent with that traditional to the area and consistent with garden suburb principles.
2. Security considerations which prompt taller fencing, in particular, to limit unauthorised entry.
3. Freedom of expression considerations which might prompt greater flexibility for more creative fencing types than those either traditional to the area, or routinely produced through R-Codes.

4. Efficiency and affordability considerations, which might prompt greater capacity for 'standard' (and so very easily acquired) fencing types to be permitted.
5. Contemporary lifestyle expectations, which might prompt greater flexibility for fencing of front setback areas where this comprises the primary or sole outdoor living area available to residents.
6. Practical considerations, which requires consideration of the suitability of particular fencing types to contemporary situations, their availability and affordability, and the appetite and capacity of the City to enforce standards which either are not well supported and / or are commonly varied. Clarity and simplicity of standards also falls under this category to allow ease of comprehension for the community and ease of administration for the City.

The tension between heritage and security / lifestyle expectations represents the key challenge.

Options Forward

Basic options going forward include to:

1. Maintain the current policy requirements on the basis that these represent a reasonable balance between the heritage character of the area and more contemporary standards and expectations. This will require that non-compliant fences be addressed as they arise.
2. Maintain current policy requirements, but with refinement to height and / or visual permeability requirements to allow some greater flexibility on these points (and reduce the extent of existing non-compliance). This represents a compromise, potentially increasing security available, but also moving a step further away from the character of the area its heritage designation has sought to protect.
3. Maintain current policy requirements but with greater capacity to consider minor variations based on performance criteria. This represents an alternative compromise option which allows variation in circumstances where, for example, a high degree of openness and surveillance is still achieved and the open character of the streetscape maintained. The advantage of this approach is that it doesn't simply wind back streetscape protections as of right, and it's potentially more context responsive, but its disadvantage is that it provides less definitive parameters, and requires more subjective assessment.
4. Increase the permissible height (e.g. to 1.5m or 1.8m) where visually permeable (to either align or come closer to the default R-Code provisions).

These options were discussed at an informal meeting of Elected Members at which the third option was, in general terms, preferred. Some Elected Members present also expressed a desire for more proactive communication of the policy within the community to occur as part of or following consultation to increase awareness of it. Inclusion of clearer explanations and diagrams was also suggested.

Whilst this option has merit, the challenges with it relate to consistent application and administrative efficiency, with subjective assessments having the potential to generate a disproportionately high workload and level of Council referral. Option 2 is consequently recommended by officers, with policy revisions proposed which:

1. Allow consideration of a greater number of dwellings than the current definition of prevailing streetscape (which limits this to the three dwellings on either side of the property).
2. Provides a clear path for more routine variation to fences up to 1.5m in height with a very (minimum 80% visually permeable) open style.

This will provide some greater flexibility but within boundaries that can be easily communicated to the public and administered by officers without a requirement to refer high volumes of applications to Council. This approach will not resolve all the examples of non-compliance and is unlikely to be satisfactory to either those seeking a high degree of security (e.g. 1.8 m fencing) or those preferring a more purist heritage or design based approach. However, given the high demands discretionary assessment of fencing applications can potentially place on the City at both administrative and elected member level, it is preferred to a more subjective performance-based assessment.

Should council prefer a more flexible (but subjective) approach, various options which give more open ended consideration to streetscape and character are available; however the staff preference remains for the approach recommended.

In considering the modifications proposed, Council may like to note that the recommended 80% visual permeability variation essentially prompts a very open style fence. It does not provide for the 300m solid component permissible as of right for a fence of 1.2m, seeking to achieve a higher degree of permeability to counter balance the increased height (and being close to the traditional fencing of the area).

FINANCIAL IMPLICATIONS

Nil. The fee applicable to fencing applications is currently capped at $147.

LEGAL IMPLICATIONS

The process for local planning policy revocations is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), as previously outlined in the 'Consultation' section of this report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Dave Hume **Seconded: Cr Jon Strachan**

Council:

1. Resolves to endorse the following modification to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 for the purposes of community consultation:

   1.5 Street Walls and Fences

   1.5.1 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be visually permeable above 300 millimetres.

   1.5.2 For properties located on South Street, between Stock Road and Lee Avenue, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres.

   1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

   Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

   a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling; or
   b. is a maximum of 1.5m in height and a minimum of 80% visually permeable.

2. Request the preparation of community engagement material including clear explanations and diagrams and undertake consultation on the proposed changes to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 in accordance with Local Planning Policy 1.3 and the Planning and Development (Local Planning Schemes) Regulations 2015.

3. Notes that the conduct of the review of the fencing provisions of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 responds to the review requested in the petition presented to Council on 12 December 2018.

Amendment

Moved: Cr Jeff McDonald **Seconded: Cr Jenny Archibald**

To amend part 1.5.1 and part b of the policy within the officer's recommendation, as shown in italics below:

1.5.1 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be *a minimum of 30 %* visually permeable above 300 millimetres.

b. is a maximum of 1.5m in height and a minimum of ~~80%~~ *50%* visually permeable.

Amendment carried: 6/1
For:
Mayor, Brad Pettitt, Cr Jenny Archibald, Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume
Against:
Cr Jon Strachan

COMMITTEE RECOMMENDATION SPT 1903-1
(Amended officer's recommendation)

Moved: Cr Dave Hume **Seconded: Cr Jon Strachan**

Council:

1. Resolves to endorse the following modification to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 for the purposes of community consultation:

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be a *minimum of 30%* visually permeable above 300 millimetres.

1.5.2 For properties located on South Street, between Stock Road and Lee Avenue, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres.

1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and

the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling; or

b. is a maximum of 1.5m in height and a minimum of *50%* visually permeable.

2. Request the preparation of community engagement material including clear explanations and diagrams and undertake consultation on the proposed changes to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 in accordance with Local Planning Policy 1.3 and the Planning and Development (Local Planning Schemes) Regulations 2015.

3. Notes that the conduct of the review of the fencing provisions of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 responds to the review requested in the petition presented to Council on 12 December 2018.

Carried: 6/1
For:
Mayor, Brad Pettitt, Cr Jenny Archibald, Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume
Against:
Cr Jon Strachan

ADDITIONAL OFFICER'S COMMENT

In response to amendments to the revised draft Hilton Heritage Area Policy fencing provisions recommended by the Strategic Planning and Transport Committee on 20 March 2019 and several queries raised during debate, the following additional advice is provided in relation to the draft policy provisions:

4. **Default fencing provision (Cl 1.5.1):**
   The Committee resolved to recommend modification of Clause 1.5.1 (outlining the default front fencing provisions) to:

   1.5.1 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be a minimum of 30% visually permeable above 300 millimetres.

   The explanations of visual permeability calculation provided at Attachment 1 may assist in assessing whether the 30% proposed reflects the Committee's and Council's view. A 'standard' picket fence would equate to approximately 30% visual permeability (based on a typical picket width of 70mm and spacer of 30mm – refer https://www.narangbatimbers.com.au/wp-content/uploads/how-to-build-a-timber-fence-003.pdf) though many variations now exist (some *approximate* calculations below).

50% VP

30%VP

10% VP

15% VP

0% VP

30% VP

5. **Variations clause**:
The Committee resolved to recommend modification to Clause 1.5 b) to specify that a 1.5m high fence would be considered as a variation to Clause 1.5.1 where it was a minimum of 50% visually permeable. The Committee also requested assistance in clarifying its intent that solid fencing above 300mm would not be supported. Active promotion of traditional fencing types was also suggested. The following change (in green) is suggested to reflect this:

Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling; or

b. is a maximum of 1.5m in height and a minimum of 50% visually permeable.

Notwithstanding the above, visually impermeable fencing above 300 millimeters in height will not be supported. Fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) are preferred.

6. **Clarification that all fencing with the Hilton Heritage Area requires planning approval**:
The Local Planning Scheme in combination with the Planning and Development (Local Planning Schemes) Regulations 2015 currently specify which development is exempt from planning approval. In February, Council supported the preparation of a scheme amendment to remove the exemptions from the planning scheme and transfer them to a single policy, however this has not yet occurred. Duplication of statutory requirements in planning policy is generally not recommended because it can lead to confusion and conflicts when one alters and not the other. In terms of clearly communicating the requirement for a

development application for fencing within the Hilton Area, the development of an information brochure (recommended as part of the community engagement process for the revised policy) could address this need. Alternatively, if Council is of the view that the policy needs to reiterate the scheme requirement, Council could include a note (not forming a formal part of the policy) as follows:
Note: Front fencing with the Hilton Heritage Area is not exempt from development approval under Local Planning Scheme No. 4 and consequently all front fencing requires planning consent prior to erection.

AMENDED OFFICER'S RECOMMENDATION

Council:

1. **Resolves to endorse the following modification to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 for the purposes of community consultation:**

1.5 Street Walls and Fences

1.5.2 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be a minimum of 30% visually permeable above 300 millimetres.

1.5.3 For properties located on South Street, between Stock Road and Lee Avenue, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres.

1.5.4 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

a. Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling; or
b. is a maximum of 1.5m in height and a minimum of 50% visually permeable.

Notwithstanding the above, visually impermeable fencing above 300 millimeters in height will not be supported. Fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) are preferred.

2. **Request the preparation of community engagement material including clear explanations and diagrams and undertake consultation on the proposed changes to Clause 1.5 of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 in accordance with Local Planning Policy 1.3 and the Planning and Development (Local Planning Schemes) Regulations 2015.**

3. **Notes that the conduct of the review of the fencing provisions of the Hilton Garden Suburbs Precinct Heritage Area Local Planning Policy 3.7 responds to the review requested in the petition presented to Council on 12 December 2018.**

SPT1903-2 USE OF CASH IN LIEU OF PUBLIC OPEN SPACE - LOT 1819 BLINCO STREET, FREMANTLE

Meeting Date: 20 March 2019
Responsible Officer: Director Planning and Strategic Projects
Decision Making Authority: Council
Agenda Attachments: 1. Correspondence from LandCorp

SUMMARY

The purpose of this report is for Council to consider the most appropriate use of a cash in lieu of public open space contribution that will be paid to the City in the near future in compliance with a condition of subdivision approval relating to land at lot 1819 Blinco Street, Fremantle.

Two independent valuations procured by the developer (LandCorp) and the City have concluded that an appropriate value for the cash in lieu contribution is $404,075 exc GST (based on the market value of the site).

The City has been requested by LandCorp to consider allowing the developer to use the cash in lieu amount to cover the cost of an enhanced landscaping treatment to the road reserve verge on the northern side of Knutsford Street between Montreal and Wood Streets (i.e. the Knutsford Street frontage of the subdivision site) to create the first stage of what might ultimately become a 'linear park' along Knutsford Street. This would be an unconventional use of cash in lieu funds and whilst officers consider a linear park is an innovative concept which has merit, it needs to be considered alongside other options for use of the funds on established public open space reserves managed by the City – particularly Booyeembara Park, which is in close proximity to the subject site and is in need of further improvement works to implement stages of the Booyeembara Park master plan. Ultimately the approval of the Minister for Planning is required for any proposed use of cash in lieu of open space funds, but from the available options in this case officers consider that using the funds to implement further improvements to Booyeembara Park would best align with WA Planning Commission policy on the use of cash in lieu funds and offer substantial community benefits overall to residents within the park's catchment area (including future residents of the LandCorp development).

This report recommends that Council resolves to support using the cash in lieu payment to implement improvement works to Booyeembara Park, and to seek final approval for this use of the payment from the Minister for Planning.

BACKGROUND

Lot 1819 Blinco Street, Fremantle (former Reserve 23558 Montreal Street) is a 1.52 hectare parcel of land within the Knutsford Street East local structure plan area, bounded by Blinco Street, Montreal Street, Knutsford Street and Wood Street. The site is owned by LandCorp and has been cleared of all previous buildings and remediated in readiness for redevelopment (see aerial photo below – Figure 1).

In November 2018 the Western Australian Planning Commission (WAPC) granted conditional approval to two applications for subdivision of the land as follows:

- Subdivision of the original lot 1819 into three freehold green title lots - one approximately 1.15ha in area, and two smaller lots of 1764 sq m and 1894 sq m.
- A further subdivision of the largest lot into 36 survey-strata lots plus common property intended for development with grouped dwellings.

The survey-strata plan approval is subject to a condition requiring 10% land to be provided as public open space, and an advice note stating that the WAPC agrees to the condition being fulfilled by a cash in lieu contribution in accordance with section 153 of the *Planning and Development Act 2005.* In accordance with normal WAPC procedures, the local government has a role in clearing this condition of approval. LandCorp is in agreement with the condition being fulfilled by means of a cash-in-lieu contribution, rather than providing open space on the site itself. The purpose of this report is to enable Council to confirm the City's agreement to accepting a cash in lieu payment and to consider the most appropriate application of the cash in lieu funds, particularly in light of an unusual request by LandCorp regarding use of the funds.

Figure 1 – Lot 1819 Blinco Street

OFFICER COMMENT

The circumstances in which public open space requirements associated with subdivision of land may be fulfilled by cash in lieu payments, and the procedure for determining the value of a payment and what it may be spent on, are prescribed in sections 153 to 155 of the *Planning and Development Act 2005* (P&D Act).

Section 153 requires the WAPC, the landowner and the local government to agree to payment of a cash in lieu sum to the local government rather than the provision of public open space as part of the subdivision. As stated above, the WAPC and LandCorp have already indicated their agreement. Officers consider that in the case of this site, given its proximity to existing large public open space reserves (notably Booyeembara Park) and the fact that if open space was provided on site it would only be approximately 1150 sq m in area and therefore of limited utility, the City should agree to a cash in lieu payment to enhance open space on existing public land rather than the creation of further public open space. Council is therefore recommended to formally approve the City's agreement to accept a cash in lieu payment.

The P&D Act states that the value of a cash in lieu payment should be the market value (as determined by a licensed valuer) of the area of land that would otherwise have to be set aside as public open space as part of the subdivision. In this instance LandCorp and the City commissioned independent valuations from two different licensed valuers. The advice from both valuers (after some discussion to reconcile slight differences in valuation methodology) was that the market value of the land area in question is $404,075 (excluding GST). LandCorp has confirmed its acceptance of this figure as the cash in lieu amount payable, and officers recommend that the City should also accept this as the applicable cash in lieu amount.

Section 154 of the P&D Act specifies the purposes for which money paid in lieu of the provision of open space may be used. In summary, these purposes are:

- Purchase of land by the local government for use as parks/open space in the locality.
- Repaying any loans raised by the local government to cover the cost of purchasing land for use as parks/open space.
- With the approval of the Minister for Planning, expenditure on improvement or development of parks, recreation grounds or open spaces on land in the locality vested in or administered by the local government for such purposes.

'In the locality' refers to the locality of the land subject to the subdivision approval which has triggered the cash in lieu payment. The P&D Act does not prescribe a maximum distance from the subdivision site which constitutes the locality, and in practice local governments exercise a degree of judgement over where cash in lieu funds may be spent.

Further guidance on acceptable uses for expenditure of cash in lieu funds is provided in WAPC Policy No. DC 2.3 *Public Open Space in Residential Areas,* and Planning Bulletin No. 21 *Cash-in-Lieu of Public Open Space.* Both policy documents list acceptable expenditure for cash in lieu funds on improvements to open space/recreation reserves as including works such as clearing/earthworks, landscaping and planting, reticulation, lighting, play equipment, pathways, fencing and walk trails. The policy documents expressly state that use of cash in lieu funds would not normally be acceptable for expenditure on community halls or indoor recreation centres, enclosed tennis courts, bowling greens or other facilities for private clubs.

Any request to the Minster to approve expenditure of cash in lieu funds on development or improvement of public open space would be considered in the light of this policy guidance.

LandCorp's request

LandCorp has made a written request for the City to consider an alternative proposal to payment of the full cash in lieu amount to the City (see Attachment 1). The proposal is to use some or the entire amount to cover the cost of an enhanced landscaping treatment to the road reserve verge on the northern side of Knutsford Street between Montreal and Wood Streets (i.e. the Knutsford Street frontage of the subdivision site) to create the first stage of what might ultimately become a 'linear park' along Knutsford Street. This concept was developed informally by the Australian Urban Design Research Centre (AUDRC) as part of some analysis work on the Knutsford precinct commissioned by LandCorp.

LandCorp has stated that it would undertake a 'standard' developer upgrade treatment of the verge areas adjacent to the site in any event, but the very wide verges in the Knutsford Street road reserve present an opportunity to carry out a higher specification treatment to create part of a green link along Knutsford Street. This could potentially include active and passive recreational spaces similar to pocket/verge parks the City has recently created in Hines Rd/Clarke St, Hilton and Minilya Ave, White Gum Valley, and/or features such as community gardens, public seating, etc. LandCorp's landscape architecture consultants have costed the additional cost of the higher specification verge works (over and above the cost of the standard works) at $343,012. This includes maintenance costs for an initial 2 year period in accordance with standard developer requirements, but thereafter the City would become responsible for ongoing maintenance. LandCorp's cost estimate was provided before the agreed valuation of the cash in lieu amount ($404,075 exc GST) was established.

Other options for expenditure of cash in lieu

Lot 1819 is within the 400 metre walkable catchment area of Booyeembara Park (200m away from the nearest entry to the park on Montreal Street). The City's *Greening Fremantle: Strategy 2020* sets a target of all residents and workers having access to public open space within a 400m (approx. 5 minute) walkable distance.

Booyeembara Park is one of the City's largest and most strategically important areas of public open space. Together with Fremantle Public Golf Course, it occupies Reserve Number 6638, an 'A' Class Reserve vested in the City of Fremantle for management for the purpose of recreation.

A master plan was first adopted by Council in 1998 following extensive community consultation. The park's design was based on Fremantle's landform, environment and culture. The park was used as an opportunity to support and embrace the reconciliation process that the City of Fremantle had embarked on and the masterplan stated *"the new park offers a suitable site for incorporation of ephemeral and permanent actions to support the ongoing processes of reconciliation and park development"*.

Full implementation of the master plan has been constrained by resource limitations and, in recent years, the need to address asbestos contamination issues. In 2018 Council approved the establishment of a CEO Reference Group, including elected members and local community representatives. The terms of reference of the Reference Group include reviewing and updating the master plan including a revised Stage 4, and providing feedback to the City on planning, design and staging of further implementation of the master plan.

Detailed costings for next stages of work have not yet been prepared, but advice from the Manager Parks and Landscape indicates that application of the approx. $400,000 cash in lieu sum to works in Booyeembara Park would be likely to enable significant further work to be carried out; particularly improvements to the entrance from Montreal Street and the Olive Grove area through to the story telling circle (an important part of the reconciliation theme of the park), including groundworks, landscaping, pathways, etc.

Apart from Booyeembarra Park, the next nearest areas of existing public open space to lot 1819 are Horrie Long Reserve on Amherst Street (approx. 400m away but on the northern side of High Street, which presents a significant barrier to a walkable catchment) and Stevens Reserve (approximately 600m away). Whilst these open space reserves might be regarded as being 'in the locality' of lot 1819 they are significantly less accessible to future residents of the Knutsford East precinct and officers consider they would be less appropriate locations for the expenditure of the cash in lieu funds from the lot 1819 development than Booyeembara Park.

Other comments
As stated above, the P&D Act requires the approval of the Minister for Planning to be obtained for any proposal to spend cash in lieu funds on improvement or development of public open space, whatever Council's preferred use of the contribution may be.

Without pre-empting Council's or the Minister's decision, officers consider it is reasonable to presume that the Minister would approve a request for expenditure of the funds on improvement works at Booyeembara Park, given the purpose of the reserve (recreation), the proximity of the site to Booyeembara Park and the existence of an established master plan identifying a clear program of improvement works to the reserve. The nature of works proposed in the master plan align well with the types of works identified in the WAPC's policy documents (referred to above) as acceptable uses of cash in lieu funds.

With regard to the LandCorp proposal to spend the funds on verge enhancement works, given the unusual nature of the proposal and the fact that the land is vested in the City for the purposes of a road reserve rather than open space/recreation, officers have sought informal advice from staff at the Department of Planning, Lands and Heritage (DPLH) who would advise the Minister on any request for approval of the use of cash in lieu funds. The advice received states, in summary, that the concept of cash-in-lieu of providing POS being spent on landscape works within a wide verge to improve local amenity has merit in principle. However, in this particular situation, the proposed subdivision layout would result in four fragmented small areas of open space rather than a continuous linear park due to the three laneways/roads proposed between Wood and Montreal Streets. The cash-in-lieu money may be better spent on improving existing local POS. If Booyeembara Park does not require the expenditure of cash-in lieu funds, there may be other nearby parks. The Department does not have any precedent for this type of concept and should the City wish to pursue the proposal further, legal clarification on whether section 154 of the P&D Act provides discretion to use funds for this purpose would be required.

Officers consider that the LandCorp 'linear park' concept is innovative and has merit as a means of improving the public realm in part of the Knutsford Street precinct. However, even assuming the Minister for Planning would approve funding these works through the cash in lieu contribution (which is questionable given the informal advice received from DPLH officers) it would represent substantial expenditure on a limited area of road verge. To realise maximum benefit from the 'linear park' concept, it would need to be progressively implemented along the full length of Knutsford Street, linking Booyeembara Park and the golf course at the eastern end with Monument Hill Reserve to the west. The likelihood of most other land parcels along Knutsford Street undergoing redevelopment and contributing funding to implement other stages of a linear park within the road verge within the reasonably short term future currently appear low.

Weighed against these considerations, officers consider that use of the cash in lieu funds to implement further improvements to Booyeembara Park in accordance with the master plan would offer greater community benefits overall to a larger number of residents within the park's catchment area (including future residents of the LandCorp development). On this basis officers recommend that Council resolve to use the cash in lieu payment for this purpose, seek final approval for this use of the payment from the Minister for Planning, and advise LandCorp accordingly.

FINANCIAL IMPLICATIONS

The cash in lieu contribution from the subdivision of lot 1819 has only recently been determined and therefore at this time it is not included in the City's budget. WAPC policy requires cash in lieu contributions, when paid to the local government, to be held in a separate account identified for the purpose for which the funds are intended to be used.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The informal advice of officers of the Department of Planning, Lands and Heritage on the potential use of cash in lieu funds in accordance with legislative requirements has been obtained, as described above.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Dave Hume **Seconded: Cr Jon Strachan**

Council :

1. Approve the acceptance by the City of Fremantle of a sum of $404,075 (exc GST) as cash in lieu of the provision of public open space as the means of complying with a condition of approval of the subdivision of land at lot 1819 Blinco Street, Fremantle.

2. Support the future expenditure of the cash in lieu payment referred to in 1 above (when received) on public open space improvement works to Booyeembara Park consistent with acceptable uses of cash in lieu funds specified in WAPC Policy DC 2.3 (subject to formal budget approval at the appropriate time), and authorise officers to request the approval of the Minster of Planning for this use of the cash in lieu payment, in accordance with the requirements of section 154(2)(c) of the *Planning and Development Act 2005.*

3. Advise LandCorp of Council's resolution in relation to items 1 and 2 above, and also acknowledge the merits of the concept design for a high specification landscaping treatment of part of the Knutsford Street road reserve verge adjoining lot 1819 Blinco Street.

AMENDMENT

Moved: Mayor, Brad Pettitt **Seconded: Cr Jon Strachan**

Amendment to point 3 of the recommendation, to delete words ,'and also acknowledge the merits of the concept design for a high specification landscaping treatment of part of the Knutsford Street road reserve verge adjoining lot 1819 Blinco Street.' and add point 4, as follows:

4. Acknowledge the merits of the concept design for a high specification landscaping treatment of part of the Knutsford Street road reserve verge including that section adjoining lot 1819 Blinco Street.
The City of Fremantle to work with Landcorp, and other land owners along Knutsford Street to develop draft guidelines for a pedestrian and cycle friendly green spine to enable a consistent verge and street treatments along Knutsford Street between Montreal and Swanbourne Street . These guidelines are to be bought back to Council for public advertising and endorsement.

Amendment carried: 7/0
Mayor, Brad Pettitt Cr Jon Strachan, Cr Jenny Archibald, Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

COMMITTEE RECOMMENDATION SPT 1903-2
(Amended officer's recommendation)

Moved: Cr Dave Hume Seconded: Cr Jon Strachan

Council :

1. **Approve the acceptance by the City of Fremantle of a sum of $404,075 (exc GST) as cash in lieu of the provision of public open space as the means of complying with a condition of approval of the subdivision of land at lot 1819 Blinco Street, Fremantle.**

2. **Support the future expenditure of the cash in lieu payment referred to in 1 above (when received) on public open space improvement works to Booyeembara Park consistent with acceptable uses of cash in lieu funds specified in WAPC Policy DC 2.3 (subject to formal budget approval at the appropriate time), and authorise officers to request the approval of the Minster of Planning for this use of the cash in lieu payment, in accordance with the requirements of section 154(2)(c) of the *Planning and Development Act 2005.***

3. **Advise LandCorp of Council's resolution in relation to items 1 and 2 above.**

4. ***Acknowledge the merits of the concept design for a high specification landscaping treatment of part of the Knutsford Street road reserve verge including that section adjoining lot 1819 Blinco Street.***
   The City of Fremantle to work with Landcorp, and other land owners along Knutsford Street to develop draft guidelines for a pedestrian and cycle friendly green spine to enable a consistent verge and street treatments along Knutsford Street between Montreal and Swanbourne Street . These guidelines are to be bought back to Council for public advertising and endorsement.

Carried: 7/0
Mayor, Brad Pettitt Cr Jon Strachan, Cr Jenny Archibald, Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

SPT1903-3 REVIEW OF SPECIFIC LOCAL PLANNING POLICIES RELATING TO THE CITY CENTRE ZONE

Meeting Date: 20 March 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments:
1. D.E.1 – Landscaping Policy for Central Fremantle and Main Approaches to the City;
2. D.G.F7 – Beach Street Ferry Terminal;
3. D.G.F13 – Fremantle Railway Station Weather Shelters – Elder Place;
4. D.G.F19 – Pioneer Park - 1 Short Street and 7 Market Street, Fremantle ; and
5. D.G.F22 – Sadliers Building - 36 Henry Street, Fremantle.

SUMMARY

As part of routine maintenance of the City's Local Planning Policy manual, officers have undertaken a review of the local planning policies which specifically apply to the City Centre Zone and its immediate vicinity. A number of older policies have been identified as out of date. Whilst some would benefit from review and update, a number are of little value to the City, are no longer relevant and / or are addressed through separate means and so are recommended for revocation. These are:

- **D.E.1 – Landscaping Policy for Central Fremantle and Main Approaches to the City;**
- **D.G.F7 – Beach Street Ferry Terminal;**
- **D.G.F13 – Fremantle Railway Station Weather Shelters – Elder Place;**
- **D.G.F19 – Pioneer Park - 1 Short Street and 7 Market Street, Fremantle ; and**
- **D.G.F22 – Sadliers Building - 36 Henry Street, Fremantle.**

Removal of these policies will reduce potential confusion and conflict with more up-to-date documents and approaches and so is recommended.

There is no requirement for the City to undertake formal consultation prior to the revocation of a local planning policy however publication of the revocation is required under the *Planning & Development (Local Planning Schemes) Regulations 2015* and so is included in the recommendation.

BACKGROUND

As part of the City's maintenance of the local planning scheme and associated instruments, periodic review is conducted of local planning policies. The City has 104 local planning policies and so reviews tend to be conducted in stages, or as specific issues necessitating individual review arise. In recent months, policies relating to the 'City Centre Zone' and its immediate vicinity have been selected for review due to the high number of policies which apply to this area, its strategic significance and the identification of a number of policies which have clearly become obsolete.

A total of 20 policies have been considered in this review. A significant number pre-date the current local planning scheme which came into force in March 2007. Indeed, many were in place when the *Fremantle Planning Strategy* was prepared in 2001. Whilst a number of policies have also been identified as requiring revision, these will require detailed assessment and individual reports. This report focusses on those considered to be significantly out-of-date with no contemporary statutory planning use, and/or are superseded by other newer planning policies, scheme provisions or other City-prepared documents, and so suitable for revocation rather than amendment.

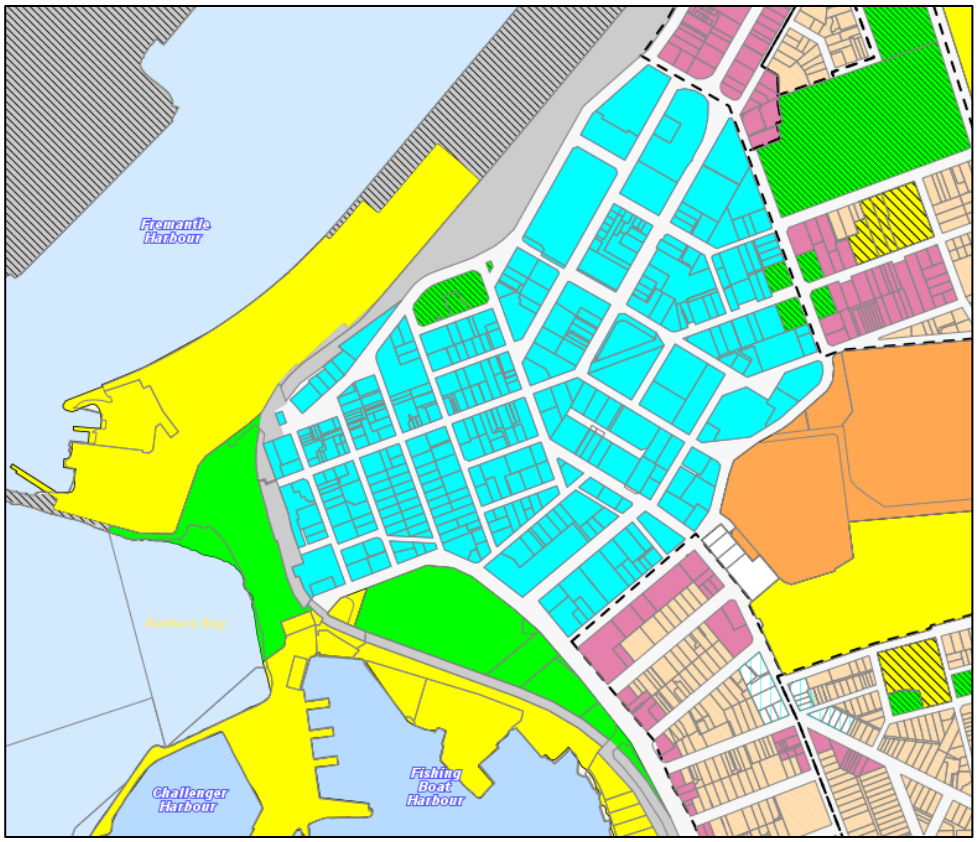


Figure 1: LPS4 map showing the City Centre Zone (in light blue).

CONSULTATION

The 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* outline the preparation and consultation requirements for local planning policies. Clause 6 of the 'deemed provisions' states that a local planning policy may be revoked through a notice prepared by the local government, and that the revocation notice should be published in the newspaper circulating in the scheme area. This requirement is reflected in the report recommendation, and additionally, to include a notification of the decision on the City's website. Given the nature of the policies and the rationale for their revocation, consultation on this decision is considered unnecessary.

OFFICER COMMENT

As stated, of the 20 policies which have been reviewed, 5 have been recommended for revocation. Each of these policies is discussed in further detail below including reasons for the recommendation. Commentary on some of these polices was provided within

2001's *Fremantle Planning Strategy*, and excerpts from this document are also provided where relevant.

Policy No.	**D.E.1**
Policy Title	**Landscaping Policy for Central Fremantle and Main Approaches to the City**
Date Adopted	**December 1992**
Last Reviewed or Amended	**N/A**

Prepared in the early-90s, this policy contains recommendations for landscaping within 'Central Fremantle' (effectively the City Centre Zone) and includes information relating to species, scale of vegetation, tree/plant spacing as well as the function of trees. Planting requirements for specific streets and parks are outlined, and a map is provided within the policy which shows recommended species and planting locations. (refer to Attachment 1)

The *Fremantle Planning Strategy* states the following on this policy:-

This policy was written in 1992. The policy does not deal with land use and development, rather it is an urban design policy and should be transferred to an urban design manual.

As this policy generally relates to planting and vegetation areas in the public realm and not on land zoned under the local planning scheme, it has little if no relevance as a statutory planning assessment tool.

Whilst there may be merit in developing and articulating an area-specific landscaping policy / plan for the City Centre public realm (perhaps as part of broader public realm planning and design), the policy as it currently stands is of little value because many of the recommended works have been implemented and / or are superseded by more contemporary requirements set by the City's Infrastructure Parks Department (such as the *Tree Planting and Preservation Policy*), the City Design team (e.g. Kings Square) and broader strategy documents (e.g. the Urban Forest Plan). Revocation is consequently recommended to avoid potential future conflict and confusion with the City's present strategic approaches in this space.

Policy No.	**D.G.F7**
Policy Title	**Beach Street Ferry Terminal**
Date Adopted	**July 1993**
Last Reviewed or Amended	**N/A**

This policy is split up into three key focus areas to the east of the Fremantle Traffic Bridge, and mostly covers general land use and management considerations concerning a small ferry terminal on Beach Street. Specifically, the policy objective is to ensure that the use of the jetty for ferry operations be prioritised, and to provide general direction on the use of adjoining areas (including accommodating some small scale commercial uses, parking and the maintenance of continuous public access to the foreshore). (Refer to Attachment 2)
The cessation of use of the Beach Street jetty by ferry operators renders a component of the policy obsolete. The adoption of *Freo 2029: Transformational Moves* also outlines a

broader vision for this area as part of a 'Northern Gateway' precinct. As with previously discussed policies, the principles and intent of the policy are generally sound but content requires significant updating, and is of lower strategic priority at this time. As such, its revocation is recommended.

Policy No.	**D.G.F13**
Policy Title	**Fremantle Railway Station Weather Shelters, Elder Place**
Date Adopted	**October 1987**
Last Reviewed or Amended	**N/A**

Whilst not stated explicitly, it is presumed that this policy was formulated in response to heritage concerns in the mid-1980s; however it has not been reviewed since. It provides detail on the location of existing and proposed new shelters adjacent to the Fremantle railway station. (Refer to Attachment 3).

On this policy, the *Fremantle Planning Strategy* states the following:-

This policy was written in 1987 detailing the Council's requirements for weather shelters at the Fremantle railway station. The policy does not relate to land use or development and should be transferred to an urban design policy (the policy can probably be deleted).

Given the age of the policy, the fact that it relates to a very specific element on land under the control of the Public Transport Authority (and zoned under the MRS not LPS4), and that subsequent infrastructure development has made parts of its content obsolete, it is recommended that it be revoked. Furthermore, the station forecourt concept planning outlined in the *Freo 2029* document supersedes and expands upon the policy provisions in a more contemporary and holistic manner.

Policy No.	**D.G.F19**
Policy Title	**Pioneer Park - 1 Short Street and 7 Market Street, Fremantle**
Date Adopted	**March 1988**
Last Reviewed or Amended	**N/A**

The objective of this policy is 'to facilitate the integrated development of a children's theatre in a children's park' – known today as the *Spare Parts Puppet Theatre*. The policy discusses the objectives for the development of the Pioneer Park with a children's theatre land use. It also outlines the general intended function of the park, as well as the specifics behind the development of the children's theatre and how it should be integrated with the existing landscaped setting. (Refer to Attachment 4)

The Fremantle Planning Strategy gives the following statement on this policy:-

This policy was written in 1988 in order to facilitate development of a children's theatre in the park. This policy only deals with the urban design of the park and is not a land use or development policy. The policy requires review and only useful land use/development provisions of the policy should be transferred to CPS4 provisions and design guidelines. The remainder of the policy should be transferred to an urban design policy manual.

The primary objective of the policy is considered obsolete, given that the theatre has been long established in the park, is a State Government asset, with the building itself being State Heritage-listed. This means any future physical changes to the building itself will be strictly scrutinised through a detailed heritage assessment. The policy also covers areas relating to a public park which are outdated, have been partially superseded by the joint master planning project with the WAPC for Pioneer Park and Victoria Quay, and design work currently being done on the Station Forecourt under the *Freo 2029* banner. Given these factors, the policy is recommended for revocation.

Policy No.	**D.G.F22**
Policy Title	**Sadliers Building - 36 Henry Street, Fremantle**
Date Adopted	**December 1984**
Last Reviewed or Amended	**January 1988**

The policy contains a description of the site's history and a physical analysis of the building (external and internal). It also outlines potential land uses which could be considered for its future use, taking into account historical context. (Refer to Attachment 5). It appears that it may have been prepared directly in response to proposals to demolish the property, though this is speculative.

The Fremantle Planning Strategy makes the following comment on this policy:

This policy was written in 1984 (amended 1988) and sets out the heritage value of the site and broad parameters for development. This policy can be deleted as redevelopment of the site into residential units has been completed.

The commentary above is considered to still be applicable; the policy provisions are redundant given that conversion of the building into commercial and residential strata units has long since completed. Other aspects of the policy are addressed through other heritage or legal mechanisms.

This policy has already been identified for revocation as part of the principles endorsed by Council in June 2018 relating to the West End local planning policy review, however, given its nature, will not benefit from completion of that review exercise and so can safely be revoked now, without further delay.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for local planning policy revocations is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), as outlined in the 'Consultation' section of this report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM SPT1903-3
(Officer's recommendation)

Moved: Cr Dave Hume **Seconded: Cr Jon Strachan**

Council:

1. **Pursuant to Schedule 2, Part 2, Clause 6(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes the following local planning policies;**
    a. **D.E.1 – Landscaping Policy for Central Fremantle and Main Approaches to the City;**
    b. **D.G.F7 – Beach Street Ferry Terminal;**
    c. **D.G.F13 – Railway Station Weather Shelters – Elder Place, Fremantle;**
    d. **D.G.F19 – Pioneer Park - 1 Short Street and 7 Market Street, Fremantle; and**
    e. **D.G.F22 – Sadliers Building - 36 Henry Street, Fremantle.**
2. **Publishes a public notice in a local newspaper and on the City's website notifying of the revocation of the above local planning policies.**

Carried: 7/0
Mayor, Brad Pettitt Cr Jon Strachan, Cr Jenny Archibald, Cr Bryn Jones, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

11.4 AUDIT AND RISK MANAGEMENT COMMITTEE

Nil

11.5 LIBRARY ADVISORY COMMITTEE

Nil

12. REPORTS AND RECOMMENDATIONS FROM OFFICERS

C1903-1 CONSIDERATION OF FLOODLIGHTING AT HILTON PARK

Meeting Date: 27 March 2019
Responsible Officer: Director Infrastructure and Project Delivery
Decision Making Authority: Council
Agenda Attachments: Hilton Park – Upper Oval layout

SUMMARY

The City is currently completing an asset audit of all floodlighting in its active reserves. It has however, been highlighted that the older floodlighting at Hilton Park is in poor condition and will need to be removed before winter 2019. This area is used for seasonal hire and the demand for this area is very high.

The purpose of this report is to present a proposal to allow officers to progress the design and tendering phase for a potential lighting upgrade, for project consideration as part of the 2019/20 budget process, to minimise the downtime of lighting infrastructure at Hilton Park.

This report recommends that Council:

1. **Supports the consideration of a budget allocation for the upgrade of floodlights at Hilton Park as part of the 2019/20 budget deliberation process.**

2. **Request the preparation and advertisement of tender documents for a floodlighting upgrade prior to the 2019/20 financial year in order to be ready to progress with implementation of the works should Council allocate sufficient funding as a result of the 2019/20 budget deliberation process.**

BACKGROUND

In 2010/11 the City installed new, compliant lighting on Hilton Park Upper. The project consisted of 4 new light towers that provide compliant training lighting to the upper field used by soccer and cricket on a seasonal hire arrangement.

As part of the 2010/11 upgrade project it is understood there was an agreement between the City and the Fremantle City Football Club to leave 3 of the existing light towers at the northern end of the facility. The 3 older light towers are not compliant with today's standards and are currently used by the Fremantle City Football Club for additional training areas.

In late 2018 there were concerns raised as to the condition of the 3 light poles. Following a visual inspection and subsequent engineering inspection, one of the poles was removed on public safety grounds (November 2018). The remaining 2 floodlights have been recommended for removal prior to winter 2019 due to their structural condition. Given this recent advice, the club has requested the City replace the old lighting as soon as possible.

FINANCIAL IMPLICATIONS

Officers advise that a typical compliant floodlight configuration would be in the region of $200 000 - $250 000. Subject to investigations and design development, officers would be hopeful that the cost to undertake the required upgrade of floodlights at Hilton Park would be at the lower end of this range.

As well as the upfront capital cost as above, the predicted annual maintenance, globe replacement and depreciation cost will be included in the City's operational budget as an ongoing expense.

The scheduling of any capital works should be considered in the greater context of the City's Long Term Financial Plan. The current long term financial plan has this project scheduled for 2024/25.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The City and the Fremantle City Football Club have been in discussions about the clubs requirements for lighting for Hilton Park South upper oval following the recent removal of the floodlight. The City, on the advice from a consultant engineer, has agreed to retain the 2 remaining floodlights until the start of winter 2019.

Officers have also engaged Community Development with respect to the Community Facilities plan and to interpret the demand and usage levels of the City's facilities.

OFFICER COMMENT

The City (as part of its Asset Management activities) has recently completed an audit of the City's Floodlights on active reserves, this is important in allowing the City to align its Asset Management and Strategic Community Facilities planning to ensure Council are able to make informed decisions and best prioritise available budget allocations.

A report on the City's current floodlighting position is being prepared for the Finance, Policy, Operations and Legislation Committee in April 2019. The report will include a proposed program of works for floodlighting, for consideration in the 2019/20 budget process.

The lighting upgrade for Hilton Park is one item in a range of work that is required across the City. This report on the Hilton Park project has been brought forward in order to address the immediate issue of training lights with the soccer season approaching.

When installing new lighting, the City should comply with the Australian Standard 2560 Sports Lighting to ensure safe training and playing conditions are provided for the community. The standards ensure lighting level, uniformity and glare are appropriate for the intended sporting use. The Australian Standard is not applied retrospectively to existing floodlights.

Hilton Park South (upper oval), is currently lit to a compliant level with 4 floodlights. The northern portion of the oval is currently floodlit with 2 additional poles which will be removed prior to winter 2019 due to structural issues. The recommendation of this report will allow officers to progress the design and tendering phase for a potential lighting upgrade, for project consideration as part of the 2019/20 budget process, to minimise the downtime of lighting infrastructure at Hilton Park.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. **Supports the consideration of a budget allocation for the upgrade of floodlights at Hilton Park as part of the 2019/20 budget deliberation process.**

2. **Request the preparation and advertisement of tender documents for a floodlighting upgrade prior to the 2019/20 financial year in order to be ready to progress with implementation of the works should Council allocate sufficient funding as a result of the 2019/20 budget deliberation process.**

C1903-2 VARIATION OF FREMANTLE PARK SPORTS AND COMMUNITY CENTRE BUSINESS CASE AND LEASE TERMS SHEET

Meeting Date: 27 March 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Fremantle Park Sport and Community Centre Business Case
Term Sheet – Fremantle Park Sport and Community Centre
Fremantle Park Sport and Community Centre Committee's CV's

SUMMARY

The City plans to commence the development of Fremantle Park Sports and Community Centre as of 1 April 2019. The commencement of the project is subject to the Lease and Funding Agreements being finalised by the City and Clubs. The Lease being fully executed was subject to Fremantle Park Sports and Community Centre becoming an incorporated body.

The Fremantle Sports and Community Centre Inc (FPS&CC) became incorporated 15 January 2019. The section of their constitution that covers the appointment of the committee does not reflect the proposed board of management set up in the Council adopted business case or subsequent MOU between the City and clubs.

This report recommends that Council approve the appointment of the committee as set out in the constitution of FPS&CC as opposed to board of management set up included in the business plan adopted by Council 27 July 2016.

BACKGROUND

At its ordinary meeting of 27 July 2016, council resolved to accept the Fremantle Park Sport and Community Centre business case as outlined in attachment 1 of the Finance, Policy, Operations and Legislation Committee agenda July 2016. The business case outlines the operational and financial management of the new facility, forming the basis upon which the stakeholders agree to proceed.

At the acceptance of the business case, the City entered into an MOU with FPS&CC outlining all actions required prior/during the project development, and the terms of the lease and funding agreements.

At ordinary council dated 8 November 2017 Council approved the terms and conditions for the lease between the City and FPS&CC based on the terms sheet attached to this item.

The Lease being finalised was subject to the FPS&CC becoming an incorporated body. As part of the term sheet conditions FPS&CC were to abide by both the business case and MOU principals which included;

Board of Management of the FPS&CC

The FPS&CC Board will be selected as follows;

a) Each of the Founding Clubs will nominate two (2) parties to the Board of Management (as a nominee, not a representative):
b) Three independent individuals (not members of, or associated with, the Founding Clubs, unless by agreement of all) will additionally be appointed to the Board by the Founding Clubs' nominated Board members via an open process and be selected on the basis of professional skills (business acumen, governance, financial management, risk management etc).
c) The President/Chair will be one of the independent members of the Board Management and be appointed by the Board.
d) The President/Chair may be in –part renumerated. All other Board members will be on a volunteer basis.
e) The selection of the FPS&CC Board members will be maintained in this way throughout the term of the Lease.

Based on legal advice and the advice of Clubs WA, FPS&CC did not follow the business case when adopting the appointment of the Committee. The following is an exert from the adopted constitution;

Appointment of the Committee;

a) The management of the Centre shall be vested in the Committee consisting of nine (9) Committee persons appointed for one (1) year term.
    (i) Each term shall commence immediately after the Centre's Annual Meeting each year.
b) The Committee shall comprise of three (3) Committee Members from each of the Founding Clubs.
c) Each Founding Club shall provide three (3) Committee Members as per the Constitution.
    (i) If a Founding Club is unable to provide three (3) Committee Members, vacant positions will be pointed as per Section 16 (k)…

FINANCIAL IMPLICATIONS

There are no financial implications to the City.

LEGAL IMPLICATIONS

The FPS&CC have advised that…"*based on legal advice and the advice of Clubs WA, the constitution of the Fremantle Park Sport and Community Centre Inc. has been written in such a manner that the Management Committee comprises three representatives from each of the founding clubs. This constitution has been approved by the Department of Mines, Industry Regulation and Safety — Consumer Protection as part of the FPS&CC's application to become an incorporated association, which was granted on 15 January 2019.*
The inclusion of three independent persons as members of the management committee (board) was found to be problematic from the perspective of membership of the Centre and voting rights. The clubs are confident that based on their extensive and successful

individual management records, they will elect a group of representatives who will manage the FPS&CC in accord with the expectations of the City, the founding clubs and the community."

The City does not have the legal right to enforce a change in the FSP&CC's constitution other than withholding the execution of the lease of which the set-up of the board of management was a condition approved by Council.

CONSULTATION

Nil.

OFFICER COMMENT

The City is planning to commence the development project as of 1 April 2019. The Lease and related Funding Agreements with the clubs must be executed by all parties for the development to commence.

The business adopted a governance model where the three existing clubs were retained, with each managing its core charter and functions, and a new independent entity created to govern/manage common multi-user functions.

The City's interest was the that the new facility be available to the wider community as a community centre function for ratepayers of the City and others. In this respect, the Constitution of the FPS&CC was to reflect this outcome. The objects of the FPS&CC constitution do reflect this interest under Objects and with the inclusion of "temporary members";

Objects:

(a) The principal objects are to establish, maintain and conduct an association that upholds the objects of the Founding Clubs and to support the recreational, social, sporting, cultural and community dimensions of that interest. These objects include the provision of facilities for the pursuit of literary, scientific, athletic, and professional and any other lawful purpose that provides benefits and enjoyment for the members of The Centre.

(b) To provide and maintain The Centre and sporting amenities for the use of the members.

(c) Secondary object, to maintain a club licence under the current Liquor Act and its amendments.

Temporary Member – a person who is on any day visiting The Centre as a member or an official of another club or team, or a person assisting a member or an official of another club or team to:

(a) Engage in a pre-arranged event with The Centre as per The Centre's objects; or
(b) b. Hold a pre-arranged function at The Centre involving the use of The Centre's sporting facilities.

(c) 1. Temporary Members shall not be entitled to be present at any meeting of the members of The Centre, nor have any right, title or interest in or to any of the property of The Centre.

Officers are aware that historically it is difficult for clubs to get independent board members on sporting clubs. By not having the 3 independents FPS&CC should be able to fill the committee roles and quorum fairly easily. FPS&CC have maintained a committee of 9 members in their constitution as per the original business case and that will assist with forming a majority vote and a broader view. The committee members also only have one (1) year term so this will keep the committee fresh and expose more people to the committee.

While the City formed the view that independent members would assist in ensuring clubs don't form alliances against one another this could still occur if independents were retained on the committee. The position of the three independents was also to assist in additional business experience being included on the committee; however FPS&CC feel that the committee elected under the 15 January 2019 constitution, provides proficient business ethics and experience. Attachment 2 of this item shows professional details of each elected committee member.

FPS&CC did elect 9 members however one has recently stepped down due to illness. A replacement to the vacant position will be voted in at next months' committee meeting.

Should Council wish to retain the original preference for the appointment of the committee to include three independents, the FPS&CC will incur a fee of $39.40 per change in the constitution by the Department of Commerce.

It should be noted that the City has no legal power to force a change in the FPS&CC with the exception of not proceeding with finalising the Lease on the basis its approval included the condition of the structure of the FPS&CC committee to include three independents.

If the City does not proceed with finalising the Lease this will subsequently delay the commencement of the development at Fremantle Park.

To make the required change

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. **Adopt the variation to clause 5.5 (Board of Management of the FPS&CC) of the Fremantle Park Sport and Community Centre business plan to the following;**

   a) **The management of the Centre shall be vested in the Committee Consisting of nine (9) Committee persons appointed for one (1) year term.**
      i) **Each term shall commence immediately after the Centre's Annual Meeting each year.**
   b) **The Committee shall comprise of three (3) Committee Members from each of the Founding Clubs.**
   c) **Each Founding Club shall provide three (3) Committee Members as per Fremantle Park Sport and Community Centre Inc Constitution.**

2. **Approve the variation to special condition 4. (Board of Management of the FPS&CC) of the Fremantle Park Sport and Community Centre term sheet to the following;**

   a) **The management of the Centre shall be vested in the Committee Consisting of nine (9) Committee persons appointed for one (1) year term.**
      i) **Each term shall commence immediately after the Centre's Annual Meeting each year.**
   b) **The Committee shall comprise of three (3) Committee Members from each of the Founding Clubs.**
   c) **Each Founding Club shall provide three (3) Committee Members as per Fremantle Park Sport and Community Centre Inc Constitution.**

C1903-3 MONTHLY FINANCIAL REPORT - FEBRUARY 2019

Meeting Date: 27 March 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Monthly Financial Report – 28 February 2019

SUMMARY

The Monthly Financial Report for the period ending 28 February 2019 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 2019 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 28 February 2019.

Description	2018/19 YTD Budget	2018/19 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)–(A)	(D) =(C)/(A)	
OPERATING					
Revenue	$66.76M	$67.15M	$0.39M	0.58%	
Expenses	($51.19M)	($49.84M)	$1.35M	(2.64%)	
Operating Surplus/Deficit	$15.57M	$17.31M	$1.74M	11.18%	
CAPITAL					
Revenue	$8.25M	$8.30M	($0.05M)	(0.59%)	
Expenses	($5.81M)	($5.75M)	$0.06M	(1.04%)	
Overall Surplus/Deficit	$20.14M	$22.01M	$1.87M	9.26%	

OFFICER COMMENT

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	
Rates (including Annual Levy)	$167,017	
Operating Grants, Subsidies and Contributions	$124,549	

Expenses	Variance
Materials and Contracts	$1,411,930
Employee Costs-Agency Labour	($98,140)
Employee Costs	($158,851)
Utility Expense	$131,333

MAJOR VARIANCE ANALYSIS

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 2018/2019 for reporting material variances as 10% or $100,000, whichever is greater (Item C1806-3 refers Council meeting on 27 June 2018).

The following is an explanation of significant operating and capital variances identified in the Rate Setting Statement by Nature and Type:

Operating Revenue

Profit on Disposal

YTD Budget	YTD Actual	Variance Amount $	Variance %
417,000	48,622	(368,378)	(88%)

The variance is mainly due to the profit from the disposal of Car Park 13 is lower than the budget by $362,731.

Capital Expenditure

Purchase Assets – Parks

YTD Budget	YTD Actual	Variance Amount $	Variance %
(533,721)	(424,741)	108,980	(20%)

The variance is mainly due to the following projects:

- $106,060 for P-10329 Design and construct-Cantonment Hill project extended with additional works from masterplan which have been approved by Lotterywest Design is in progress with construction expected to be commenced in April 2019. This project is fully grant funded from Lotterywest.

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

This report is provided to Council to assess operational issues affecting the implementation of projects and activities contained in the 2018/19 budget.

The overall performance for the City of Fremantle for the period ended 28 February 2019 resulted in an additional $1,865,343 surplus being identified than anticipated, which is mainly as a result of :-

Reduction in anticipated surplus

- Reduced operating revenue (excluding general rates) of $149,267;

Increase in anticipated surplus

- Increased capital revenue of $48,358;
- Underspending of capital expenditure to date of $60,157;
- Underspending of operating expenditure to date of $1,346,683;
- Reduced net transfer from reserve of $33,847;
- Increased general rates income of $167,278.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receives 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 28 February 2019.

C1903-4 STATEMENT OF INVESTMENTS AS AT 28 FEBRUARY 2019

Meeting Date: 27 March 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Investment Report – 28 February 2019

SUMMARY

This report outlines the investment of surplus funds for the month ending 28 February 2019 and provides information on these investments for Councils consideration.

This report recommends that Council receives the Investment Report for the month ending 28 February 2019.

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

- **Portfolio details as at February 19;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earnt for the month;**
- **Investing activities for the month;**

BACKGROUND

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

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

The City has committed to carbon neutrality, and 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 $1,017,536 against a year to date budget of $998,410 which represents a positive variance of $19,126. This variance will be continued to be monitored throughout the year. Future interest earnings will be determined by the cash flows of the City's surplus cash and movements in interest rates on term deposits.

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 2.65% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.88% (refer to Report 8 - 0.47% for 3 month) on an annualised basis as at the end of February 2019.

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 28 February 2019 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 28 February 2019

At month end the City's investment portfolio totalled $63.49m. The market value was $63.99m; this value takes into account accrued interest.

The investment portfolio is made up:

At call account	$ 6.67m
Term Deposits	$56.82m
TOTAL	**$63.49m**

Of which:

Unrestricted cash	$26.33m
Restricted cash (Reserve Funds)	$34.64m
Restricted cash (Trust Funds)	$ 2.52m
TOTAL	**$63.49m**

The current amount of $26.33m held as unrestricted cash represents 33.73% of the total adopted budget for operating revenue ($78.06m).

2. Portfolio counterparty credit framework (as at 28 February 2019)

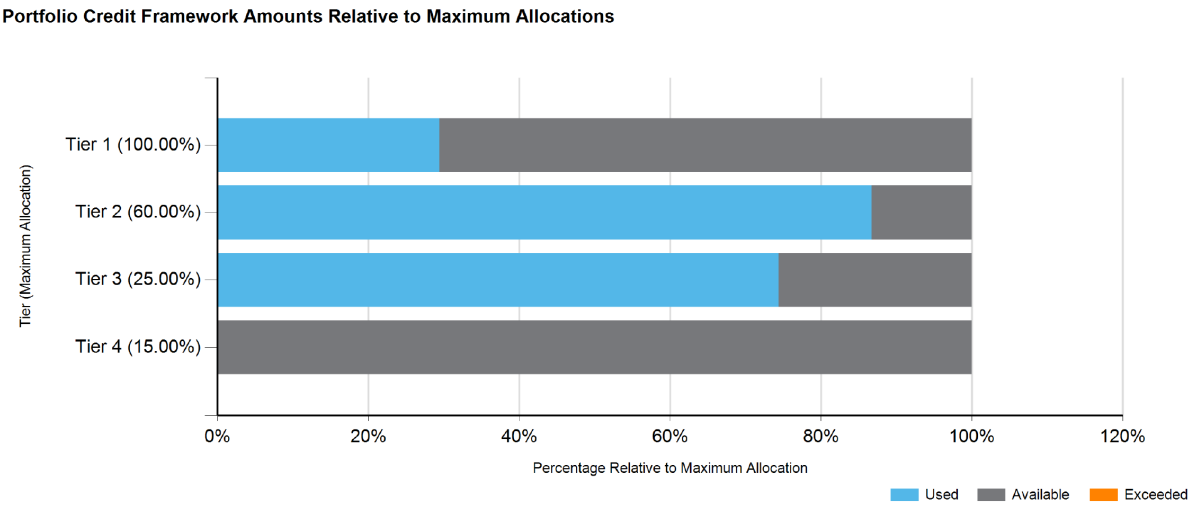
The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. The adopted counterparty credit framework is as below:

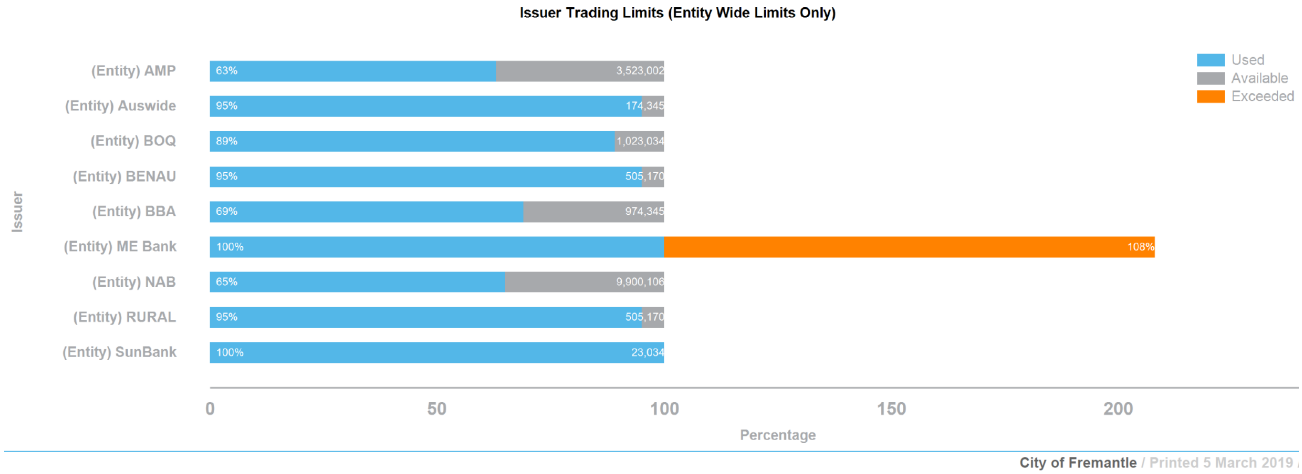
Counterparty credit framework

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 this at the end of this month as per the City's investment portfolio relative to the threshold allowed by the investment policy as below:





Currently investment in the individual banks of ME Bank exceeded the adopted trading limits due to the following reasons:

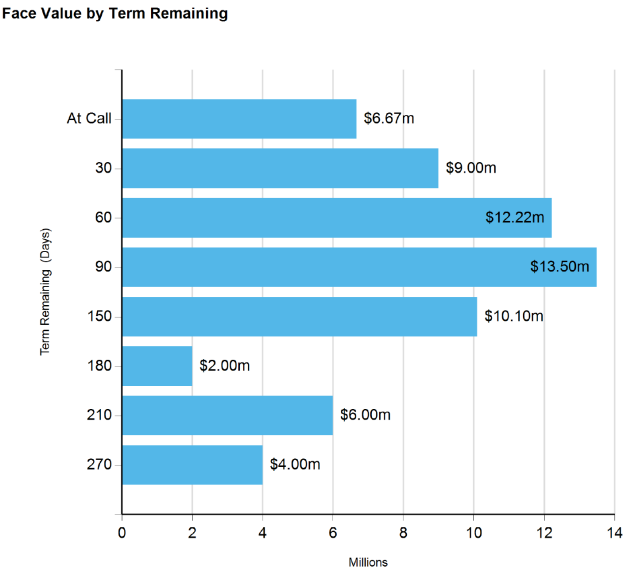
- ME Bank's rating was downgraded to BBB from A-, which moved this bank from Tier 2 to Tier 3 and therefore the allowable trading limit reduced from 15% to 5%.

As term deposits mature with the above bank the City will reallocate the funds to ensure that the bank is within the adopted limit going forward. It should be noted the final maturity date for the bank extend to 16 August 2019. Future investment of funds to the above bank will be assessed based on the updated trading limits to ensure compliance with the City's investment policy.

3. Portfolio Liquidity Indicator (as at 28 February 2019)

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

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



4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 28 February 2019)

At the end of this month $30.32m (47.8%) 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).

5. Interest Income for Matured Investments (For 1 February 2019 to 28 February 2019)

For this month $52,767.12 in interest was earnt from 2 matured term deposits.

6. Investing Activities (For 1 February 2019 to 28 February 2019)

During this month 2 term deposits were acquisitioned with a total value of $4m 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

OFFICER'S RECOMMENDATION

Council receives the Investment Report for the month ending 28 February 2019.

C1903-5 SCHEDULE OF PAYMENTS FEBRUARY 2019

Meeting Date: 27 March 2019
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 2019, 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 2019, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of $7,151,643.56 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 2019 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount ($)
Cheque / EFT / Direct Debit	$5,277,897.03
Purchase card transactions	$43,939.54
Salary / Wages / Superannuation	$1,820,368.50
Other payments *(as outlined in Attachment 1)*	$9,438.49
Total	**$7,151,643.56**

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending February 2019.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Accepts the list of payments made under delegated authority, totalling $7,151,643.56 for the month ending February 2019, as contained within Attachment 1.

2. Accepts the detailed transaction listing of credit card expenditure, for the month ending February 2019, as contained within Attachment 2.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14. URGENT BUSINESS

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

15. LATE ITEMS

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

16. CONFIDENTIAL BUSINESS

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

C1903-6 HIGH STREET UPGRADE PROJECT

Meeting Date: 27 March 2019
Responsible Officer: Director Infrastructure and Project Delivery
Decision Making Authority: Council
Agenda Attachments: 1 High-level Golf Course Concept (October 2018)
2 MRWA - Letter of offer – interim advice (22 March 2019)

REASON FOR CONFIDENTIALITY

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

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

17. CLOSURE