



Minutes

Ordinary Meeting of Council

Wednesday, 24 July 2019, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **24 July 2019** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Jenny Archibald	East Ward
Cr Doug Thompson	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jeff McDonald	Hilton Ward
Cr Jon Strachan	South Ward
Cr Andrew Sullivan	South Ward
Cr Dave Hume	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Mr Glen Dougall	Acting Chief Executive Officer
Ms Beverley Bone	Acting Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Mr Paul Dunlop	Manager Communications and Events
Mr Chris Scanlan	Team Leader Community Safety
Ms Tanya Toon-Poynton	Meeting Support Officer

There were approximately 8 members of the public and 1 member of the press in attendance.

2.2 Apologies

Nil

2.3 Leave of absence

Cr Bryn Jones	North Ward
Cr Sam Wainwright	Hilton Ward

3. Applications for leave of absence

COUNCIL DECISION

Moved: Cr Ingrid Waltham

Seconded: Cr Dave Hume

Mayor, Brad Pettitt's request for a leave of absence from 7 November 2019 to 29 November 2019 (inclusive) is approved.

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

4. Disclosures of interest by members

Nil

5. Responses to previous public questions taken on notice

Nil

6. Public question time

The following member of the public spoke to an issue not on the agenda:

Louis De Villiers spoke in relation to health concerns linked to the use of the chemical glyphosate. Mr De Villiers requested a petition be presented to the council.

The following members of the public spoke in relation to item FPOL1907-2.

Marian Kiely spoke against the partial closure of the portion of Henderson Street and the sale of the land as detailed in the report, to a private company.

Gerard O'Brien spoke in support of the partial closure of the portion of Henderson Street as detailed in the report.

7. Petitions

Cr Jenny Archibald presented a petition, received from Mr De Villiers, containing approximately 154 signatures requesting that Council:

- Ban the spraying of glyphosate in the City of Fremantle parklands and public spaces.
- Develop and research less toxic and environmentally friendly alternatives to the use of glyphosate in parklands and public spaces in the City of Fremantle.
- Increase the steam weeding to reduce the City of Fremantle's chemical use.

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

That the minutes of the Ordinary Meeting of Council dated 26 June 2019 be confirmed as a true and accurate record.

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

10. Elected member communication

Cr Doug Thompson informed the council that the Waste Reform Advisory Committee is currently considering an issue paper from the Department of Water and Environmental Regulation called '*Waste not, want not: valuing waste as a resource*'. Cr Thompson encouraged council to make a submission on the paper and noted the submission period closes on 4 September 2019.

Cr Thompson also advised that WALGA is requesting Councils make a submission to the Select Committee of Local Government, for the inquiry into how well the system of Local Government is functioning in WA. Cr Thompson noted the submission period closes on 23 August 2019.

11. Reports and recommendations from committees

11.1 Planning Committee 3 July 2019

PC1907-7 PASS CRESCENT, NO.24 (LOT 84), BEACONSFIELD- ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (JL DA0118/19)

Meeting Date: 3 July 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Amended Development Plans
2: Site Photos

SUMMARY

Approval is sought for single storey additions and alterations to the existing Single house at 24 Pass Crescent, Beaconsfield. The application also includes the construction of an unauthorised retaining wall, dividing fence and site works to the rear portion of the site.

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

- Visual privacy
- Primary street setback (Carport)
- Vehicle access
- Setback of Retaining
- Dividing Fence height
- Site Works (Fill)
- Primary Street Fence Permeability.

The proposed second crossover does not comply with Council's amended LPP2.9 Residential Streetscape Policy and is considered to have a detrimental impact on the Pass Crescent streetscape. As such, the application is recommended for refusal.

PROPOSAL

Detail

The application includes elements of unauthorised works and proposed additions and alterations to an existing Single house at 24 Pass Crescent, Beaconsfield.

The unauthorised works that have occurred onsite include:

- Retaining wall to the rear southern and northern boundaries,
- Dividing fence addition (south); and
- Minor fill works to a portion of the site located approximately half way along the southern boundary.

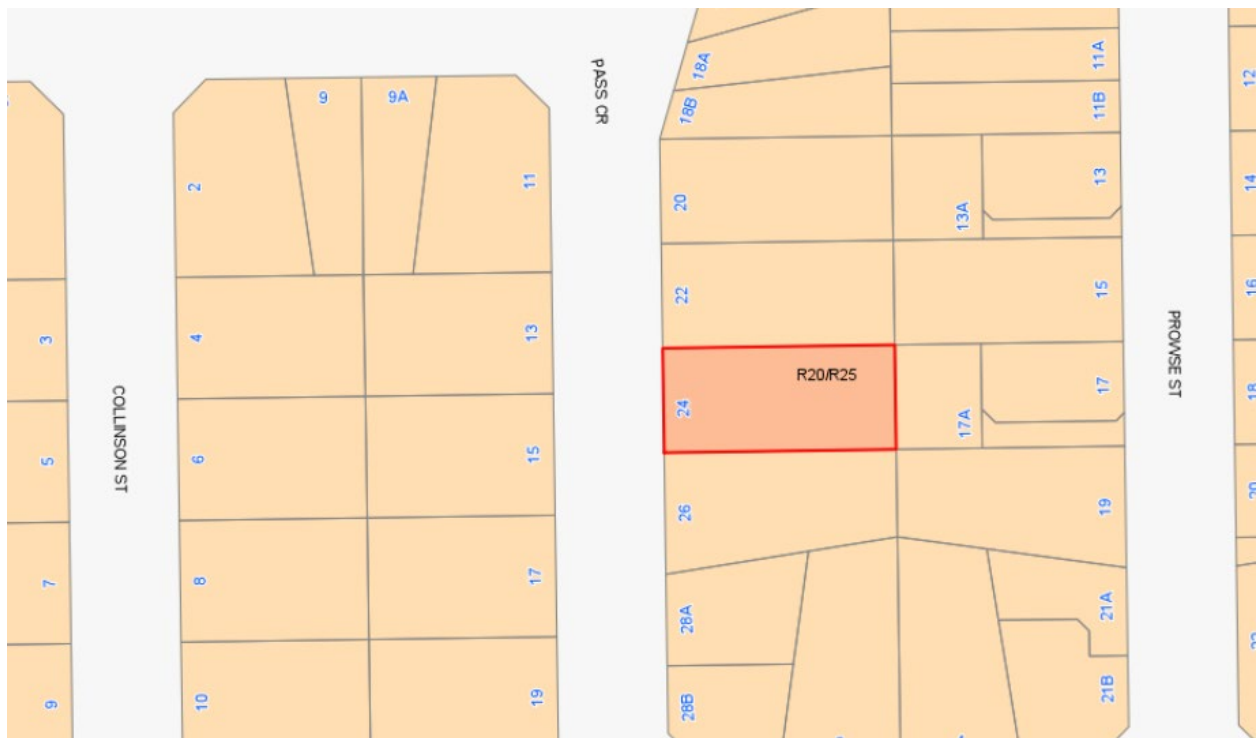
The proposed works include:

- Two, 3.5m wide crossovers (one existing crossover is proposed to be replaced),
- Double carport,
- Front deck,
- Internal alterations to the existing dwelling
- Primary street fence.

Development plans are included as Attachment 1.

Site/application information

Date received:	2 April 2019
Owner name:	Ashley Barlow
Submitted by:	Ashley Barlow
Scheme:	Residential R20/25
Heritage listing:	Not Listed
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal involved variations to the deemed-to-comply criteria of the R-Codes which had the potential to affect adjoining properties. The advertising period concluded on 10 May 2019, and one submission was received. The following issues were raised (summarised):

- The absence of screening on the southern edged of the alfresco area and impact on privacy is unacceptable and will detract from the habitable rooms of the property to the south.
- The proposed 1.8m boundary wall on top of the retaining wall results in a much higher and overbearing wall along the boundary of the property to the south.
- The retaining wall may impact on the existing wall of the property to the south.
- Its unknown if the retaining wall has been constructed properly and that the owner obtained appropriate approvals.

These comments are addressed in the Officer Comment section below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Visual privacy (south)
- Primary street setback (Carport)
- Vehicle access
- Setback of Retaining (South)
- Dividing Fence height (South)
- Site Works (Fill)
- Primary Street Fence Permeability

These matters are discussed below.

Background

The subject site is located on the eastern side of Pass Crescent in the Beaconsfield Local Planning Area. The site has a land area of approximately 809m² and is currently improved by a single storey Single house at the front of site with the rear portion being vacant. The site is zoned Residential and has a density coding of R20/25. The site is not individually heritage listed, nor is it located within a Heritage Area.

The site slopes from the rear of site to the street by approximately 1.8m and has a ground level between approximately 1m to 1.5m lower than the adjoining northern property and 1m to 1.8m higher than the southern adjoining property.

On 9 May 2018 the Western Australian Planning Commission granted conditional approval for a two lot survey strata of the subject site (WAPC126-18). As part of the City's referral to WAPC for WAPC126-18 the City requested that an advice note be added to any approval to advise the applicant that the vehicle access for proposed Lots 1 and 2 shall be achieved via the common property access leg and existing crossover to Pass Crescent and that the City will not support a separate crossover for Lot 1. The WAPC's conditional approval did not include the City's advice note.

The applicant has not applied to clear the subdivision conditions, therefore the survey strata plan is yet to be endorsed by the WAPC.

On 15 January 2019 the City received an application for Planning Approval for similar additions and alterations (DA 0025/19) to the currently proposed additions which was refused under delegation due to the proposal's non-compliance with vehicle access requirements of LPP2.9 Residential Streetscape Policy. This application includes the proposed works previously applied for with a reduction in the width of the two crossovers and the unauthorised works.

Vehicle Access

Element	Requirement	Provided	Extent of Variation
Vehicle Access	Provided from a common access point (being defined as a communal street)	Two crossovers	One additional crossover

In support of the second crossover the applicant has provided the following justification (summarised):

- The carport location will allow my ageing mother ease of access to the front door without the need for steps.
- The front house is being upgraded to allow ageing in place and steps will impair the use of a wheel chair or other mobility aid.
- The crossovers are kept to a minimum and width.
- It is proposed to landscape the verge at the owners cost.
- The proposed crossover will allow the retention of the existing 9m Silky Oak tree which bird's nest in and contributes to the aesthetics of the house.
- The second crossover will assist in resolving the existing drainage issues in Pass Crescent.
- The location of the proposed alfresco would be difficult to achieve without the second crossover.
- The two single crossovers are a better outcome than the existing double crossover. My proposal also includes a better planning outcome compared to double cross over.

At its meeting held on 28 November 2018, Council adopted a revised LPP2.9 Residential Streetscape Policy. The amended Policy requires approval from the WAPC, however as it has been adopted by the Council it is considered to be a seriously entertained document and the development has been assessed against these requirements.

The amended Policy included additional requirements for vehicular access, requiring access to be taken from an access easement if available and no more than one driveway being permitted per property, unless the property contains 5 or more dwellings, the site is a corner lot, or the lot frontage exceeds 30m. In this instance the subject site is only permitted to have one driveway.

Clause 6.1 of the amended Policy states a variation to the above requirements may be considered *at Council's discretion, against the design principles of the R-Codes, with additional due consideration being given to impact on any place of heritage significance.*

In addition to the above discretionary assessment the Policy also states that an additional access point may be considered in the upgrade of existing dwellings as a condition of subdivision, where the primary outdoor living area is proposed to come off the primary indoor living area and would preclude vehicle access from the existing crossover.

If a variation is permitted, the development is to provide a landscaping plan demonstrating high quality landscaping features to soften the impact of the additional hardstand on the streetscape appearance and in accordance with Local Planning Policy 2.10: Landscaping of development and existing vegetation on development sites.

In regard to the relevant design principles of the R-Codes, proposals are required to demonstrate that the vehicular access provides:

- vehicle access safety;
- reduced impact of access points on the streetscape;
- legible access;
- pedestrian safety;
- minimal crossovers; and
- high quality landscaping features.

The proposal is not considered to meet the design principles of the R-Codes for the following reasons:

- The proposal does not minimise the number of crossovers in Pass Crescent
- The proposal results in an additional access point which does not contribute to the Pass Crescent streetscape.
- The additional crossover is not considered to be located or separated from existing access points to improve vehicle safety.

In regard to the remaining discretionary criteria of LPP2.9:

- The subject site is not individually heritage listed or located in a heritage area.
- Although the proposal includes an alfresco addition in the front setback area (south western corner of the existing dwelling) which is connected to the existing internal living area of the dwelling, it is questionable if this the dwellings primary outdoor living area as the site includes a second outdoor living area at the rear of the dwelling (indicted in yellow in Image 1 below). In this regard, the front deck addition could be redesigned / reduced to allow for two onsite bays to be provided at the front of site without the removal of the mature tree.

- If the alfresco addition remained as proposed, officers consider that adequate space is available for a two car hardstand or covered car bays between the alfresco addition and the street boundary which can be accessed via the conditionally approved common property access way. It is noted that this option is likely to require the removal of the existing tree due to potential root system damage from the required earthworks.

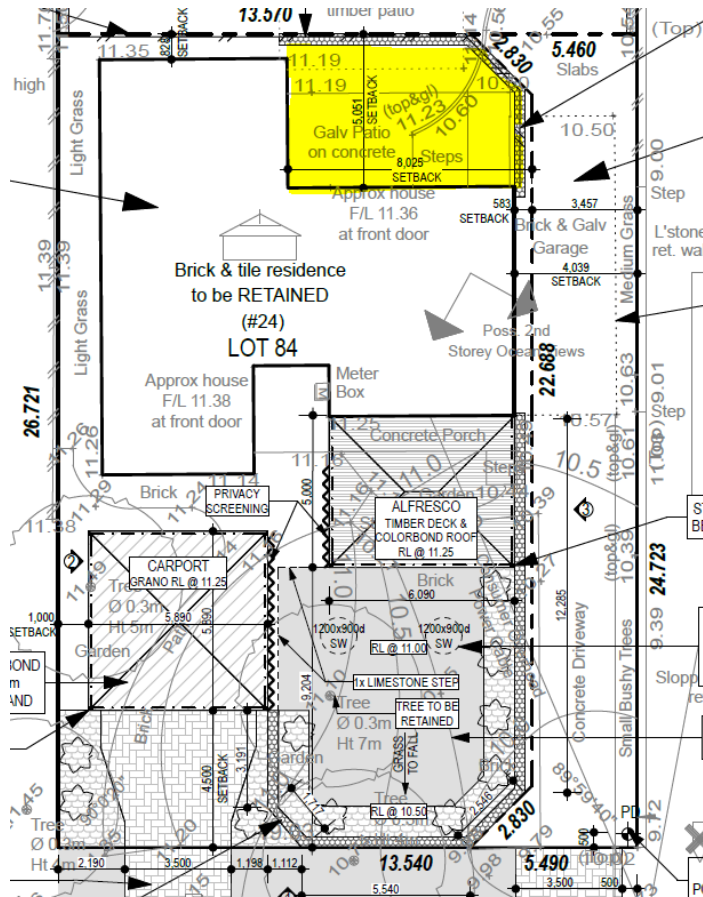


Image 1: Plan highlighting the location of the rear outdoor living area

In regard to the applicant’s justification that the proposed second crossover will allow for the retention of the existing Silky Oak tree located in the front setback of the site, an assessment has been carried out against LPP Landscaping of Development and Existing Vegetation on Development Sites. LPP2.10 allows Council to vary a provision of the Scheme or Policy that would result in the removal of a tree and/or vegetation where the application proposes to retain this existing tree and/or vegetation and it is considered to be worthy of conservation. It is acknowledged that the tree would need to be removed if access to a covered parking area is to be provided from the common property access leg.

The tree which is proposed to be retained (as shown in Image 2 below) is a 9m high silky oak tree which is in reasonable condition. Although the retention of any tree is strongly encouraged and desirable, silky oak trees are considered to be a common, fast growing tree species which is not necessarily rare or worthy of protection in their own right. In this regard, the irreversible impact that a second crossover is considered to have on the streetscape is not considered to be offset by the retention of the existing tree.



Image 2: Street view image of existing Silky Oak Tree

In regard to the applicant's justification that the second crossover will help reduce the existing drainage issues in Pass Crescent, the City's Engineering department have confirmed that Pass Crescent is a known area which has major street drainage issues. Stormwater flowing along the existing verge is impacting properties further downhill from the subject site. A second crossover, with a modified splay, could divert the current stormwater runoff from the verge at the front of the subject site, in to road to prevent flooding of the subject site and other properties to the south. This option has been discussed with both parties who in principle agree with the proposed solution. It is understood an alternative to the above would be for the City to modify a number of the existing crossovers to achieve a similar solution.

In conclusion, the second crossover is not supported as it is detrimental to the Pass Crescent streetscape and access to the required number of parking bays could be provided from the proposed common property access leg and existing crossover.

LPP2.9 - Primary street setback

In relation to the proposed carport setback, clause 2.2 of LPP2.9 states that where a property is not on the Heritage List, carports may be located in front of the dwelling where the development meets all of the following criteria:

LPP2.9 Requirements	Provided	Extent of Variation
<i>I. The carport is open on all sides with no door; and</i>	Open on all sides	Complies
<i>II. The carport is constructed from timber or steel vertical supports no greater than 150mm in width in any direction; and</i>	100mm pillars	Complies

<i>III. The carport does not exceed an average of 2.8 metres in height above natural ground level; and</i>	2.5m average height	Complies
<i>IV. The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street; and</i>	Carport is located to the northern side of site allowing direct visibility of the dwelling from the street and surveillance from the dwelling to the street;	Complies
<i>V. The maximum width of the carport is to be 6 metres on a property with a frontage of 12 metres or greater or on a property with a frontage of less than 12 metres, the maximum width of a carport is to be 3 metres; and</i>	5.89m (lot frontage greater than 12m)	Complies
<i>VI. The carport is setback one metre or greater from any side boundary</i>	1m	Complies

The proposed carport complies with all of the above discretionary criteria of Council's Policy relating to the street setback. If access to the proposed carport was via the common property driveway and not a separate crossover, a carport of a similar design could be supported in the front setback area of the site.

Front Fence

Deemed-to-comply	Provided	Extent of Variation
Up to 1.2m solid, up to 1.8m visually permeable with pillars to 2.0m where located in the street setback area.	Up to 1.3m solid, up to 1.8m visually permeable with pillars to 1.9m	Visual Permeability - 100mm of solid fencing

The proposal is not considered to meet the discretionary criteria of LPP2.8 – Fences Policy for the following reasons:

- There are no other fences within the prevailing streetscape of a comparable height or solid infill nature; and
- The fence does not assist in the provision of visual privacy between the proposed raised outdoor living area when viewed from the street.

If the application were being recommended for approval this matter could be addressed through the imposition of a condition of approval requiring the solid component of the fence to be no greater than 1.2m.

Dividing Fence

Element	Requirement	Proposed	Extent of Variation
Height	1.8m	2.8m middle southern portion of dividing fence	1m

Clause 5 of LPP2.8 states that side boundary fences greater than 1.8 metres in height should only be supported where the fence does not have any significant impact on adjoining properties by way of overshadowing, solar access, or loss of views, having regard to any public submissions.

The City has received an objection during the consultation period raising a concern that the existing and new retaining wall, together with the 1.8m high fence, results in a high and overbearing wall along the common boundary. Furthermore concerns to the visual appearance of the unauthorised retaining wall have been also raised and that the wall appears to be unfinished with missing mortar. The portion of wall which exceeds the allowable 500mm provision can be seen below in the site photos from the neighbouring southern site (No. 26 Pass Crescent).



Image 3: View from southern adjoining site (No.26 Pass Crescent)

The area of the adjoining southern site directly abutting this portion of development mainly consists of raised garden bed (see aerial image below). This area is not considered to form part of the adjoining property’s exclusive outdoor living area (area readily accessible from the dwelling and capable of active and passive use) and given its location and positioning on this boundary, the building bulk and shadow impacts created are not considered to be significantly detrimental to the amenity of the neighbouring property. As such, the portion of over height dividing fence is considered supportable.



Image 4: Aerial image of the subject site and adjoining southern property at No. 26 Pass Crescent

Visual Privacy (South)

Element	Requirement	Provided	Extent of Variation
Alfresco addition ffl exceeds 500mm of existing ngl	7.5m setback	4m	3.5m

The proposal is not considered to meet the Design principles of the R-Codes as the southern elevation of the raised alfresco will be afforded views over the current adjoining dwelling's northern elevation which includes habitable room windows.

If the application was being supported then this is a matter which could be addressed through the imposition of condition of approval requiring the addition of a privacy screen to the southern elevation of the proposed alfresco deck.

Site Works (Fill) and Retaining Wall Setbacks

Element	Requirement	Provided	Extent of Variation
Excavation and Filling	Excavation or filling between the street and building shall not exceed 0.5m except where necessary to provide pedestrian or vehicle access, drainage works or natural light for a dwelling.	Fill up to 700mm	200mm
Retaining Walls Setback	1m	Nil	1m

For simplicity reasons below is an extract of the development plans indicating the portion of site which is impacted by the proposed fill exceeding 500mm above natural ground level of the subject site and the portion of the southern common boundary with a reduced setback for the retaining wall.

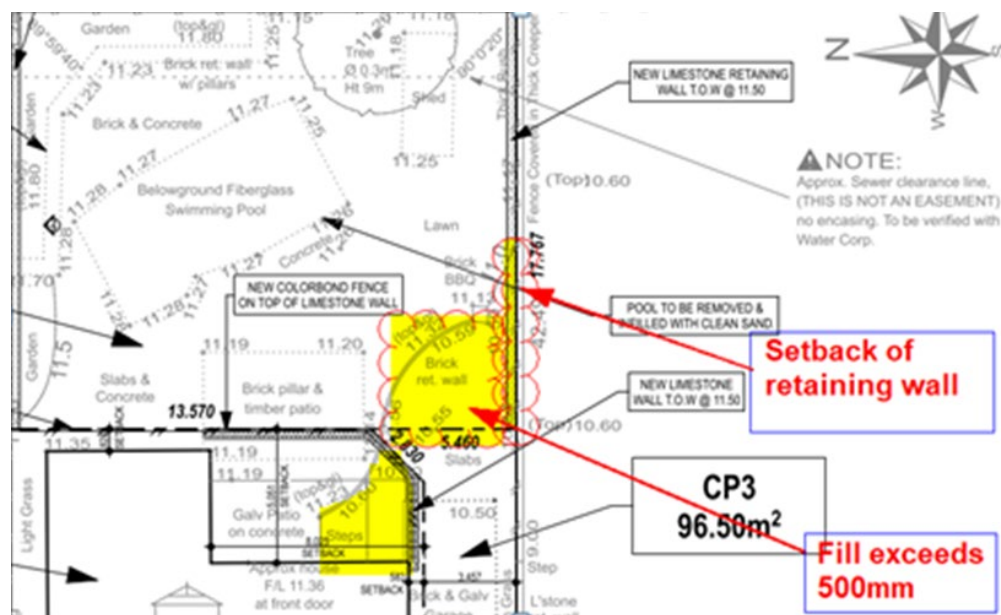


Image 5: Extract from plans illustrating areas of fill

The proposal is considered to meet the Design principles of the R-Codes relating to site works and setback of retaining walls in the following ways:

- The site works balance the existing stepped natural ground level of the rear portion of site by providing a sufficient gradient for future vehicle access for the rear conditionally approved survey strata lot and providing a finished floor level equivalent to the medium natural ground level for future development.
- The site works are located in the middle southern portion of the site and will not alter the impression of natural ground level when viewed from the public street.

- The change to site levels do not otherwise result in other design principle assessments to relevant criteria such as building height or visual privacy that cannot be dealt with by appropriate conditions.

If the application was to be supported both of these discretionary matters are considered supportable for the above outlined reasons.

CONCLUSION

Accordingly the application is recommended for refusal on the basis that the objectives of LPP 2.9 – Vehicle access and the relevant Design principles of the R-Codes have not been appropriately addressed with regard to the second crossover.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Doug Thompson

Seconded: Cr Jon Strachan

Planning committee acting under delegation 1.1:

REFUSE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the carport, deck and primary street fence additions and alterations to the existing Single house at No.24 (Lot 84) Pass Crescent, Beaconsfield, on plans dated 14 May 2019, for the following reasons:

1. The proposal is inconsistent with the design principle requirements of the Residential Design Codes in respect to DE5.3.5 – Vehicular Access, as the development results in additional crossovers, which is considered to adversely impact on the streetscape pattern of Pass Crescent.
2. The proposal is inconsistent with the design principle requirements of the Residential Design Codes in respect to DE5.4.1 – Visual Privacy for the northern elevation of the front alfresco addition.

ADVICE NOTES:

- i. The applicant is invited to lodge a separate application for the unauthorised retaining and minor earthworks in order for this compliance matter to be resolved.

- ii. In regard to the refusal above, the proposal does not comply with Draft Local Planning Policy 2.9 – Residential Streetscapes which prohibits more than one driveway from a primary street per lot, requires vehicle access to be taken from an access easement and prohibits a driveway of greater than 4.5m in width at the street boundary.
- iii. The applicant is advised that an amended proposal that provides vehicle access to Lot 1 from the approved common property access leg (as per the survey strata plan for WAPC126-18) may be supported in accordance with the Residential Design Codes and Draft Local Planning Policy 2.9 – Residential Streetscapes.

Lost: 2/3

For

Cr Ingrid Waltham, Cr Doug Thompson,

Against

Cr Jon Strachan, Cr Adin Lang, Cr Dave Hume

COMMITTEE RECOMMENDATION ITEM PC1907-7

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

The Planning Committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, for the carport, deck and primary street fence additions and alterations to the existing Single house at No.24 (Lot 84) Pass Crescent, Beaconsfield, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 14 May 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. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block or concrete, and thereafter maintained to the satisfaction of the City of Fremantle.
4. Prior to the issue of a building permit, all fencing within the Primary Street setback area shall be visually permeable above 1.2 metres above natural ground level and thereafter maintained to the satisfaction of the City of Fremantle.
5. The fencing indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.

6. The existing Silky Oak tree located within the primary street setback of the subject site (No.24 (Lot 84) Pass Crescent, Beaconsfield) is to be retained and protected for the life of this development.
7. Prior to the issue of a building permit, a detailed drawing showing how the balcony located on the south elevation and the rear outdoor living area, are to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
 - a. fixed obscured or fixed translucent glass to a height of 1.60 metres above internal floor level, or
 - b. With fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level.Prior to occupation, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

Advice Note:

- i. The Applicant is strongly encouraged to landscape the adjoining verge in accordance with Council Policy – Verge Gardens, at their own expense.

AMENDMENT

Moved: Cr Dave Hume

Seconded: Cr Jeff McDonald

8. **Notwithstanding condition number 1, the sections of both of the vehicle crossovers within the road reserve shall be constructed and thereafter maintained at a maximum width of 3 metres, to the satisfaction of the City of Fremantle.**

Amendment carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

COUNCIL DECISION ITEM PC1907-7

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

The Planning Committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, for the carport, deck and primary street fence additions and alterations to the existing Single house at No.24 (Lot 84) Pass Crescent, Beaconsfield, subject to the following condition(s):

1. **This approval relates only to the development as indicated on the approved plans, dated 14 May 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. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block or concrete, and thereafter maintained to the satisfaction of the City of Fremantle.
4. Prior to the issue of a building permit, all fencing within the Primary Street setback area shall be visually permeable above 1.2 metres above natural ground level and thereafter maintained to the satisfaction of the City of Fremantle.
5. The fencing indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
6. The existing Silky Oak tree located within the primary street setback of the subject site (No.24 (Lot 84) Pass Crescent, Beaconsfield) is to be retained and protected for the life of this development.
7. Prior to the issue of a building permit, a detailed drawing showing how the balcony located on the south elevation and the rear outdoor living area, are to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:
 - c. fixed obscured or fixed translucent glass to a height of 1.60 metres above internal floor level, or
 - d. With fixed vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level.Prior to occupation, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.
8. *Notwithstanding condition number 1, the sections of both of the vehicle crossovers within the road reserve shall be constructed and thereafter maintained at a maximum width of 3 metres, to the satisfaction of the City of Fremantle.*

Advice Note:

- i. The Applicant is strongly encouraged to landscape the adjoining verge in accordance with Council Policy – Verge Gardens, at their own expense.

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

11.2 Finance, Policy, Operations and Legislation Committee 10 July 2019

**FPOL1907-2 OBJECTIONS - PROPOSED PARTIAL ROAD
CLOSURE/AMALGAMATION WITH 45 HENDERSON STREET
FREMANTLE (FORMER POLICE STATION)**

Meeting Date: 10 July 2019
Responsible Officer: Economic Development & Marketing Manager
Decision Making Authority: Committee
Agenda Attachment: Formal submission – submitter No.6
Applicant letter – response to submissions
RM Surveys (Feature Contour Survey)

SUMMARY

The City of Fremantle ('City') has advertised the proposed partial road closure and amalgamation with 45 Henderson Street, Fremantle for a period of 35 days in accordance with statutory requirements. The City has previously supported the proposal subject to there being no objections received. The proposal will allow the adjoining property owner to apply to the state for purchase of the land.

In this instance the City has received three (3) objections and seven (7) supporting the proposal during the advertising period. The Council is required to consider the objections tabled in this report before making a final decision on the matter. The responses from Public Utilities were all in support of the proposal.

The objections focused on the perceived loss of public access to and infrastructure (seating). Another suggestion was to use the land to establish a public park. In contrast, the proposed future plans for the subject area (as outlined within this report), has a definite focus on public access and integration with the approved Development Assessment Panel (DAP) plans (DAPV003/18) associated with 45 Henderson Street, Fremantle. The recommendation to committee is to support this road closure.

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

On 18 October 2018 – The Applicant received approval from the Development Assessment Panel (DAP) No.DAPV003/18. The triangular portion of road reserve is left out of the application. The extension of the ground floor plan indicates the future landscaping of the triangular portion of road reserve being subject of a proposed partial road closure and amalgamation (see figure 2, ground floor plans).

On 30 January 2019 - The City 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').

On 27 March 2019 – Council, in accordance with Sections 58 and 87 of the *Land Administration Act 1997*, approved the advertising of the proposed partial closure of a portion (approximately 466.9m²) 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 4.5m²) truncation as road reserve, and
- b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the proposal.

On 27 April 2019 – Public advertising commenced for 35 days ending on 02 June 2019. During this period 3 objections were received which included a formal submission (see attachment 1).

On 17 June 2019 – The Applicant provided a response to the submissions and confirmed their intension was not to restrict access rather to improve the site for the benefit of the whole community (see attachment 2).

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 has carried out public advertising for a period of 35 days ending 02 June 2019.

During the advertising period the City received a total of 10 responses noted in the table below as 7 in support of the proposal with 3 objections to the proposal.

Submitter Name	Submitter Address	COMMENTS	OFFICERS RESPONSE
ATCO Gas	Jandakot	Support <ul style="list-style-type: none"> Gas main is located within the proposed truncated area excluded from closure. 	Comments - noted
Water Corporation	Perth	Support	Comments - noted
Western Power	Perth	Support	Comments - noted
Telstra	Perth	Support	Comments - noted
Department of Fire & Emergency Services (DFES)	Cockburn Central	No response	
Public response			
Submitter 1 26/4/2019	Fremantle	Objection <ul style="list-style-type: none"> Do not agree with the sale of this portion of land. It is impossible to say if a round-a-bout will never be needed in the future, especially when so much development is going on in Fremantle right now. Newman court will be open to traffic once the new Civic Centre is up and running, and there will be more people and more cars traveling in that area. Would like to see the private owner of Lot 535 to continue using the land as part of their garden without buying it, which would be a better outcome. 	Comments noted - the City has responded to submitter with clarification of the proposal. A round-a –bout is not proposed. The Applicant's proposed future plans are designed to invite public access and improve the site for the benefit of the whole community (see Applicants letter attachment 2).

<p>Submitter 2 25/05/2019</p>	<p>Beaconsfield</p>	<p>Support</p> <ul style="list-style-type: none"> • The overall amalgamation makes sense. • I suggest they remove the 3 x 3m corner from the proposal. It's important they maintain safe, unobstructed public access via the footpath around the public facing perimeter of the block. 	<p>Comments noted.</p> <p>The proposal includes the retention of a 3m x 3m corner truncation to remain as road reserve being a CoF Engineering requirement.</p>
<p>Submitter 3 25/05/2019</p>	<p>Fremantle</p>	<p>Support</p> <ul style="list-style-type: none"> • ok 	<p>Comment noted.</p>
<p>Submitter 4 25/05/2019</p>	<p>White Gum Valley</p>	<p>Support</p> <ul style="list-style-type: none"> • This appears to be a reasonable request. • I am more concerned about the large, old peppermint (<i>Agonis flexuosa</i>) trees within the fenced area. They have considerable heritage and environmental value and I would like to see them registered as a heritage feature and protected by the council so that the developer cannot knock them down. 	<p>Parks and Landscape have included protection of the trees in conditions 11.k and 11.j of Development Application 007/17 with JDAP approval.</p>
<p>Submitter 5 (28/05/2019)</p>	<p>Beaconsfield</p>	<p>Objection</p> <ul style="list-style-type: none"> • The proposed boundary change should be limited to the line of the Physical fencing to private property ensuring preservation of road/footpath infrastructure. • Has the potential to limit safe pedestrian, cycle and vehicular access. • Public infrastructure (seating) should be 	<p>Comments noted.</p>

		retained within the road reservation and not placed within private property.	
Submitter 6 (31/05/2019)	Fremantle	<p>Objection</p> <p>also see - Attachment 1 being a formal submission</p> <ul style="list-style-type: none"> I strongly disagree with the handing over of public land to private vested concerns who act for commercial gain and not for the interests of the community, both public or socially. Especially, when this public land may be essential to our future requirements. 	<p>Comments noted.</p> <p>Currently the City has no future plans in relation to the subject land apart from a 3m x 3m corner truncation to remain as road reserve.</p> <p>The Applicant's proposed future plans are designed to invite public access and improve the site for the benefit of the whole community (see Applicants letter attachment 2).</p>

Submitter 6 in the table above has provided a formal submission included as attachment 1.

The main objections are:

- Public infrastructure (seating) should be retained within the road reserve
- The proposed boundary should be limited to the line of the existing fencing
- Public land should not be handed over for commercial gain and not in the interests of the community.
- Public land may be required for future use
- The land should be used to establish a public park
- The new owners should use the land as part of their garden without buying the land

The Applicant has responded to the objections received with their proposed future uses of the subject land which is not intended to restrict access to the public. In addition the Applicant has confirmed their intention to incorporate the subject land into the overall Courthouse Precinct development which will allow for the reactivation of the precinct and add value to the community (full comments are included in Attachment 2).

OFFICER COMMENT

The proposed closure and amalgamation of the subject section of road reserve (inside the limestone wall) including a paved portion on the outside of the wall leaving a 3m x 3m truncation (see Figure 1).

The report returns to Council after 3 objections were received during the public comment period. The objections indicated the need for a park with public access or held for future use by the City. At this stage the City’s Infrastructure engineering department has confirmed the requirement of a truncation at the corner shown in Figure 1 to remain as road reserve.

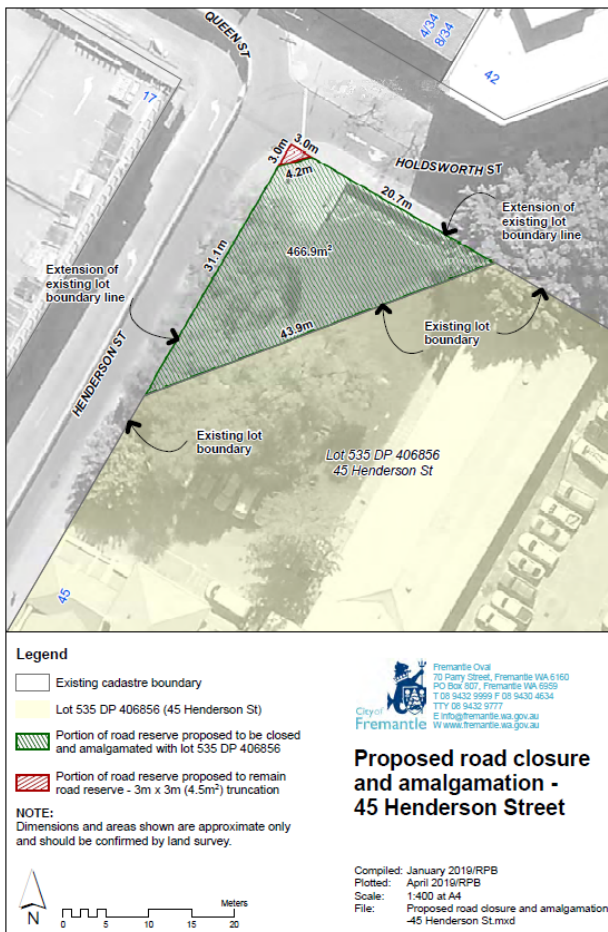


Figure 1 - includes a 3m x 3m truncation to remain as road reserve

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.

The Applicant's feature survey has calculated a total area of road reserve proposed for amalgamation (excluding the truncation) to be approximately 466.9m².

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

The future use of the triangular portion of road reserve is best shown on a section of the Applicants ground floor plans to 45 Henderson Street, Fremantle (see Figure 2). The section of road reserve did not form part of the plans submitted to Council (DAPV003/18). However the drawing provides a visual impression of how the proposed road reserve amalgamation may open up the area with the likely result of a greater public access.

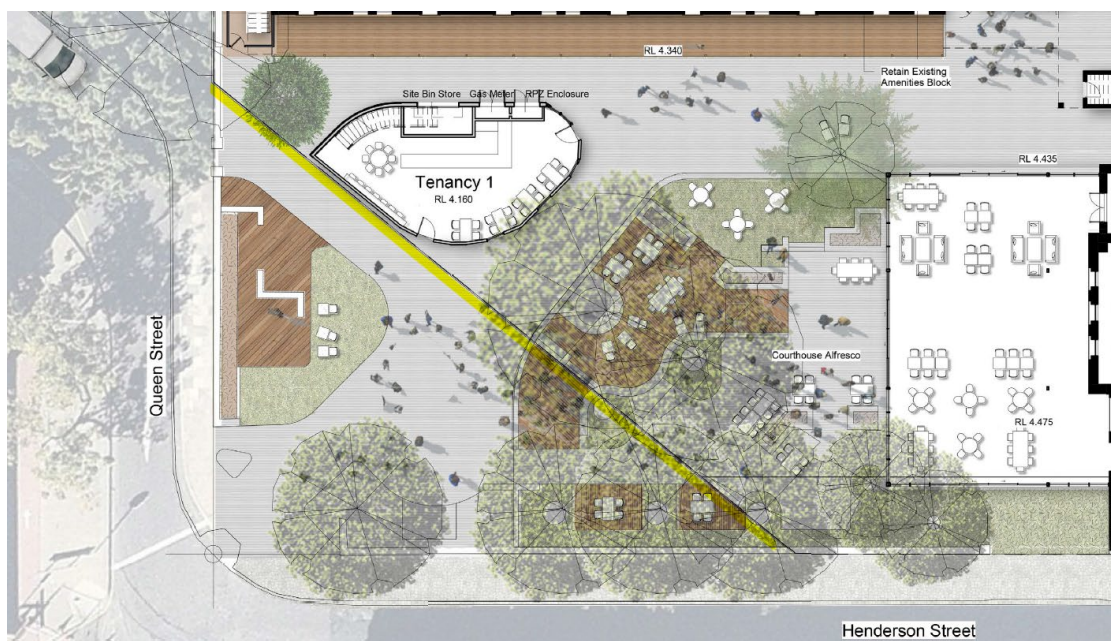


Figure 2 - shows a section of the Ground Floor approved plans where the proposed future use of the triangular section of road reserve is shown and not included as part of the DAPV003/18 approval.



Figure 3 - view looking towards the subject corner and area enclosed behind the wall/fence

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1907-2 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council, in accordance with sections 58 and 87 of the Land Administration Act 1997:

1. Acknowledge the objections received regarding proposed partial closure of Henderson Street, Fremantle.
2. Support the partial closure of a portion (approximately 466.9m²) of Henderson Street, Fremantle for the purpose of amalgamation with the adjoining property at 45 (Lot 535 on Plan 406856) Henderson Street, Fremantle.
3. Make an application to the Minister for Lands to grant the request, described in part 2 above, and indemnifies the Minister against any claim for compensation that may arise from that closure and amalgamation.

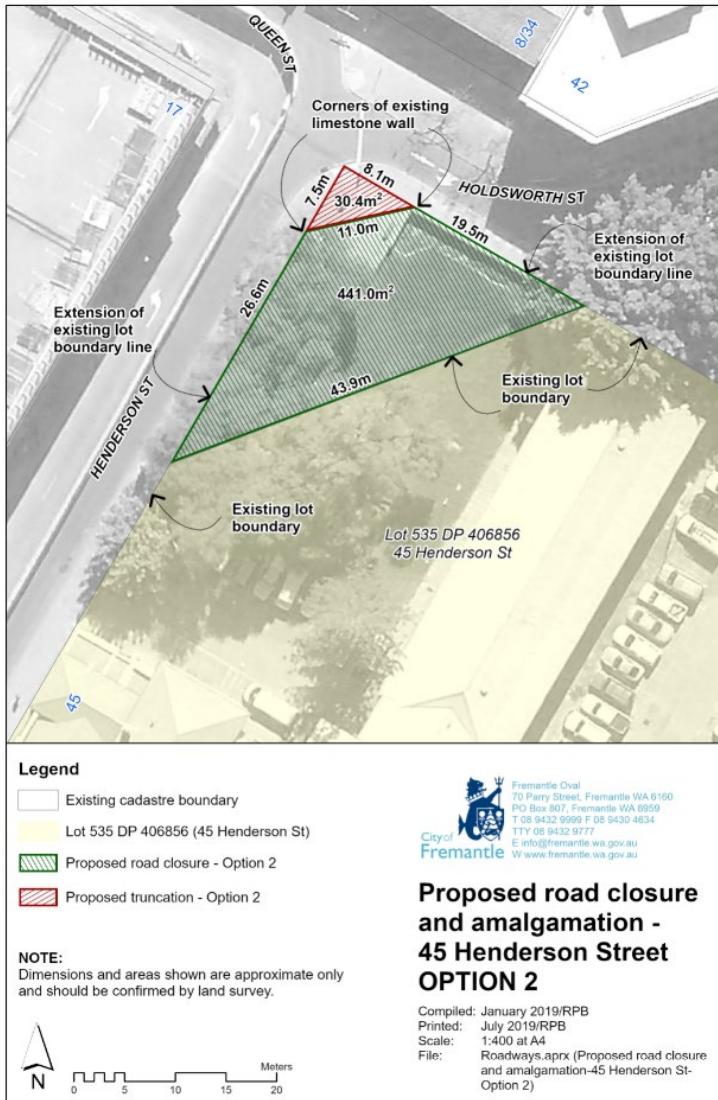
Carried: 5/0

**Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan**

Cr Rachel Pemberton requested the item be referred to the Ordinary Meeting of Council for a decision. Seconded by Cr Andrew Sullivan.

Additional officer information

Following the discussion at the Finance, Policy Operations and Legislation Committee meeting dated 10 July 2019, officers have prepared an alternate partial road closure and amalgamation plan for 45 Henderson Street (provided below), to enlarge the truncation from 4.5m² to 30.4m² from the end of the limestone wall along Henderson Street to the end of the limestone wall along Holdsworth Street.



Should Council prefer the alternate plan above, officers have prepared the following amended recommendation for consideration. If the alternate proposed partial closure is supported by Council, officers will not have to readvertise for community consultation as public comment from the community consultation for Option 1 was taken into account when making the proposed amendment to the truncation shown in Option 2.

COUNCIL DECISION ITEM FPOL1907-2
(Amended recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

In accordance with sections 58 and 87 of the Land Administration Act 1997:

- 1. Acknowledge the objections received regarding proposed partial closure of Henderson Street, Fremantle.**
- 2. Support the partial closure of a portion (*approximately 441m²*) of Henderson Street, Fremantle for the purpose of amalgamation with the adjoining property at 45 (Lot 535 on Plan 406856) Henderson Street, Fremantle.**
- 3. Make an application to the Minister for Lands to grant the request, described in part 2 above, and indemnifies the Minister against any claim for compensation that may arise from that closure and amalgamation.**

Carried: 10/1

For

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

Against

Cr Andrew Sullivan

**FPOL1907-8 CONSIDERATION OF A MUSIC-BASED EVENT AT SOUTH BEACH
IN FEBRUARY/MARCH 2020**

Meeting Date: 10 July 2019
Responsible Officer: Manager Communications and Events
Decision Making Authority: Committee
Agenda Attachments: 1. Sets on the Beach key event information
2. For The Love key event information

SUMMARY

The City has been approached by two event promoters wanting to host separate music-based events at South Beach in February/March 2020. Both proposals have the capacity to draw crowds of more than 5,000.

Victorian-based promoter For The Love had originally sought to host its event at Port Beach. Due to uncertainty over the usability of the Port Beach site after recent storm events and resulting coastal erosion, For The Love has identified South Beach as an alternative venue.

Perth-based Offworld Productions had previously presented its Sets on the Beach events at Port Beach until Council resolved in 2018 that these could no longer be held at that location.

Both promoters have requested use of the South Beach grassed site and adjacent beach frontage.

The City needs to find an appropriate balance between its support for events with protection of resident and public amenity.

This report recommends that the Finance, Policy, Operations and Legislation committee acting under delegation 1.1 approve one event subject based on the acceptance of Council conditions and approved criteria.

BACKGROUND

Offworld Productions have requested use of the South Beach grassed site and adjacent beach frontage to present one (1) Sets on the Beach event and one (1) Sundown Sessions event over a weekend in 2020.

The two concerts would be held over one weekend (Saturday 2–10pm and Sunday 2–9pm) in February or March and would be ticketed, fenced and licenced with amplified music.

Event organisers have proposed one of the following weekends:
Saturday 29/2/2020 and Sunday 1/3/2020,
Saturday 7/3/2020 and Sunday 8/3/2020 or
Saturday 14/3/2020 and Sunday 15/3/2020.

Key event information provided in Attachment 1 of the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019).

For The Love - One day event proposal

For The Love have requested use of the South Beach grassed site and adjacent beach frontage to present a music/lifestyle event in Fremantle on Saturday 29 February 2020.

This event is proposed to form the West Australian leg of a national tour and would be ticketed, fenced and licenced with amplified live and DJ-based music. The National tour currently consists of Tweed Heads and Melbourne locations.

Key event information provided in Attachment 2 of the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019).

COMMENT

Due to both operators' proposed dates being within a three-week window, Administration recommends only one of these be approved for February - March 2020.

Based on approval of this recommendation, City officers would work with the successful event promoter to ensure appropriate conditions were in place to manage and minimise impacts on the community. Post-event, City officers would measure the event's success, review the impacts and undertake further public consultation to further determine the future suitability of the South Beach site as a music event venue.

Should Council decide to support both events, it is recommended that officers seek to negotiate alternative dates and/or locations with the event promoters to ensure a greater length of time/space between the two.

South Beach presents a number of logistical and community considerations, however the beachfront location is considered integral to both promoters' event models. While the overall recommendation is for Council to approve one event, the City would require a range of conditions – including hire fees comparable to the significance of the site – to ensure any impacts are adequately managed and either minimised or prevented.

As with any event proposal, the proposed events would be subject to existing City event approval requirements, including but not limited to:

- Public liability insurance approval
- Risk management plan approval
- Noise management plan approval
- Site plan approval
- Temporary food permit approval
- Traffic management plan approval and
- Road closure approval
- City approved communications with all affected residents, organisations and businesses.

Event operators are required to comply at all times with applicable statutes and submit relevant applications for same and abide by conditions listed in any statutory approvals.

FINANCIAL IMPLICATIONS

Full fees will be applicable. Total hire fees will be determined based on the proposed site usage. Hire fees would be comparable to fees charged for previous events of a similar scale at the same venue.

Venue hire fees: \$1,840.00 per sector (maximum number of sectors is 5 sectors).
Maximum hire fees payable for full site usage for seven days: up to \$64,400 inc GST.

Any costs associated with health and compliance permits including traffic management and Regulation 18 (noise), are charges to be imposed upon the promoter.

Grounds restoration and turf management bonds will be calculated by City Officers once site plan and turf management plan is evaluated and approved.

LEGAL IMPLICATIONS

This approval is further subject to the mutual execution of a contractual agreement between the event promoter and City of Fremantle which will outline full terms and conditions of hire of the City's venues and reserves for the purposes of staging the event.

CONSULTATION

No local stakeholder consultation has been initiated to date. Event organisers will be required to undertake stakeholder consultation upon conditional support being received from Council. This will include but isn't limited to local residents, the South Beach Café, Sunset Markets and the City of Cockburn (the latter to communicate impacts on Cockburn residents within a close proximity to the venue).

OFFICER COMMENT

The content of this item relates to the City of Fremantle Strategic Community Plan 2015 – 2025.

Outcome: Fremantle is recognised locally, nationally and internationally for its festivals and street life.

Objective: Promote Fremantle as a leading edge destination to attract vibrant festivals and street life.

Measure of success: Increase the number of external festival events held in Fremantle. Increase in visitor and participant numbers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

The Finance, Policy, Operations and Legislation committee acting under delegation 1.1;

1. Approve a maximum of one (1) major event to be held at South Beach in February – March 2020.
2. Authorise the Chief Executive Officer to assess the currently proposed events and determine which is the most appropriate event based on acceptance of Council conditions and the following criteria:
 - a. maximise benefit to the community in terms of ensuring a professional and well-managed event.
 - b. minimise impact on surrounding residents and broader community.
 - c. deliver an economic benefit to Fremantle and enhance the City's reputation as a destination.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Rachel Pemberton

Amend the officer's recommendation, to read as follows;

1. Approve a maximum of *two (2)* major events to be held at South Beach in February – March 2020, subject to each event being held at a minimum of 3 weeks apart.
2. Authorise the Chief Executive Officer *to determine the detailed aspects of each application in order to maximise the benefits to the community and minimise the impacts.*

Carried: 5/0

Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

Reason for change

To allow both proposed events to take place and ensure they are held at a minimum of 3 weeks apart to space the events out and provide a break between events.

COUNCIL DECISION ITEM FPOL1907-8
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

- 1. Approve a maximum of two (2) major events to be held at South Beach in February – March 2020, subject to each event being held at a minimum of 3 weeks apart.**
- 2. Authorise the Chief Executive Officer to determine the detailed aspects of each application in order to maximise the benefits to the community and minimise the impacts.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

11.3 Strategic Planning and Transport Committee 17 July 2019

SPT1907-1 NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - INITIATION OF COMPLEX SCHEME AMENDMENT AND DRAFT LOCAL PLANNING POLICY

Meeting Date: 17 July 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Committee
Agenda Attachments: 1. Draft Local Planning Policy

SUMMARY

Council has been considering zoning options for its properties located at Nos. 7 and 9 – 15 Quarry Street, Fremantle, to allow their sale as a single development site by removing the zoning inconsistency which currently exists.

Preliminary consultation was undertaken in relation to a Mixed Use R100 option, in response to which community concern was expressed.

Following several reports, a site visit and informal workshop, in June 2019 Council endorsed a series of principles on which to base a scheme amendment and policy update. This report recommends initiation of a scheme amendment reflecting those principles to introduce:

- a uniform zoning of Mixed Use and residential density of R80 across the lots.
- Specific building height limits and setback controls, to reflect the site's location and facilitate a transition between high and low density.

In addition to the planning scheme amendments, a draft local planning policy (LPP) has been prepared to incorporate specific provisions relating to boundary walls, lot boundary setback, interface, design and controls.

It is recommended that the proposed rezoning be initiated as a 'complex' amendment to the planning scheme and the proposed LPP be advertised concurrently with the scheme amendment process, to facilitate a coordinated response.

BACKGROUND

Nos. 7 (lots 2 & 1) and 9 – 15 (lot 8) Quarry Street, Fremantle (the 'subject site') are owned by the City and have been budgeted for disposal. However, because the three lots have different zonings (with lots 2 and 1 being zoned 'Mixed Use' RAC3 and lot 8 being zoned 'Residential' R25), they cannot currently be amalgamated or developed as a composite site. The site is strategically located within the 'frame' of the City Centre, at the zoning interface between high and low density, but currently provide for a very blunt transition between these, through the mid-site drop in coding. Council considered a report on this in July 2018 and resolved to undertake preliminary consultation in relation to the potential rezoning of the site to Mixed Use R100 with an extra restriction on

building height within 10m of the low density R25 zoned lots to the north east (refer Item SPT1807-06).

Preliminary consultation occurred in September - October 2018 with 50 submissions received raising a variety of concerns, particularly in relation to the proposed residential density and potential building height of up to 15 metres, among other matters.

Council considered the outcomes of preliminary consultation in November 2018 (item PC1812-15) and again in January 2019 (item PC1901-10) but resolved to defer amendment to the scheme to allow further consideration of the most appropriate development outcomes and mechanisms to achieve these.

The opportunities and constraints presented by the site were discussed at an informal Councillor workshop on 1 April 2019 and were further considered during a group site visit arranged and attended by community members (as well as elected members) on 23 April 2019.

On 26 June 2019, Council considered a further report on the matter and resolved:

Council:

1. *Approves the following as the desired development outcomes, and the mechanisms to be used to facilitate those outcomes, for the land at No's 7 and 9-15 Quarry Street:*
 - a) *All the subject land to be zoned Mixed Use with a residential density coding of R80 and a plot ratio of 1 through an amendment to Local Planning Scheme No. 4.*
 - b) *All the subject land to be included in local planning sub-area 2.3.1.*
 - c) *Maximum building heights for new development to be limited to 11m, but reduced to a maximum of 7.5m on parts of the subject land within 10m of the north-east and south-west boundaries, through an amendment to development controls in Local Planning Scheme No. 4.*
 - d) *Parapet walls constructed on lot boundaries shall be restricted to a limited section of the south-western boundary abutting an existing boundary wall to the heritage listed building at No. 3 Quarry Street, to be prescribed in a local planning policy. All other lot boundary setbacks shall be in accordance with the R-Codes.*
 - e) *Design features to achieve activation and passive surveillance in the part of any new development overlooking Fremantle Park, to be incorporated as provisions of a local planning policy.*
 - f) *A pedestrian access link from Quarry Street to Fremantle Park, accessible to members of the public, to be provided across the subject land secured through contractual arrangements on sale of the land by the City, and reinforced through inclusion in local planning policy.*
 - g) *A minimum dwelling yield of 34 to be delivered in future development on the site, to be secured through a condition of sale of the land by the City.*

2. *Request officers to prepare for Council's consideration a further report setting out details of amendments to Local Planning Scheme No. 4 and Local Planning Policy 3.1.3 to achieve outcomes a) to e) in recommendation 1 above.*
3. *Include provisions to achieve outcomes f) and g) in recommendation 1 above as part of documents required to undertake a future sale of the subject land by the City of Fremantle (SPT1906-01)*

The purpose of this report is to consider initiation of the subsequently prepared scheme amendment and associated policy update.

OFFICER COMMENT

Planning Scheme Amendments

The scheme amendment will require changes to both the scheme text and map and will be formally referred to as Amendment No. 77 to Local Planning Scheme No. 4.

The map will be modified to extend the Mixed Use zone to lot 8, and apply an R80 coding to it and lots 1 and 2.

Extension of sub-area 2.3.1 (the Queen Victoria Residential Quarter/Northern Gateway precinct) to include the site requires modification to Schedule 8 of the scheme text to amend the boundary of this area to include the site. The subject site will be referred to as 'Area 6A' within the sub-area and indicated as such on a revised sub-area map, as noted in the recommendation to this report.

A number of general provisions apply to the sub-area. In addition to these and consistent with the existing sub area provisions, it is also proposed to have the key development provisions relating to height and setbacks for the site defined within Schedule 8 as variations to the default requirements specified in the R-Codes. These include a building height limit of 11m and a modification to the scheme text to exclude the subject site from the 4m bonus height criteria applicable to the remainder of the sub-area. A further clause restricting height within 10m of the eastern and western boundaries to 7.5m is also included.

Minor wording and formatting changes will also be required to Sub Area 2.3.1 in order to incorporate these additional provisions and update references.

These modifications collectively address resolution 1 a - c of Council's previous decision.

Local Planning Policy Amendments

Revisions to Local Planning Policy (LPP) 3.1.3 (applicable to sub-area 2.3.1 / the Queen Victoria Residential Quarter/Northern Gateway precinct) were originally proposed to supplement the scheme provisions. However, following more detailed review of the current policy and the nature of the matters to be addressed in relation to this site, incorporation of these within a discrete, site-specific policy is now recommended.

This has been drafted to address the principles adopted by Council, as follows:

- Minimum street setback and rear setback to Fremantle Park of 2m. Maximum street setback of 4m;
- Buildings to be set back from side lot boundaries as per the R-Codes excepting that walls on the boundary (i.e. parapet walls) are proposed to be restricted to the front 23m of the south-west boundary (i.e. to the deviation in the lot boundary);
- Buildings to address Fremantle Park and public spaces through 'through provision of major openings and/or balconies on all levels, to provide active and passive surveillance opportunities' and visually permeable fencing. In the event of development of apartments, this provision would supplement the existing Public Domain provisions of the new Volume 2 of the R-Codes.

An additional overshadowing controls for the lot to the south-west to restrict overshadowing on the shortest day of the year (i.e. at midday on the 21st of June) to a maximum 50 percent has also been proposed. Whilst arguably not required because of the restrictions on boundary walls and building height, this has been proposed to address concerns regarding impact on this adjoining property. An alternative would be to omit this clause and rely on the performance-based assessment requirements of the *R-Codes Volume 2* (assuming apartment development), however this addition assists in providing clarity regardless of the development type.

The above policy provisions are summarised in a map within the planning policy to provide visual guidance on the site-specific requirements.

Conclusion

The proposed amendments to the planning scheme combined with the supplementary policy aim to address the key themes raised in previous reports to Council on this project, most notably in respect to balancing residential density with an acceptable built form outcome.

The following recommendation details all of the proposed modifications to scheme and policy, which will be subject to further community consultation prior to finalisation. To ensure a more holistic approach, it is recommended that consultation be carried out for both the planning scheme and policy concurrently. Should Council endorse the scheme amendment after consultation, the local planning policy can also be adopted at the same time (pending final ministerial decision on the scheme amendment).

FINANCIAL IMPLICATIONS

There are no financial implications associated with the process of rezoning of the site, as this has been undertaken in-house.

LEGAL IMPLICATIONS

The processes for a scheme amendment and policy modification are outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

CONSULTATION

Preliminary community consultation on a potential scheme amendment was undertaken in September - October 2018 in accordance with *Local Planning Policy 1.3 - Public Notification of Planning Proposals* (LPP 1.3). During this time a total of 50 submissions were received raising concern in respect to impact on residential amenity, streetscape, traffic, built form and architectural quality, the closure of the child care centre and housing diversity.

If initiated, and subject to relevant consent from the Environmental Protection Authority (EPA) and the Department of Planning, Lands and Heritage, consultation on the formal scheme amendment and local planning policy would be undertaken in accordance with LPP 1.3, as well as the Regulations.

VOTING AND OTHER SPECIAL REQUIREMENTS

Special Majority Required

OFFICER'S RECOMMENDATION

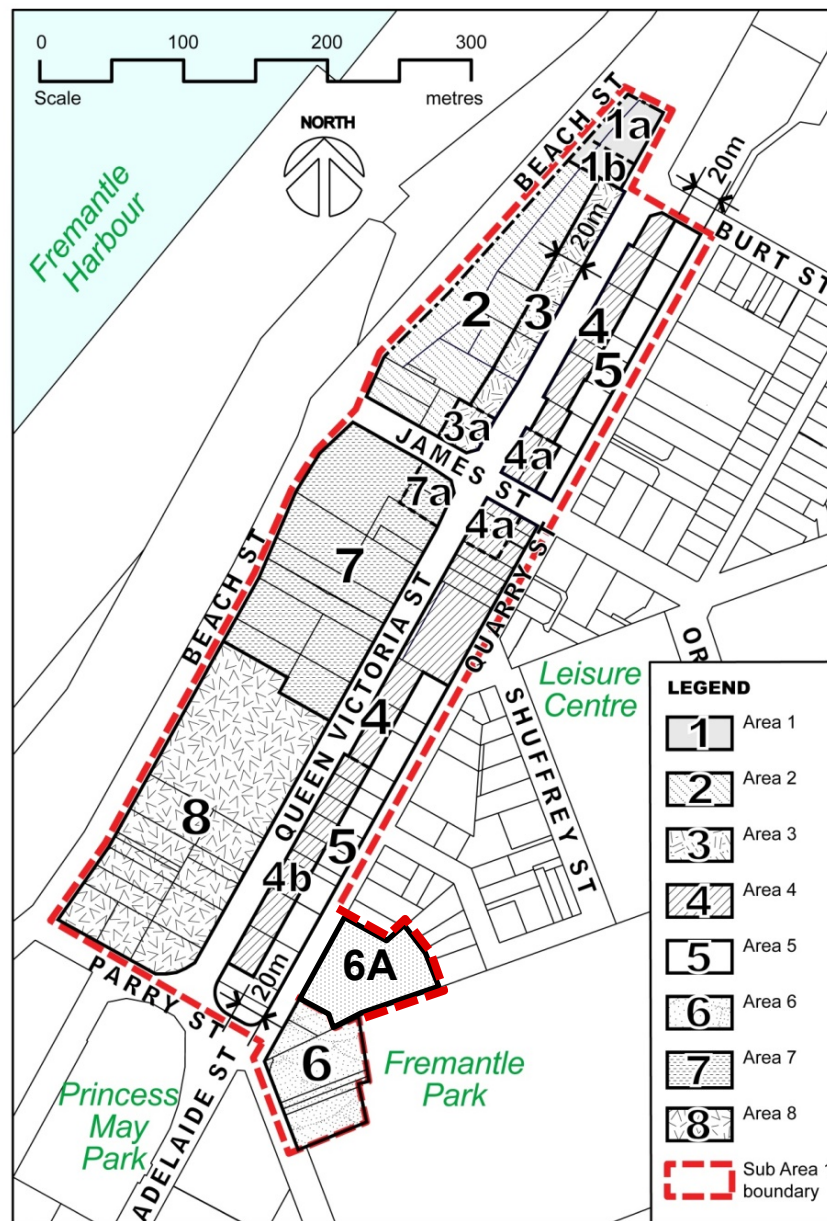
Moved: Cr Dave Hume

Seconded: Cr Jon Strachan

The Strategic Planning and Transport Committee, acting under delegation 1.1:

1. Pursuant to s 75 of the *Planning and Development Act 2005* resolve to amend City of Fremantle Local Planning Scheme No. 4 by:-
 - a) Rezoning Lot 8 (Nos. 9-15) Quarry Street, Fremantle from Residential with a density coding of R25 to Mixed Use with a density coding of R80, and to amend the density coding of Lots 1 and 2 (No. 7) Quarry Street from RAC3 to R80;
 - b) Modifying Schedule 8 – Local Planning Areas (Development Requirements) Local Planning Area 2 – Fremantle 2.3.1, Sub Area 1 as follows:

2.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
2.3.1	Sub Area 1



2.3.1.1 Land Use	<p>a) Notwithstanding the provisions of Table 1 - Zoning:</p> <p>i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Victoria Street at the following locations:</p> <ul style="list-style-type: none"> - between Parry Street and James Street both sides - for 60 metres north from James Street both sides - for 30 metres south from Burt Street east side - for 90 metres south from Beach St west side; and <p>ii) Except in Area 1a and 1b, non-residential uses will only be permitted above ground level where they meet</p>
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		local needs for commercial services.		
2.3.1.2 Building Height and Setbacks	b)	Clause 2.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 1.		
	c)	Permitted building heights shall be in accordance with the requirements set out in the table below:		
		Area	Permitted Building Height (Metres)	Min. Façade Height (Metres)
		1a	12.5 Council may permit a maximum building height of 20 metres for Area 1a where the proposed development satisfies all of the following: i) Exceptional design quality and distinctive architecture befitting its location ii) Demonstrate a high standard of environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste iii) Provide a high quality and publicly accessible pedestrian environment within the site as an extension of the street space at the ground level frontages to Queen Victoria Street and Beach Street	Nil
		1b	20	Nil
		2	24.5	10
		3	18	10
		3a	18	10
		4	18	10
		4a	18	10
		4b	15	10
		5	11	10
		6	11	10
		6a	11	Nil
		7	18	10
	7a	18	10	
	8	18 In granting consent to the maximum 18 metre height prescribed for Area 8 Council shall be satisfied in regard to all of the following- a) That the proposal is consistent with	10	

		<p>predominant height patterns of adjoining properties and the locality generally,</p> <p>b) The proposal would not be detrimental to the amenity of the area,</p> <p>c) The proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and</p> <p>d) Any other relevant matter outlined in Council's local planning policies.</p> <p>Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.</p>	
	<p>d)</p> <p>e)</p> <p>f)</p> <p>g)</p>	<p>In the front elevation of all new development, except fronting Quarry Street, the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.</p> <p>Notwithstanding the maximum building height requirements in the table above, buildings shall be no higher than 2 storeys, and a maximum overall height of 7.5 metres, within 10 metres of the north-eastern and south-western boundaries of Area 6A.</p> <p>Notwithstanding the specific building height requirements in the table above, and excluding Area 6A, Council may permit additional height to a maximum of 4 metres subject to development satisfying both of the following criteria:</p> <p>i) The additional level being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site; and</p> <p>ii) The design being integrated with the design of the overall building.</p> <p>In addition to the general height requirements outlined in the table above and the additional height in (f), Council may permit further building height to a maximum of 4 metres in Areas 1a, 1b, 2, 3a, 4a and 7a where the Council is satisfied that the proposed development satisfies all of the following criteria:</p> <p>i) Exceptional design quality and distinctive architecture befitting its location</p> <p>ii) Demonstrates best practice in environmentally</p>	

- sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste
- iii) Provide a high quality landscaped and publicly accessible pedestrian environment at ground level that includes, where appropriate:
- a) the area of the required setbacks in Queen Victoria Street and James Street being transferred at no cost to Council for the purposes of a road widening; and
 - b) east-west mid-block pedestrian links between Queen Victoria and Beach Street that are an integrated component of any development concept and are convenient, legible, attractive, safe and activated. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval.

The setback from the street façade required in (f) for any additional height above the Permitted Building Height does not apply in these areas if additional height is granted in accordance with (g).

- h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved or where the road has been widened.

Area	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback (Metres)	Minimum side and rear Setback (Metres)
1a	All streets	Not specified	Not specified	Nil
1b	All streets	Not specified	Not specified	Nil
2	Beach St	Nil	2 to 10m height	Nil
	James St	2	3.3	Nil
3	Queen Victoria St	3.3	3.3 to 10m height	Nil
3a	Queen Victoria St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
4	Queen	3.3	3.3 to 10m	Nil

	Victoria St north of James St		height	
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Quarry St	Nil to 11m height, then 3m setback from lower front elevation	4	Nil
4a	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
4b	Queen Victoria St	Nil	3.3 to 10m height	Nil
5	All streets	Nil	4	Nil
6	All streets	Nil	2	Nil
6A	Quarry Street	2	4	Refer local planning policy and R-Codes as applicable
7	James St	2	3.3	Nil
	Queen Victoria St	Nil	3.3 to 10m height	Nil
	Beach St	Nil	2 to 10m height	
7a	James St	2	3.3	Nil
	Queen Victoria St	Nil	3.3 to 10m height	Nil
8	All streets	Nil	3.3	Nil
	i) The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres on any one lot.			
2.3.1.3 Other	j) New buildings in the area should embody contemporary			

<p>Development Standards</p>	<p>and innovative architecture which is sensitive to Fremantle's sense of place and satisfies any relevant planning and design policy adopted for the area.</p> <p>k) As part of any future development in Area 4, a high amenity pedestrian access link with a minimum width of 5 metres is to be provided for both pedestrians and cyclists between Queen Victoria Street and Quarry Street in the vicinity of Shuffrey Street at no cost to the City, unless otherwise agreed between the City and the landowner. The provision of the pedestrian access link is to be considered as an integrated component of any redevelopment concept in this location to ensure the provision of activated ground level frontages and a high quality built form outcome. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City, and set as a condition of planning approval.</p>
<p>2.3.1.4 Car Parking</p>	<p>l) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.</p> <p>m) For residential development the parking requirements of the Residential Design Codes code apply.</p> <p>n) Council may waive car parking requirements in accordance with clause 4.7.3 for ground level non-residential uses anywhere in Sub Area 1 subject to the development/use being able to generate interest and activity within the adjacent public domain.</p>
<p>2.3.1.5 Special Conditions of Planning Approval</p>	<p>o) The Council may impose a condition on planning approval for any new development in Sub Area 1 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1, which include zero minimum side and rear setbacks.</p>

(Amendment No. 77)

- Pursuant to reg 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 77 to Local Planning Scheme No. 4 is a 'complex' amendment for the following reason:-

It is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

3. Authorise the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation.
4. Pursuant to s 81 of the *Planning and Development Act 2005*, submit Amendment No. 77 to Local Planning Scheme No. 4 to the Environmental Protection Authority for determination of whether an environmental review is required.
5. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to reg 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* refer Amendment No. 77 to Local Planning Scheme No. 4 to the Western Australian Planning Commission.
6. Subject to the Western Australian Planning Commission's support to advertise the amendment, advertise Amendment No. 77 for public comment in accordance with the applicable provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3 Public Notification of Planning Proposals.
7. Subject to the Western Australian Planning Commission's support for the advertising of Amendment No. 77 to Local Planning Scheme No. 4, approve the draft local planning policy provided in Attachment 1 to item SPT1907-1 of the Strategic Planning and Transport Committee Agenda for the purposes of consultation in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Fremantle Local Planning Policy 1.3 Public Notification of Planning Proposals.

AMENDMENT 1

Moved: Cr Dave Hume

Seconded: Cr Adin Lang

In the Specific Development Controls clause 2.3.1.2(c), amend the "Permitted Building Heights" for Area "6a" to "12" metres.

Amendment carried: 6/1

For:

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Dave Hume**

Against:

Cr Jeff McDonald

Reason for amendment

The proposed maximum height of 11 metres does not provide sufficient flexibility to deal with the change of height across the site and may compromise the inclusion of an efficient semi-basement parking solution. At 11 metres, the built form is more likely to include parapet walls and flat roofs in an area where traditional pitched roof forms are the norm. Amending the maximum allowable height to 12 metre is consistent with the new SPP7.3 for development at R60 and 3 storeys in height. A better way to ensure wall and building heights do not result in detrimental impacts to the surrounding low density

precinct is to include additional height controls both in the scheme (see below) and the guidelines.

AMENDMENT 2

Moved: Cr Dave Hume

Seconded: Cr Doug Thompson

Amend clause 2.3.1.2(e) to read as follows:

Notwithstanding the maximum building height requirements in the table above, in Area 6a buildings shall be no higher than:

- I. 3 storeys (not including any basement level) with a maximum wall height of 10.0 metres above natural ground level; and,**
- II. 2 storeys with a maximum overall height of 9.0 metres and a maximum wall height of 6.0 metres, within 10.0 metres of the north-eastern and south-western boundaries.**

Amendment carried: 5/2

For:

**Mayor, Brad Pettitt, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Dave Hume**

Against:

Cr Jeff McDonald, Cr Jon Strachan

Reason for amendment

The addition of sub-clause (I) reinforces that development be restricted to three stories without precluding a semi-basement parking structure or the inclusion of lofts at the third floor. It also ensures that wall heights are permitted to step up in the central parts of the site but without dominating the surrounding lower density areas and without precluding the inclusion of traditional pitched roof forms extending up to the maximum building height.

AMENDMENT 3

Moved: Cr Dave Hume

Seconded: Cr Adin Lang

Amend the local planning policy as shown in Agenda Attachment 1 to insert a new clause 2.4 in the section headed 'Public Domain Interface' to read as follows:

- 2.4 In development fronting Fremantle Park (Reserve 24833, lot 1826), the ground floor level must be no greater than 600mm above the level of the adjacent levels of the public open space adjacent to the site.**

Amendment carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

AMENDMENT 4

Moved: Cr Dave Hume

Seconded: Cr Jenny Archibald

Amend clause 2.3.1.3(i) to include the words “Except in Area 6a” at the beginning of the clause, so that it reads as follows:

- i) Except in Area 6A, the maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres on any one lot.

Amendment carried: 5/2

For:

Mayor, Brad Pettitt, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Dave Hume

Against:

Cr Jeff McDonald, Cr Jon Strachan

Reason for amendment

The clause relates to the desire for higher density development to maintain a reasonably continuous streetscape frontage but is not relevant to area 6a where a more mixed residential streetscape is prevalent.

AMENDMENT 5

Moved: Cr Dave Hume

Seconded: Cr Jon Strachan

Include the following wording immediately following the table of building setbacks in clause h) of 2.3.1.3:

Notwithstanding the specific setback requirements required in the table above, in Area 6A:

- (i) within 10 metres of the north-eastern and south-western boundaries, the minimum street setback shall be 4.0 metres and the maximum street setback shall be 10.0 metres; and,
- (ii) a minimum street setback of 10.0 metres for any part of the development above 2 storeys.

Part i) and ii) of the amendment were voted on separately as shown below:

Include the following wording immediately following the table of building setbacks in clause h) of 2.3.1.3:

Notwithstanding the specific setback requirements required in the table above, in Area 6A:

- (i) within 10 metres of the north-eastern and south-western boundaries, the minimum street setback shall be 4.0 metres and the maximum street setback shall be 10.0 metres; and,

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

Amendment of part ii)

Moved: Cr Jenny Archibald

Seconded: Cr Adin Lang

- (ii) a minimum street setback of 5.0 metres for any part of the development above 2 storeys.

Amendment lost: 3/4

For:

Cr Dave Hume, Cr Adin Lang, Cr Jenny Archibald

Against:

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Doug Thompson Cr Jeff McDonald

Part ii) of the amendment as originally moved was then voted on

- (ii) a minimum street setback of 10.0 metres for any part of the development above 2 storeys.

Amendment lost: 1/6

For:

Cr Doug Thompson

Against:

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jeff McDonald,
Cr Dave Hume, Cr Adin Lang, Cr Jenny Archibald

Reason for amendment

To ensure development immediately adjacent to the adjoining residential heritage buildings does not sit forward of the main facades of those buildings (i.e. the facades behind the verandahs), and to ensure any taller development (i.e. 3 storeys) does not have a detrimental impact on the existing streetscape scale of one and two storey buildings.

AMENDMENT 6

Moved: Cr Dave Hume

Seconded: Cr Adin Lang

Amend the local planning policy as shown in Agenda Attachment 1 as follows:

- (a) amend clause 3.1 in the section headed 'Solar Access' to read as follows:

3.1 Development shall be designed such that the shadow cast at midday on the 21st of June shall not exceed 50% 25% of the adjoining single residential property to the south-west.

and

- (b) amend Figure 1 'Area 6A: Specific Provisions Map' to show that nil setback walls on the boundary (i.e. parapet walls) along the south-western boundary (as illustrated by a thick red line on the map) are limited to a zone within 14.0 metres of the Quarry Street property boundary, and have a maximum height of single storey or 3.0 metres.

Parts a) and b) of the amendment were voted on separately, as shown below:

Amend the local planning policy as shown in Agenda Attachment 1 as follows:

- (a) amend clause 3.1 in the section headed 'Solar Access' to read as follows:

3.1 Development shall be designed such that the shadow cast at midday on the 21st of June shall not exceed ~~50%~~ 25% of the adjoining single residential property to the south-west.

Amendment carried: 7/0

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume

- (b) amend Figure 1 'Area 6A: Specific Provisions Map' to show that nil setback walls on the boundary (i.e. parapet walls) along the south-western boundary (as illustrated by a thick red line on the map) are limited to a zone within 14.0 metres of the Quarry Street property boundary, and have a maximum height of single storey or 3.0 metres.

Amendment carried: 6/1

For:

Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Dave Hume

Against:

Cr Jeff McDonald

Reason for amendment

To ensure that the single residential lot to the south-west is no worse off in terms of overshadowing than it would be a conventional precinct zoned R25 and to ensure that there is no further encroachment of parapet walls to the rear open space areas of that adjoining lot which is already significantly hemmed in by existing and proposed parapet walls.

AMENDMENT 7

Moved: Cr Dave Hume

Seconded: Cr Adin Lang

Add a new part 8 to the officer's recommendation to read as follows:

Council to investigate adding wording to the Local Planning Policy to encourage possible tree retention during the public consultation period on the policy, and

include further information in the report back to Council at the end of the public consultation period with a view to possibly adding the trees to the significant tree register should they be deemed significant.

Amendment carried: 6/1

For:

Mayor, Brad Pettitt, Cr Jeff McDonald Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Dave Hume

Against:

Cr Jon Strachan

COUNCIL DECISION ITEM SPT1907-1
(Committee recommendation)

Moved: Mayor, Brad Pettitt

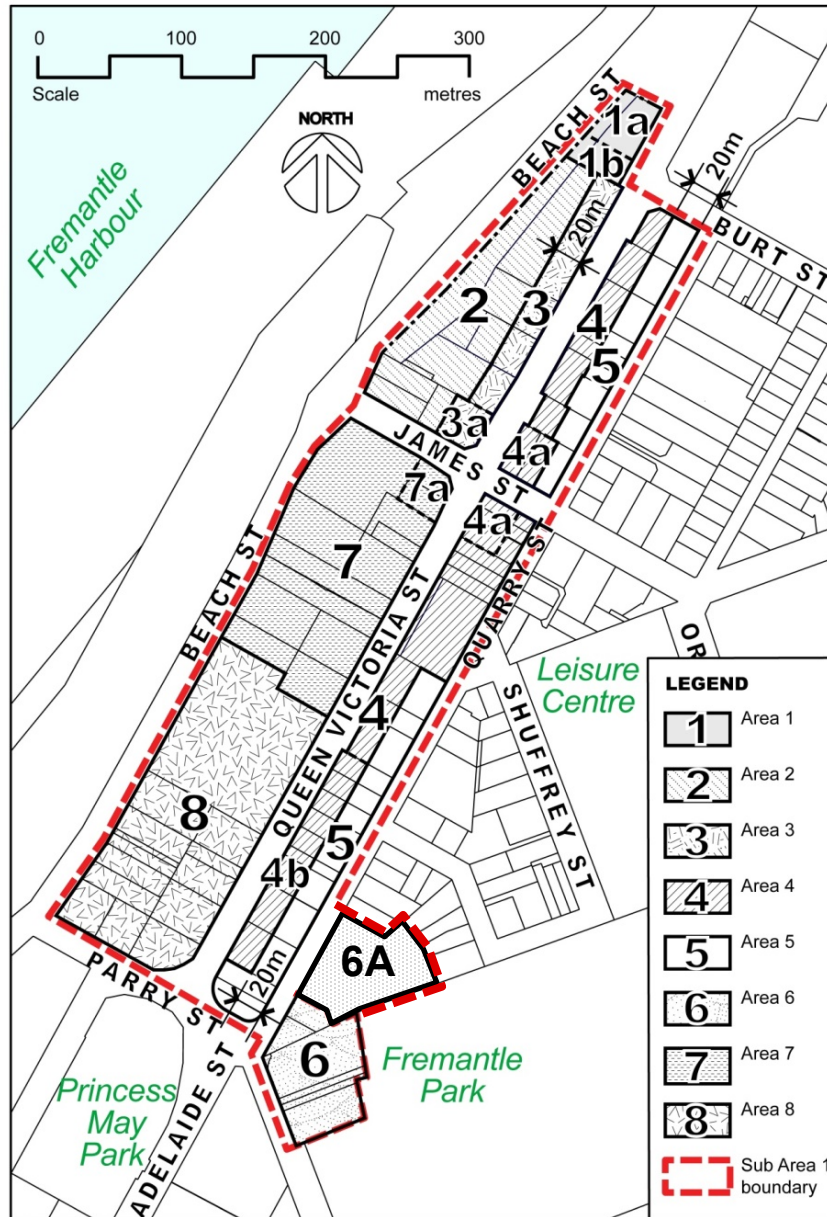
Seconded: Cr Dave Hume

The Strategic Planning and Transport Committee, acting under delegation 1.1:

- 1. Pursuant to s 75 of the *Planning and Development Act 2005* resolve to amend City of Fremantle Local Planning Scheme No. 4 by:-**
 - a) Rezoning Lot 8 (Nos. 9-15) Quarry Street, Fremantle from Residential with a density coding of R25 to Mixed Use with a density coding of R80, and to amend the density coding of Lots 1 and 2 (No. 7) Quarry Street from RAC3 to R80;**
 - b) Modifying Schedule 8 – Local Planning Areas (Development Requirements) Local Planning Area 2 – Fremantle 2.3.1, Sub Area 1 as follows:**

2.3 SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS

2.3.1 Sub Area 1



LPS4 Sub Area 1 map (Amendment 8) v

<p>2.3.1.1 Land Use</p>	<p>a) Notwithstanding the provisions of Table 1 - Zoning:</p> <p>i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Victoria Street at the following locations:</p> <ul style="list-style-type: none"> - between Parry Street and James Street both sides - for 60 metres north from James Street both sides - for 30 metres south from Burt Street east side - for 90 metres south from Beach St west side; and <p>ii) Except in Area 1a and 1b, non-residential uses will only be permitted above ground level where they meet local needs for commercial services.</p>		
<p>2.3.1.2 Building Height and Setbacks</p>	<p>b) Clause 2.2 ‘Matters to be considered in applying general and specific height controls’ does not apply to Sub Area 1.</p> <p>c) Permitted building heights shall be in accordance with the requirements set out in the table below:</p>		
<p>Area</p>	<p>Permitted Building Height (Metres)</p>	<p>Min. Façade Height (Metres)</p>	
<p>1a</p>	<p>12.5</p> <p>Council may permit a maximum building height of 20 metres for Area 1a where the proposed development satisfies all of the following:</p> <ul style="list-style-type: none"> i) Exceptional design quality and distinctive architecture befitting its location ii) Demonstrate a high standard of environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste iii) Provide a high quality and publicly accessible pedestrian environment within the site as an extension of the street space at the ground level frontages to Queen Victoria Street and Beach 	<p>Nil</p>	

	Street	
1b	20	Nil
2	24.5	10
3	18	10
3a	18	10
4	18	10
4a	18	10
4b	15	10
5	11	10
6	11	10
6a	12	Nil
7	18	10
7a	18	10
8	18 In granting consent to the maximum 18 metre height prescribed for Area 8 Council shall be satisfied in regard to all of the following- a) That the proposal is consistent with predominant height patterns of adjoining properties and the locality generally, b) The proposal would not be detrimental to the amenity of the area, c) The proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and d) Any other relevant matter outlined in Council's local planning policies. Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.	10
	d) In the front elevation of all new development, except fronting Quarry Street, the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.	
	e) <i>Notwithstanding the maximum building height requirements in the table above, in Area 6a buildings shall be no higher than:</i> <i>1. 3 storeys (not including any basement level)</i>	

- with a maximum wall height of 10.0 metres above natural ground level; and,*
- II. 2 storeys with a maximum overall height of 9.0 metres and a maximum wall height of 6.0 metres, within 10.0 metres of the north-eastern and south-western boundaries.**

f) Notwithstanding the specific building height requirements in the table above, and excluding Area 6A, Council may permit additional height to a maximum of 4 metres subject to development satisfying both of the following criteria:

- i) The additional level being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site; and**
- ii) The design being integrated with the design of the overall building.**

g) In addition to the general height requirements outlined in the table above and the additional height in (f), Council may permit further building height to a maximum of 4 metres in Areas 1a, 1b, 2, 3a, 4a and 7a where the Council is satisfied that the proposed development satisfies all of the following criteria:

- i) Exceptional design quality and distinctive architecture befitting its location**
- ii) Demonstrates best practice in environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste**
- iii) Provide a high quality landscaped and publicly accessible pedestrian environment at ground level that includes, where appropriate:**

b) the area of the required setbacks in Queen Victoria Street and James Street being transferred at no cost to Council for the purposes of a road widening; and

b) east-west mid-block pedestrian links between Queen Victoria and Beach Street that are an integrated component of any development concept and are convenient, legible, attractive, safe and activated. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval.

The setback from the street façade required in (f) for any

additional height above the Permitted Building Height does not apply in these areas if additional height is granted in accordance with (g).

h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved or where the road has been widened.

Area	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback (Metres)	Minimum side and rear Setback (Metres)
1a	All streets	Not specified	Not specified	Nil
1b	All streets	Not specified	Not specified	Nil
2	Beach St	Nil	2 to 10m height	Nil
	James St	2	3.3	Nil
3	Queen Victoria St	3.3	3.3 to 10m height	Nil
3a	Queen Victoria St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
4	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Quarry St	Nil to 11m height, then 3m setback from lower front elevation	4	Nil

	4a	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
		James St	2	3.3	Nil
		Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
	4b	Queen Victoria St	Nil	3.3 to 10m height	Nil
	5	All streets	Nil	4	Nil
	6	All streets	Nil	2	Nil
	6A	Quarry Street	2	4	Refer local planning policy and R-Codes as applicable
	7	James St	2	3.3	Nil
		Queen Victoria St	Nil	3.3 to 10m height	Nil
		Beach St	Nil	2 to 10m height	
7a	James St	2	3.3	Nil	
	Queen Victoria St	Nil	3.3 to 10m height	Nil	
8	All streets	Nil	3.3	Nil	
<p>Notwithstanding the specific setback requirements required in the table above, in Area 6A:</p> <p>(1) within 10 metres of the north-eastern and south-western boundaries, the minimum street setback shall be 4.0 metres and the maximum street setback shall be 10.0 metres</p> <p>i) Except in Area 6A, The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres on any one lot.</p>					
2.3.1.3 Other	<p>j) New buildings in the area should embody</p>				

Development Standards	<p>contemporary and innovative architecture which is sensitive to Fremantle's sense of place and satisfies any relevant planning and design policy adopted for the area.</p> <p>k) As part of any future development in Area 4, a high amenity pedestrian access link with a minimum width of 5 metres is to be provided for both pedestrians and cyclists between Queen Victoria Street and Quarry Street in the vicinity of Shuffrey Street at no cost to the City, unless otherwise agreed between the City and the landowner. The provision of the pedestrian access link is to be considered as an integrated component of any redevelopment concept in this location to ensure the provision of activated ground level frontages and a high quality built form outcome. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City, and set as a condition of planning approval.</p>
2.3.1.4 Car Parking	<p>l) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.</p> <p>m) For residential development the parking requirements of the Residential Design Codes code apply.</p> <p>n) Council may waive car parking requirements in accordance with clause 4.7.3 for ground level non-residential uses anywhere in Sub Area 1 subject to the development/use being able to generate interest and activity within the adjacent public domain.</p>
2.3.1.5 Special Conditions of Planning Approval	<p>o) The Council may impose a condition on planning approval for any new development in Sub Area 1 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area1, which include zero minimum side and rear setbacks.</p>

(Amendment No. 77)

2. Pursuant to reg 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 77 to Local Planning Scheme No. 4 is a 'complex' amendment for the following reason:-

It is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

3. Authorise the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation.
4. Pursuant to s 81 of the *Planning and Development Act 2005*, submit Amendment No. 77 to Local Planning Scheme No. 4 to the Environmental Protection Authority for determination of whether an environmental review is required.
5. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to reg 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* refer Amendment No. 77 to Local Planning Scheme No. 4 to the Western Australian Planning Commission.
6. Subject to the Western Australian Planning Commission's support to advertise the amendment, advertise Amendment No. 77 for public comment in accordance with the applicable provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3 Public Notification of Planning Proposals.
7. Subject to the Western Australian Planning Commission's support for the advertising of Amendment No. 77 to Local Planning Scheme No. 4, approve the draft local planning policy provided in Attachment 1 to item SPT1907-1 of the Strategic Planning and Transport Committee Agenda for the purposes of consultation in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Fremantle Local Planning Policy 1.3 Public Notification of Planning Proposals.
8. *Council to investigate adding wording to the Local Planning Policy to encourage possible tree retention during the public consultation period on the policy, and include further information in the report back to Council at the end of the public consultation period with a view to possibly adding the trees to the significant tree register should they be deemed significant.*

ATTACHMENT 1 – Draft Local Planning Policy – 7-15 Quarry Street, Fremantle



CITY OF FREMANTLE

LOCAL PLANNING POLICY 3.1.3.1

**PRECINCT 3, AREA 6A:
7-15 QUARRY STREET, FREMANTLE**

ADOPTION DATE: ??/??/20??

**AUTHORITY: LOCAL PLANNING SCHEME NO.4
PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES)
REGULATIONS 2015**

STATUTORY BACKGROUND

Schedule 2, Deemed Provisions for local planning schemes, Part 9, Clause 67 - requires the Local Government to consider a broad range of matters when determining an application.

Schedule 2, Deemed Provisions for local planning schemes, Part 2 - provide the making of a local planning policy.

PREAMBLE

In 2019, sub area 2.3.1 within Schedule 8 of the scheme (the Queen Victoria Residential Precinct) was expanded to include Lots 1, 2 and 8 (Nos. 7 and 9 – 15) Quarry Street, Fremantle. This site is referred to as 'Area 6A' within the sub-area.

Inclusion of the site within this sub-area reflects its strategic location and proximity to a wide range of services and amenities, and the opportunities it presents to accommodate high-quality residential / mixed-use development as part of the City Centre's northern gateway. However, it also provides a transition between high-density mixed-use zonings to the south and west, and existing lower-density development to the north. This policy seeks to supplement the provisions of the local planning scheme to promote an appropriate design response to this context.

PURPOSE

To define site-specific design controls for the development site at Lots 1, 2 and 8, Nos. 7-15 Quarry Street, Fremantle.

POLICY

In addition to the development requirements outlined in Local Planning Scheme No. 4 for Area 6A of sub-area 2.3.1, and the Residential Design Codes, the following provisions apply.

1 Building Setbacks

- 1.1 Buildings shall be set back a minimum of 2.0 metres and maximum 4.0 metres from Quarry Street and a minimum of 2.0 metres from Fremantle Park.
- 1.2 Buildings greater than 2 storeys or 7.5 metres in height shall be set back a minimum of 10 metres from the north-eastern and south-western boundaries as indicated in Figure 1.
- 1.3 Notwithstanding the minimum lot boundary setback requirements of the Residential Design Codes Volumes 1 and 2, walls built up to a lot boundary shall only be permitted on the south-western boundary for the location and height indicated in Figure 1.
- 1.4 Remaining walls to buildings shall be set back from lot boundaries in accordance with Tables 2a and 2b of the *Residential Design Codes Volume 1*, or Table 2.1 (Primary Controls Table) of the *Residential Design Codes Volume 2 – Apartments*, as applicable.

2 Public Domain Interface

- 2.1 Buildings shall address the public domain through orientation and provision of major openings and/or balconies on all levels, to provide active and passive surveillance opportunities.
- 2.2 Visually permeable fencing shall be provided in accordance with *Local Planning Policy 2.8: Fences Policy* for a minimum two-thirds of the length of the rear/south-eastern boundary which abuts Fremantle Park, as indicated in Figure 1. For the balance of this fencing, higher solid portions of fencing may be permitted up to 1.8 metres in height to facilitate screening to outdoor living areas.
- 2.3 Direct pedestrian and resident access into the park is encouraged to facilitate activation.
- 2.4 *In development fronting Fremantle Park (Reserve 24833, lot 1826), the ground floor level must be no greater than 600mm above the level of the adjacent levels of the public open space adjacent to the site.*

3 Solar Access

3.1 Development shall be designed such that the shadow cast at midday on the 21st of June shall not exceed 25% of the adjoining single residential property to the south-west.

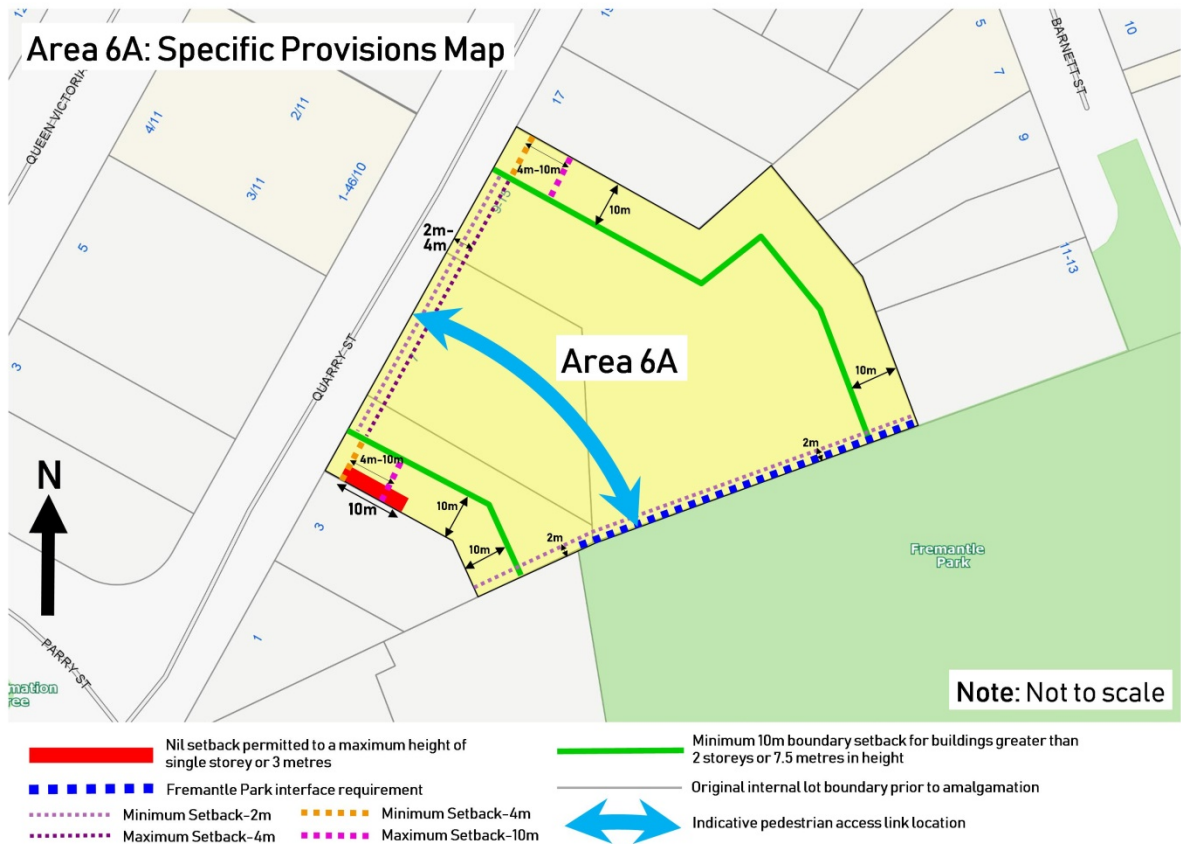


Figure 1: Specific provisions relating to Area 6A – Quarry Street (summary)

Review information and related documentation

Reviewing officer:	Manager Strategic Planning
Policy adopted:	Click here to enter a date. Item Ref
Policy amended:	XXXX
Legislation:	<i>Planning & Development (Local Planning Schemes) Regulations 2015</i>
Delegations:	NA
Related documents:	NA
Next review date:	5 yrs from adoption

Carried: 11/0
 Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
 Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
 Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

**SPT1907-2 MUNICIPAL HERITAGE INVENTORY AND HERITAGE LIST -
ANNUAL UPDATE 2019 FINALISATION**

Meeting Date: 17 July 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1 – 2019 MHI & Heritage List Update Schedule of Submissions

SUMMARY

On 17 April 2019, Council considered a report on the 2019 annual update of the Municipal Heritage Inventory (MHI) and Heritage List, and resolved to consult affected landowners on a number of modifications recommended. Consultation subsequently occurred with no objections received. This report considers the outcomes of that consultation process and a number of further minor modifications proposed to the MHI and Heritage List to conclude the annual update process for this year.

This report recommends that Council:

1. Make minor modifications to the naming of listed properties at 5-13 (excluding 11) Leslie Road, North Fremantle and 25 Mouat Street Fremantle to better reflect significant features.
2. Retain 25 Mouat Street, Fremantle on the Municipal Heritage Inventory as Category 3 and on the Heritage List because the replacement warehouse on this site has some heritage significance, but note the original warehouse site at 21-25 Mouat Street as Historic Record Only on the MHI.
3. Remove 10 William Street, Fremantle from the Heritage List and note it as Historic Record Only on the Municipal Heritage Inventory due to the improbability that the site retains any archaeological value given subsequent demolitions and development.
4. Remove 42 McCleery Street, Beaconsfield from the Heritage List and note it as Historic Record Only on the Municipal Heritage Inventory due to the (legitimate) demolition of significant features since its original inclusion on the MHI.

To streamline the maintenance and management of these lists, extension of delegation to the Chief Executive Officer is also sought to:

- modify listing information to more accurately describe the listed property, and
- reclassify to Historic Record Only and remove from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a contribution to the heritage significance of the original property.

BACKGROUND

On 17 April 2019, Council considered a report on the 2019 annual update of the Municipal Heritage Inventory (MHI) and Heritage List and resolved:

That Council

1. *Invite comment from affected landowners on the following proposed modifications to the Municipal Inventory of Heritage Places (MHI) and Heritage List:*

<i>Place</i>	<i>Municipal Inventory of Heritage Places</i>	<i>Heritage List</i>	<i>Reason</i>
<i>10-12 Stirling Street, Fremantle</i>	<i>Add as Management Category 3</i>	<i>Add</i>	<i>The rear limestone boundary wall at 10-12 Stirling Street, Fremantle is of considerable local significance and should be afforded statutory protection.</i>
<i>14 & 14A Arundel Street, Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>Original house has been demolished. The current (modern) dwellings are of insufficient significance for retention on the Heritage List or MHI Category 3.</i>
<i>11 Leslie Road, North Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>The original limestone retaining wall in this location previously collapsed, and so was removed and replaced.</i>
<i>388 South Terrace, South Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>The 1980s extension conceals any surviving original building fabric so that it no longer contributes to the heritage streetscape of South Terrace or even obliquely from the surrounding streets. The extent and comprehensive nature of the change means that reversing these changes to recover the significance of the original house would be extremely difficult and as there is little documentary or physical evidence available to guide restoration, any attempt at reconstruction would be speculative.</i>
<i>38 Thompson Road, North Fremantle</i>	<i>Retain as Management Category 3</i>	<i>Retain</i>	<i>The building continues to meet the threshold for inclusion as category 3 on the MHI and make a valuable contribution to the streetscape, notwithstanding modifications and additions.</i>

68 Queen Victoria Street, Fremantle	Historical Record Only	Remove	Retaining wall of modern construction. Natural limestone features located within adjoining road reserve have been extensively cut back and modified and do not meet the threshold for inclusion on the MHI.
81 and 81A Ellen Street	Retain 81A as Management Category 2 and 81 as Historical Record Only	Include 81A and remove 81	Retains and protects the originally listed 1901/02 dwelling at 81A Ellen Street and removes the new lot and dwelling created at 81 Ellen Street. Administrative correction arising from subdivision and renumbering of new lots.
2 Newman Court Fremantle	Historical Record Only	Remove	The Myer Department Store was constructed on the site of the former Hutton Buildings (demolished 1967) and Harris Scarfe building (demolished 1971). It is doubtful that any significant archaeological remains from these early buildings remain.
10 William Street, Fremantle	Retain as Management Category 3	Retain	This site has been completely redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the sub-strata which may have contained remnants of footings and other artefacts will have been completely disturbed and altered.
20 South Terrace, Fremantle	Historical Record Only	Remove	Building is of recent construction and has little cultural heritage significance.
14 Parry Street, Fremantle	Add as Management Category 3	Add	The St John's Ambulance station has some cultural significance for its contribution to the heritage of Fremantle in terms of its aesthetic, historic and social significance and its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.

In the event of landowners making no objection to modifications recommended to the Municipal Inventory of Heritage Places (MHI) and Heritage List, that these changes be finalised, documented and communicated to the Heritage Council of Western Australia and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council.

2. *Invite comment from affected landowners on removal from the Heritage List and retention on the MHI for historical record only of the following properties where demolition of the features originally included on the MHI has legitimately occurred since their original inclusion on the Inventory:*

- a) 169 Edmund Street, Beaconsfield (House)
- b) 108 Queen Victoria Street, Fremantle (Commercial Building)
- c) 349 South Terrace, South Fremantle (House)
- d) 16 Stevens Street (House)
- e) 129 Hampton Road, South Fremantle (Glennifer Cottage)
- f) 10 Crandon Street, Fremantle (House)
- g) 38 Douro Road, South Fremantle (Former Oate's Stables)
- h) 4 Coral Street, South Fremantle (House)
- i) 24 Hulbert Street, South Fremantle (House)
- j) 34 Arundel Street, Fremantle (House)
- k) 15 Ashburton Terrace, Fremantle (House)
- l) 17 Ashburton Terrace, Fremantle (House)
- m) 103 Atfield Street, South Fremantle (House)
- n) 5 Christina Parade, North Fremantle (House)
- o) 20 Scott Street, South Fremantle (House)
- p) 21 Ashburton Terrace, Fremantle (House)
- q) 2 Lefroy Road, South Fremantle (House)
- r) 203 South Terrace, South Fremantle (Commercial Building)
- s) 198 South Terrace, South Fremantle (House)
- t) 317 High Street, Fremantle (House)
- u) 30 Hulbert Street, South Fremantle (House)
- v) 48 Jenkins Street, South Fremantle (Cold Stores)
- w) 32 Jenkins Street, South Fremantle (F Mandford's Stables)
- x) 27 Jenkins Street, South Fremantle (House)
- y) 29 Jenkins Street, South Fremantle (House)
- z) 35 Jenkins Street, South Fremantle (House)
- aa) 38 Jenkins Street, South Fremantle (House)
- bb) 52 Jenkins Street, South Fremantle (House)
- cc) 134 Marine Terrace, South Fremantle (House)
- dd) 142 Marine Terrace, South Fremantle (Duplex)
- ee) 144 Marine Terrace, South Fremantle (Duplex)
- ff) 2 Martha Street, South Fremantle (House)
- gg) 25 Mouat Street, Fremantle (Site of Bateman's Warehouse)
- hh) 1 Norfolk Street, Fremantle (Terrace)
- ii) 3 Norfolk Street, Fremantle (Terrace)
- jj) 11 Norfolk Street, Fremantle (Terrace)
- kk) 20 Norfolk Street, Fremantle (House)
- ll) 6 Norman Street, Fremantle (House)
- mm) 8 Norman Street, Fremantle

- nn) 24 Price Street, Fremantle (Stables)
- oo) 27 Scott Street, South Fremantle (Duplex)
- pp) 8 Scott Street, South Fremantle (House)
- qq) 5 Silver Street, South Fremantle (House)
- rr) 335 South terrace (Commercial Building)
- ss) 340-342 South Terrace, South Fremantle (Factory)
- tt) 436 South Terrace, South Fremantle (House)
- uu) 364 South Terrace, South Fremantle (House)
- vv) 25 Stevens Street, Fremantle (House)
- ww) 4 Suffolk Street, Fremantle (House)
- xx) 2 Suffolk Street, Fremantle (House and Office)
- yy) 29 Thomas Street, South Fremantle (House)

In the event of the landowners making no objection to modifications recommended, that these changes be finalised and communicated to the Heritage Council of Western Australia and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council. (SPT1904-11).

Consultation with affected landowners was subsequently undertaken between 5 June 2019 and 27 June 2019.

The purpose of this report is to consider the outcomes of that consultation and to complete the update process.

Maintenance of the City's heritage instruments contributes to Council's goal to preserve and promote the importance of our built heritage and history.

OFFICER COMMENT

291 letters were sent out to affected landowners as a part of the consultation process, advising them of the proposed changes to listing (or retention in one case), the reasons for these, and inviting comment. The consultation letters included an information sheet which outlined the implications of MHI and heritage listing.

At the close of the consultation period, the City had received a total of 11 submissions (refer attachment 1), none raising objection to the proposals. Finalisation of the update is consequently recommended.

Whilst Council's previous resolution allows finalisation of the recommendations without further resolution (due to the absence of objection), several minor additional points have arisen during the review process which require further Council consideration, as follows:

1. Limestone Features, Leslie Road, North Fremantle: The exclusion of 11 Leslie Road from the group listing of 5-13 Leslie Road (due to the removal of the listed wall at the rear of this property) prompts modifications to the naming of this site on the City's heritage records, and its description. Whilst this is essentially consequential of Council's resolution, it raises procedural questions. Formal approval of the renaming of the listed property, and extension of delegation to enact similar corrections is consequently sought.

2. 25 Mouat Street, Fremantle (Site of Bateman’s Warehouse): This property was originally recommended for removal from the Heritage List because it was included as the “*Bateman’s Warehouse (Fmr) Site*”, the site of a building that had been removed circa 1940s. It had consequently been notated as ‘demolished’ on the City’s heritage records. On reviewing the site in greater detail, it becomes apparent that:

- a. The original listing applied to 3 lots, 21-25 Mouat Street which housed the J & W Bateman Ltd Warehouse which was demolished circa 1940s. This site has since been renumbered to 23 Mouat Street (Notre Dame courtyard ND2) and 25 Mouat Street (two lots), which now contains a repurposed 1960s arehouse.



23 and 25 Mouat Street which are collectively referenced as 25 Mouat Street, Fremantle (Site of Bateman’s Warehouse) or 21-25 Mouat Street, Fremantle on the City’s heritage records

Source: City of Fremantle Intramaps

- b. Removal of the Bateman’s Warehouse (fmr) site listing for 23 Mouat Street from the Heritage List and its reclassification to Historical Record Only continues to be recommended.
- c. The replacement building at 25 Mouat Street contains a substantial brick warehouse constructed circa 1960s in the Post War Modernist style which has heritage significance in its own right, for aesthetic reasons and also as a late example of the historic patterns of use and development that characterised the warehousing streets in the West End prior to the adoption of contained shipping in the late 1960s (refer photos below). It is consequently now recommended that 25 Mouat Street be retained on the Heritage List but with the revised name, ‘J & W Bateman Ltd Warehouse (current), 25 Mouat Street’. This was discussed with the landowner, Notre Dame University, who raised no objection.



25 Mouat Street, looking south-east
Source: Google Earth Streetview



21-25 Mouat Street, looking north-west (25 to left, 23 / 21 in centre with courtyard behind)

Source: Google Earth Streetview

d. To reduce confusion, renaming of the listings is recommended as follows:

- Site of Bateman's Warehouse (fmr), 21 – 23 Mouat Street (ND2 Courtyard), and
- J & W Bateman Ltd Warehouse (current), 25 Mouat Street (ND3 Student Recreation).

3. 10 William Street, Fremantle: The Minutes of 17 April 2019 Council Meeting include an administrative error stating that 10 William Street is to be retained as a level 3 place on the MHI. The intention (as stated in the summary and outlined within the report) was for the site to be retained as a Historical Record Only, and removed from the Heritage List, for the following reason:

This site has been redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the substrata which may have contained remnants of footings and other artefacts will have been completely disturbed and altered. Historical information on the place will be retained in the City's Municipal Heritage Inventory database for information purposes only under the following management category.

In acknowledgement of this error and the intention of the officer report, consultation with the affected landowner sought comment on the potential removal of 10 William Street from the Heritage List and its reclassification to 'Historical Record Only' on the MHI. The property owner did not respond to the consultation and so is deemed to raise no objection.

4. 42 McCleery Street, Beaconsfield: Immediately following Council's resolution of 17 April 2019, the City received a request from the owner of 42 McCleery Street to remove their property from the Heritage List. A heritage officer investigated this request and confirmed that demolition of the features originally included on the Municipal Heritage Inventory had legitimately occurred since its original listing on the Inventory. It was recommended that the property be removed from the City's Heritage List and retained on the Municipal Heritage Inventory as a Historical Record Only. Because of the similarity of the circumstances of this property to the 51 other demolished places recommended for removal from the Heritage List it was decided to include it in the annual update.
5. St John Ambulance Building, 14 Parry Street: Further clarification was sought on the heritage significance of this building to assist and inform Council on the proposal to include 14 Parry Street on the Heritage List. Further assessment concluded that the St John Ambulance Building, 14 Parry Street has a sufficient level of cultural heritage significance to be placed on the Heritage List and included on the MHI as Level 3 (some significance). As the property is vested in the City, it is effectively consulting with itself on this proposal. It remains open to the Council to manage its significances through the control it exerts as land manager, rather than Heritage List.
6. Maintenance and Minor Updates: Whilst this update has sought to remove all places from the Heritage List where the significant heritage listed features have been legitimately demolished since their original inclusion in the MHI, because of the scale of the list, other instances may exist. There also remain instances where the originally listed property has been subdivided and the vacant portions have inherited a heritage listing which does not reflect its features or significance. Whilst the annual update process and the larger periodic reviews provide opportunities to rectify these anomalies, some limited delegation of authority would assist in streamlining the management and maintenance of the lists. This is consequently sought to allow removal of sites subdivided from the parent lot from the Heritage List and their notation as Historic Record Only on the MHI where the subdivided portion does not retain or contribute to heritage significance. This will require assessment in each instance as subdivided portions of sites may, in some instances, still make a contribution towards the significance of the original place, in which case retention (but updated description) would be appropriate. Delegation is also sought to update listing descriptions to ensure that they accurately reflect the listed features. This may involve renaming of listed site (as per the Leslie Street and Mouat Street examples above), correcting descriptions (to more accurately describe listed properties by, for example, correcting incorrect information, reflect property renumbering and to add additional descriptive information). Any significant changes would continue to be subject to Council consideration however very minor and administrative updates is proposed to be managed through a delegated process.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The *Heritage of Western Australia Act 1990* required the annual update of the MHI, which requirement this report meets.

Section 5.42 of the *Local Government Act 1995* prescribes that Council may delegate certain powers and duties to the Chief Executive officer by absolute majority vote.

CONSULTATION

Consultation on the proposed updates was undertaken with affected landowners in accordance with the provisions of *Heritage of Western Australia Act 1990* and the *Planning and Development (Local Planning Schemes) 2015 Regulations*.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority required.

COUNCIL DECISION ITEM SPT1907-2 (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

That Council:

1. Note submissions received on the 2019 Municipal Heritage Inventory and Heritage List Annual Update and the consequent finalisation of modifications where no objection was received.
2. Approve the following naming modifications to the Heritage List and Municipal Heritage Inventory to better reflect significant elements:

	Old Place name	New Place name	Reason for change
a.	Limestone Feature(s) Leslie Road, 5, 7, 9, 11 and 13 Leslie Road, North Fremantle	Limestone Feature(s) Leslie Road, 5, 7, 9, and 13 Leslie Road, North Fremantle	11 Leslie Road will be removed from this listing because this part of the historic limestone wall has been removed
b.	Site of Bateman's Warehouse, 25 Mouat Street, Fremantle	Site of Bateman's Warehouse (fmr), 21 - 23 Mouat Street, Fremantle	There are no physical remnants of the demolished warehouse on this portion of the original site.

c.	Site of Bateman's Warehouse, 25 Mouat Street, Fremantle	J & W Bateman Ltd Warehouse (current) 25 Mouat Street, Fremantle	There are no physical remnants of the demolished warehouse on this portion of the original site. However, the replacement warehouse has significance in its own right so requires distinction from the balance portion of the original site.
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3. Approve the following modifications to the Heritage List and Municipal Heritage Inventory Listing for 21 – 25 Mouat Street Fremantle to better reflect significant elements:

	Name	Heritage Listing	Reason for change
a.	Site of Bateman's Warehouse (fmr.), 21 - 23 Mouat Street, Fremantle	MHI Historic Record Only	There are no physical remnants of the demolished warehouse on site
b.	J & W Bateman Ltd Warehouse (current) 25 Mouat Street, Fremantle	MHI Level 3 Retain on Heritage List	This substantial brick warehouse constructed circa 1960s in the Post War Modernist style has heritage significance for aesthetic reasons and also as a late example of the historic patterns of use and development that characterised the warehousing streets in the West End prior to the adoption of contained shipping in the late 1960s.

4. Approve the following modifications to the Heritage List and Municipal Heritage Inventory:

Place	Municipal Inventory of Heritage Places	Heritage List	Reason
10 William Street, Fremantle	MHI Historic Record Only	Remove	This site has been completely redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the sub-strata which may have contained

			remnants of footings and other artefacts will have been completely disturbed and altered.
42 McCleery Street, Beaconsfield	MHI Historic Record Only	Remove	Demolition of the features originally included on the Municipal Heritage Inventory had legitimately occurred since their original inclusion on the Inventory

5. Adopt the following delegation to the Chief Executive Officer to make minor modifications the Heritage List and Municipal Heritage Inventory.

Modifications to the Heritage List and Municipal Heritage Inventory							
Delegator:	Council						
Date adopted:							
Authorised function:	<p>The Chief Executive Officer is authorised to modify the Heritage List and Municipal Heritage Inventory to maintain their currency by:</p> <ul style="list-style-type: none"> amending listing information to more accurately describe the listed property, and reclassifying to Historic Record Only and removing from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a significant contribution to the heritage significance of the original property. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995:</i></td> <td>5.42</td> </tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td> <td>Division 2 of Schedule 2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995:</i>	5.42	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2
Legislation	Section						
<i>Local Government Act 1995:</i>	5.42						
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	<ul style="list-style-type: none"> any amendments must have the support of the effected landowner where consultation is required under legislation 						
Power to sub delegate:	Yes						
Reporting requirements							
Use of this delegation:							
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.							

Carried: 10/1
For
Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume
Against
Cr Andrew Sullivan

SPT1907-3 REVIEW OF SUSTAINABLE BUILDING POLICIES

Meeting Date:	17 July 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	Attachment 1 - LPP 2.13 Sustainable Building Design Requirements - Current Attachment 2 - LPP2.13 Sustainable Building Design Requirements - Revised Draft Attachment 3 – DBH12 Energy Efficient Building Design – Current Attachment 4 - LPP 2.2 - Split density codes and energy efficiency and sustainability schedule -Current

SUMMARY

The purpose of this report is to summarise the findings of a review and recommend updates to the sustainable building development framework to improve efficacy.

The review found that:

- Current policies pre-date the City's commitment to One Planet Living and there are inconsistencies in references to sustainable building assessment tools.
- Some policy content has been superseded by recent versions of the Building Code of Australia (BCA), the R-Codes, Design WA or other policies and requirements.
- The combination of advisory and mandatory provisions in DBH12 - Energy Efficient Building Design and the high degree of overlap between this and other statutory documents is problematic.
- Policy implementation mechanisms could be improved to better match design and approval phases.

A number of updates to LPP2.13 - Sustainable Buildings Design Requirements are recommended to address these points. Designation of DBH12 - Energy Efficient Building Design as a (non-statutory) guideline document and its update and maintenance is this role also recommended.

This report recommends that Council:

- Adopt minor amendments to LPP2.13 - Sustainable Buildings Design Requirements; and
- Rescinds DBH12 – Energy Efficient Building Design as a formal planning policy and update and maintain it as a non-statutory guideline.

BACKGROUND

Over the years, Council has developed and endorsed policies relating to or referencing sustainable building practices, in particular *LPP 2.13 Sustainable Buildings Design Requirements* and *DBH 12 Energy Efficient Building Design*. Specific sustainability

requirements can also be found in area-specific scheme provisions, precinct policies, *LPP 2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule*, and the *Knutsford Street East Structure Plan*.

Many of these requirements pre-date the City's commitment to One Planet Living and are inconsistent in their references to sustainability assessment tools.

In addition, recent updates to the Building Code of Australia (BCA) and the advent of Design WA (R Codes Volume 2) for multi residential development means some of the City's requirements are duplicated or out of date. As a result an internal review of the City's sustainable building policies was undertaken to improve their effectiveness and integration with the current statutory approvals framework.

This review was undertaken in-house by the strategic planning team. Various regulatory, industry and research bodies were also consulted, as were other internal departments within the City. The purpose of this report is to summarise the findings of the review and recommend a revised policy framework to guide future sustainable building development in the City.

OFFICER COMMENT

The City's Strategic Community Plan 2015-2025 includes an objective relating to the "*Embedded consideration of environmental (as well as social and economic) sustainability in decision-making*".

For buildings, structures and activities within its operational control, the City has committed, amongst other things, to pursuing 'net zero carbon' by 2025 with a substantially reduced reliance on offsets, and to water reuse and waste minimisation strategies.

For private buildings, environmental sustainability (generally focussed on energy and water efficiency) can be promoted through local, state and federal government statutory requirements. Key state government requirements for residential buildings include the R Codes - Volume 1 (less than R40) and Volume 2 - (Multi residential R40 and over including mixed use). The federal government oversees building standards for all classes of building through the *National Construction Code (NCC)*, more commonly referred to as the *Building Code of Australia (BCA)*.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* - local governments may create policies to respond the specific conditions in their localities, though conflict with the R-Codes is restricted. Inclusion of additional development standards into planning schemes also provides an opportunity to apply area-specific requirements however the state government has previously precluded blanket application of increased sustainability requirements in Fremantle, limiting additional controls to specific precincts and bonus situations.

An overview of the key City planning policies which include sustainable building requirements, including recommendations, is provided as follows:

LPP 2.13 – Sustainable Building Design Requirements (Attachment 1)

This policy was first adopted by Council in June 2011. In summary, the policy states that:

- It does not apply to residential or industrial development, buildings under 1000m² and non-substantial refurbishments.
- The requirements can be waived for heritage or ‘other class’ buildings.
- A min 4 star ‘Green Star’ standard is required.
- Implementation occurs through requirements for a statutory declaration (to be provided on application) that an assessor was or will be part of team, and a green star certificate provided within 12 months of the certificate of classification of development being issued.

Comment

- Application of the policy to minor development (e.g. signage) and change of land use applications would be inappropriate (and was not intended) but this is not clearly stated.
- Due to the cost of Green Star certification an informal assessment is usually sought.
- The policy contains no provisions to apply/demonstrate an equivalent standard through the use of other assessment tools.
- The policy contains no reference to One Planet.
- Implementation mechanisms are unwieldy.

Recommendation

- Amend the policy to:
 - More clearly define application.
 - Allow use of other assessment tools which demonstrate an equivalent Green Star standard (potentially including One Planet certification).
 - Restructure implementation mechanisms to streamline these and provide a clearer trigger for confirmation of how compliance will be achieved before construction commences and how it has been achieved prior to occupation.

(Refer Attachment 2 for revised draft)

These amendments are considered minor as they refine the current provisions of the policy and do not introduce any new requirements.

DBH12 – Energy Efficient Building Design (Attachment 3)

This policy was first adopted by Council in September 2000. In summary, the policy states that:

- Its objectives are:
 - To provide advice on the principles of energy efficient building design, to improve comfort levels to occupants, and reduce energy consumption.
 - To ensure buildings are well designed to achieve efficient use of energy for internal heating and cooling.

- To ensure that design for good environmental performance and amenity is considered in conjunction with other design and amenity considerations in the Fremantle Context.
- It applies to '*...buildings of all land use types including residential, commercial and industrial*' although some key limitations are acknowledged.
- It focusses on '*...requirements for single residential will be more critically considered as this is the largest type of development in Fremantle*'
- It is to be read in conjunction with a series of (superseded) policies such as D.B.M 4 Structure Plans and Subdivision (Green and Strata title), DBH 8 Colour Schemes in Fremantle and DBH 4 Landscaping /Tree Preservation within Development.

Whilst providing some guidance in the assessment of applications, this policy is largely intended to provide information and design advice, providing commentary on a wide range of considerations including lot orientation, insulation, appliance selection and landscaping.

Comment

- Since its preparation, changes to the BCA and state planning policy have overtaken a number of its provisions.
- Its statutory application to residential development is effectively precluded or replaced by the R-Codes which, in the case of apartments, now include specific consideration of solar orientation and access.
- Its application to non-residential development is much more limited and overlaps with LPP 2.13 which takes a more comprehensive approach.
- The policy remains useful as an information source in providing a summary of the key design considerations contributing towards more energy efficient design (in the absence of a more contemporary and freely available metropolitan guide).
- More up-to-date references to both internal and external documents and guides are necessary to maintain its currency and utility.

Recommendation

- The policy be rescinded as a statutory document and recognised for its primary role as a guideline and information source.
- The document be updated to:
 - Clarify its status.
 - Reference current building requirements and state and local policies.
 - Include an updated section at the conclusion of the document providing useful links to other relevant reference documents.

LPP 2.2 - Split density codes and energy efficiency and sustainability schedule (Attachment 4)

This policy was first adopted by Council in October 2007 and was last amended in May 2014. Clause 4.3.4 of Local Planning Scheme No. 4 specifies the four circumstances in which the higher residential density code will apply in areas with a split (dual) code, as follows:

- a) Where a building of cultural heritage significance is retained;
- b) Provision of low income housing;

- c) For buildings defined in accordance with Council's energy efficiency and sustainability schedule;
- d) Removal of a non-conforming use.

LPP 2.2 provides additional guidance on the application of this clause including defining the energy efficiency and sustainability schedule (contained in Part B of the policy) as follows:

- A Nationwide Housing Energy Rating Scheme (NatHERS) rating a minimum of 1 star higher than the current requirements of the BCA;
- Provision of a minimum 1.5 kW photovoltaic system; and
- Installation of a minimum 3000L rainwater tank or a grey water reuse system.

Comment

- This policy has proven popular and easy to implement.
- The policy complements LPP 2.13 by using a bonus system to require higher than standard outcomes.
- Debate periodically occurs regarding the efficacy of NatHERS versus other assessment schemes however for small scale and wide spread application to residential such as to which this policy applies, this approach has proven effective.

Recommendation

- No change.

Other Policies

In addition to the above City-wide policies, the City has a number of area-specific requirements and policies, some of which incorporate additional sustainable building requirements. In particular:

- The *Knutsford East Local Structure Plan* offers bonuses in height and density for design and sustainability excellence as follows:
 - Developments that clearly demonstrate the application of leading edge sustainability initiatives which are demonstrably measurable as being above business as usual standard at the time of the proposal and are particularly designed to substantially reduce water usage and increase energy efficiency.
- Precinct Policies 3.1.3 and 3.1.5 require 5 Star Green Star rating in certain circumstances e.g. in order to obtain bonus height under Schedule 8 of Local Planning Scheme No. 4.

The new Volume 2 – Apartment Design Code of the State Planning Policy 7.3 (the R-Code) advocates the use of bonuses to promote higher standards of development, with which approach these policies align. Review of area-specific policies has been listed to progressively occur to ensure alignment with the new Codes (refer item SPT1905-4) which process may provide an opportunity to refine wording, however no fundamental change is recommended to policy approach. Consequently, no modification to the policies is recommended as part of this current review.

It is noted that in the current market, density bonuses do not always provide an effective development incentive. Review of local structure plans in areas with good accessibility to

public transport and services, to determine where minimum densities (as well as maximum densities) should apply, may consequently require consideration to promote more sustainable urban (as opposed to built) form, in the future. The position of the Western Australian Planning Commission on this matter is being sought.

FINANCIAL IMPLICATIONS

The changes recommended have no financial implications for the City.

LEGAL IMPLICATIONS

The City's Local Planning Policies operate under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Clause 5 (b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows local government to make an amendment to a local planning policy without advertising if the amendment is minor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Dave Hume

Seconded: Cr Jeff McDonald

Council:

1. Adopt the revised Local Planning Policy 2.13 - Sustainable Buildings Design Requirements as provided in Attachment 2 to Item SPT1907-3 of the Strategic Planning and Transport Committee Agenda.
2. Revoke DBH12 - Energy Efficient Building Design as a formal planning policy but maintain it as a (non-statutory) guideline and information source, and update and maintain it to:
 - a. Clarify its status;
 - b. Reference current building requirements and state and local policies; and
 - c. Include an updated section at the conclusion of the document providing useful links to other relevant reference documents.
3. Publish a public notice within a local newspaper and on the City's website notifying of the above-mentioned minor revisions to Local Planning Policy 2.13 and revocation of DBH12 - Energy Efficient Building Design and its adaption into a design guideline.

AMENDMENT

Moved: Mayor, Brad Pettitt

Seconded: Cr Jon Strachan

Council:

1. Adopt the revised Local Planning Policy 2.13 - Sustainable Buildings Design Requirements as provided in Attachment 2 to Item SPT1907-3 of the Strategic Planning and Transport Committee Agenda.
2. Revoke DBH12 - Energy Efficient Building Design.
3. Publish a public notice within a local newspaper and on the City's website notifying of the above-mentioned minor revisions to Local Planning Policy 2.13 and revocation of DBH12 - Energy Efficient Building Design.

Amendment carried: 7/0

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Jeff McDonald, Cr Dave Hume**

COUNCIL DECISION ITEM SPT1907-3 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. **Adopt the revised Local Planning Policy 2.13 - Sustainable Buildings Design Requirements as provided in Attachment 2 to Item SPT1907-3 of the Strategic Planning and Transport Committee Agenda.**
2. **Revoke DBH12 - Energy Efficient Building Design.**
3. **Publish a public notice within a local newspaper and on the City's website notifying of the above-mentioned minor revisions to Local Planning Policy 2.13 and revocation of DBH12 - Energy Efficient Building Design.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

11.2 Finance, Policy, Operations and Legislation Committee 10 July 2019
FPOL1907-3 ECONOMIC DEVELOPMENT STRATEGY END OF TERM REVIEW

Meeting Date: 10 July 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Committee
Agenda Attachments: Economic Development Strategy Review

SUMMARY

Given the evolving nature of both microeconomic and macroeconomic conditions, and the City’s Economic Development Strategy approaching the end of its current term (2015 – 2020), this report provides recommendations for an approach to delivering the remainder of the current strategy and the development of a new strategy beyond 2020. Recommendations are based on a proposed approach determined within the Economic Development Strategy Review document attached to this report.

This report recommends that the Finance, Policy, Operations and Legislation committee acting under delegation 1.1, receive the attached Economic Development Strategy Review, to endorse aligning the delivery of the next economic development strategy with the next major review of the Community Strategic Plan (2021/22) and State Election, and endorse the development of an interim two year action plan to guide economic development initiatives beyond the expiry of the current strategy in 2020.

BACKGROUND

The current Economic Development Strategy 2015 – 2020 (EDS) was structured around four key program areas and a series of desired outcomes. These were linked to the achievement of the following vision for Fremantle’s economic development:

“Fremantle’s economy is robust, diverse and continually evolving. Local businesses are flourishing and high quality property developments provide a strong return on investment for their investors and improve community wellbeing. Visitors to Fremantle are highly satisfied with an experience that is unique, authentic and unpredictable.”

An overview of key program areas has been provided below:



A description of each program area and the justification for focusing on each of these areas is provided in the EDS.

The EDS references a series of projects that were created or identified as potential contributors towards the achievement of strategy outcomes in line with each strategy program area. An update on status of each project has been provided in the attached Economic Development Strategy Review.

FINANCIAL IMPLICATIONS

Any initiatives proposed as part of this report are in line with the approved 2019/20 budget and subject to the approval of the 2020/21 budget.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

The attached review is based on desktop research and secondary data collected from other agencies or organisation. Development of a new economic development strategy will be subject to consultation delivered as part of the next major review of the community strategic plan.

OFFICER COMMENT

Economic Outlook for Western Australia

Although the Western Australian economy is showing early signs of recovery, it is widely accepted that it will take time for the local economy including small businesses to benefit from this recovery.

The recent ComSec State of the States December 2018 report ranks WA's economy as the second weakest nationally across a range of national indicators.

Of particular concern are the low State Final Demand and Disposable Income per Capita numbers from WA Treasury that reflect lower discretionary spending on retail, food & beverage and services.

The Chamber of Commerce and Industry WA (CCIWA) released the results of surveys relating business confidence¹ and consumer confidence² for the March quarter of 2019 which stated the following observations with regard to business confidence, consumer confidence and barriers to growth:

- Business confidence:

¹ CCIWA Survey of Business Confidence – March Quarter 2019

² CCIWA Survey of Consumer confidence – March Quarter - 2019

- 64% of respondents expect economic conditions to worsen or stay the same over the next 12 months.
 - Less than half of respondents are expecting stable profit margins and production levels.
 - Weak demand has been cited as the largest barrier to business growth.
 - 3 out of 4 small businesses expect their workforce will contract or remain unchanged over the next three months.
 - Mining and professional services remain confident and upbeat about the economy.
- Largest barriers to business growth:
 - Weak demand in construction, manufacturing, financial services, professional services retail and wholesale trade (38% of respondents).
 - Rising operating costs in mining, transport, agriculture, forestry and fishing (29% of respondents).
 - Availability of skilled labour in mining and health care (18% of respondents).
- Indicators of financial stress
 - 14% of respondents had to borrow money from friends or family
 - 19% could not pay off their credit card bill
 - 1 out of 5 young people (18-39) couldn't pay their bills on time
 - One third of consumers (35%) spent more than they earned
 - More encouragingly 46% of consumers reported experienced none of these.
- Consumer confidence
 - Consumer confidence is trending above its 5year average
 - More West Australians believe the economy is stronger rather than weaker
 - 59% consider living costs to have a negative influence on confidence
 - Job prospects index is up 2.2 points since last quarter and is highest since December 2014.
 - 2 out of 3 consumers are unlikely to make major household purchases in the next quarter.

CCIWA flagged weak demand as the largest barrier to business growth in line with survey results and attributed this to dampened consumer spending. The CCIWA consumer confidence survey for the same period reported that two out of three WA consumers considered it unlikely that they would make any major household purchases next quarter. CCIWA went on to say consumers remain cautious about increasing spending with the primary reason being cost of living pressures.

In considering the broader economic outlook for WA³, CCIWA reported any growth in retail being contained to increased spending on food consumption, and growth in online purchases (20-30%) causing other retail to remain soft. Retail spending results indicated spending on food retailing, cafes, restaurants and takeaway as being much higher than clothing, footwear and personal accessories.

³ CCIWA Outlook – Seas of Uncertainty January 2019

These results suggest that whilst there is a level of optimism regarding WA's economy, consumers remain cautious around spending resulting in weak demand across retail, construction and real estate.

Current Economic Context for Fremantle

At the time the City of Fremantle EDS was released (2015), the Western Australian economy was considered strong with positive growth being driven by what is now understood to be the tail end of the mining boom, and unprecedented growth in the property market.

Since 2015 Western Australia's Gross Domestic Product (GDP) which is strongly driven by the resource sector has declined substantially given weakened global demand for iron ore, a transition from the construction phase of mining into the production phase and subsequent reduction in employment within that sector. This is coupled with a contracting WA population as a result of the post boom reduction in employment. Western Australia's property market has suffered a similar fate with significant reductions in median house value and demand for construction.

Whilst Fremantle has experienced a level of private investment and development during this period not seen since the America's cup, its population driven sectors such as retail, hospitality and tourism have not been immune from macroeconomic factors linked to the State's economy. The significant development and construction experienced within Fremantle over the past 2-4 years is critical for the longer term growth of our economy, however the construction phase of this development has and will continue to deliver its own set of challenges for those population driven sectors already operating on the ground in Fremantle.

Key Highlights

Despite the stagnant macroeconomic conditions experienced throughout the strategy period, a number of positive economic indicators have been identified that demonstrate an increasing confidence in Fremantle as a place to invest:

- Building approvals in Fremantle reached a record high with \$313 million worth of residential and commercial property developments approved for construction during 2017/18. The growth in Fremantle defies the Western Australian trend which has seen building approvals fall by 9.2 % over the past year according to the WA Treasury.
- Of the current \$1.3 billion development pipeline, \$600 million is either built or under construction including the Kings Square Renewal project which started late 2016.
- The completion of significant high density residential developments including Heirloom by Match and DHA's Liv Apartments continues to add to a growing inner city population. New residential development either recently built or under construction is driving a projected 68 % increase in people living within the central city by 2021.

- The \$220 million Kings Square Renewal project is well and truly under way with Sirona Capital nearing completion of the office and commercial component and the City of Fremantle having now commenced construction of the new civic and administration building. This project is set to inject around \$350 million into the local economy with approximately 1,500 city workers coming in and out of the central city on a daily basis.
- Although business changeover is consistent in Fremantle, particularly along main commercial strips, new businesses continue to open with an obvious trend focusing on food & beverage rather than traditional retail. Fremantle now boasts an even stronger offering of unique high quality food and beverage offerings along with a selection of high end boutique retail outlets.

Current Challenges and Considerations

Fremantle has not been immune from the poor performance of the broader state economy experienced during the strategy period and continues to face a series of challenges, particularly for those operating at street level within the retail, hospitality and tourism sectors. Whilst these challenges are not endemic to Fremantle and being faced by many other town centres, they continue to create a difficult operating environment for our business and investment community.

- Vacancy rates in the CBD have been increasing in line with the wider metropolitan area, however it is apparent that the increasing vacancy in Fremantle is most commonly associated with clustering of vacancies in and around current redevelopment and construction zones.
- High commercial rents have also been flagged as a contributor to vacancy however several factors influence the cost of rent including a normal lag between changes in market conditions and reaction to those changes by property landlords. Encouragingly current market conditions are prompting some property owners and leasing agents to re-evaluate their properties, reduce rents and offer incentives to secure tenants.
- Despite the City tripling its investment into addressing antisocial behaviour and substantially increasing the reach of the CCTV network, businesses continue to raise concerns with regards to antisocial behaviour and vagrancy and the impact this is having on public safety, trade and broader perceptions of Fremantle.
- Anecdotal feedback from businesses and broader market data from CCIWA suggests that retail is experiencing some of the most challenging conditions seen in recent times, most commonly citing the changing nature of retail via online shopping. It is now widely accepted that the retail sector has undergone a paradigm shift in the way consumers engage with the sector and this is likely to remain unchanged in to the future.
- Current challenges associated with financing of major construction projects being faced nationally as a result of the Banking Royal Commission and a cooling

property market have contributed to some delay in delivery of major projects in the broader Perth metropolitan area, particularly residential projects.

- As a result of the downscaling of Fremantle hospital, the CBD has now been without the estimated 1,900 jobs moved outside of Fremantle for more than 4 years, correlating with a significant reduction in pedestrian footfall over that period. It is hoped the estimated 1,500 new workers coming to Fremantle as part of the more centrally located Kings Square development will go some way in increasing pedestrian footfall and subsequent business trade throughout the CBD.
- As with the loss of hospital jobs, the loss of comparative advantage due to the departure of Myer and the change in retail trading hours has only been exacerbated by the continuing expansion of major suburban shopping centres. This expansion has remained consistent throughout the entire term of the strategy, notwithstanding some of those expansion projects recently appear to have been put on hold due to current market conditions.
- Fremantle's smaller than usual retail catchment remains a disadvantage given the geographic constraints created by the ocean, however the proximity to the ocean also provides a significant comparative advantage by providing an experiential outcome (access to the ocean) that other metropolitan town centres such as Mt. Lawley, Leederville and Subiaco cannot provide.

Key Observations and Assumptions

A series of high level observations have been made in line with the current economic outlook for the State and the status of outcomes listed within the strategy. The observations are also based on consideration around changes in Fremantle's local economic context since the commencement of the strategy term.

- Given major construction and infrastructure projects such as kings square are now reaching completion, Fremantle is now well positioned to capitalise on the next phase of more balanced sustainable economic growth (more so than it was able to during the mining boom period). To leverage this next wave of growth and maximise opportunities surrounding the kings square project, the development and delivery of a strong place management and activation program will be critical in attracting visitors, workers and residents back to the city centre after an extensive period of construction.
- A large number of projects that form part of the \$1.3 Billion investment pipeline are now completed, which has resulted in a shift in focus by developers towards ensuring new commercial space is leased and inner city residential dwellings are sold or occupied. As such marketing and promotion of Fremantle as a place to live and work should now form a substantial part of investment attraction activities (as opposed to solely focusing on attracting and enabling new development).
- Given challenges associated with current economic conditions, provision of support to existing businesses may deliver greater outcomes in the short term than a focus on attracting new businesses. It is critical that existing businesses possess the capacity to adequately leverage and add value to the outcomes

associated with the completion of Kings Square and the City's increased investment into destination marketing.

- Tourism is becoming increasingly important as a driver of economic growth and diversification across the State, and remains one of Fremantle's genuine comparative advantages as the second most visited destination in WA. Development and growth of tourism should be considered as a priority when determining a Local Government led approach to growing our economy.
- The development and growth of the film sector and global demand for content has peaked interest in Australia as a location for content production, particularly for major international markets such as China. Based on an assessment of opportunities within this sector and initial engagement with production companies, Fremantle is strongly positioned to capitalise on this demand, more so than other locations throughout Perth.
- Fremantle remains an attractive location for the pursuit of creative and knowledge based activities (whether informal or professional), particularly given the presence of a major university and technical college within our West End. To better leverage this comparative advantage, any future investment attraction initiatives delivered by the City may be bolstered by a more direct collaboration with the University of Notre Dame and South West Metro Tafe (and other relevant industry partners), particularly given both organisations are actively engaged in research & innovation across a variety of creative and knowledge based sectors.
- Given the challenges being faced by the retail sector and competitive pressure from online shopping, experiential offerings and resident populations are becoming increasingly important in ensuring main streets and town centres remain vibrant and activated. Whilst consumers can and will continue to shop online, it is unlikely that they can enjoy the experience of eating out at a restaurant or socialising at a bar without visiting an entertainment precinct or a bricks and mortar business. With just over 20% of our business mix being considered hospitality (closer to 30% being classified as retail) there may be room for growth in Fremantle's hospitality offering given changing consumer behaviour.
- A variety of major projects and investment initiatives are occurring across our immediate region. Whilst jobs and workers linked to these initiatives may be located in other LGAs, a genuine opportunity remains for Fremantle as a place for the people filling these jobs to live and play. As such it would be prudent for Fremantle to remain active in and supportive of broader sub-regional economic development activities in collaboration with other LGAs.
- Given the aforementioned observations the core underlying objective of all City led economic development initiatives should remain as the attraction of more people to our City Centre including residents, workers and visitors.

Recommendations on approach moving forward

Based on the status of current projects and recognition of the current micro and macroeconomic environment, a series of proposed actions and recommended focus areas have been provided in order to assist in guiding City led initiatives beyond the term of the current strategy:

- In recognising the requirement to deliver a major review of the current Community Strategic Plan in FY2021/22, the following timeline and approach to renewing the current economic development strategy is proposed:
 - FY2019/20
 - Continue to deliver the remaining initiatives within the current strategy (as budgeted) noting 2020 is the final year of the current strategy.
 - Commence the delivery of a series of detailed economic studies that adequately determine the current state of Fremantle's economy and develop an initial 2-year action plan that guides the implementation of internal City led economic development initiatives beyond the expiry of the current strategy.
 - FY2020/21
 - Commence delivery of the initiatives identified in the proposed 2 year action plan.
 - Commence planning around the delivery of a broader strategy for economic development (and associated research/consultation) that is in line with planning for the next major review of the Community Strategic Plan, and activities across the broader region including advocacy priorities flagged as part of the State election.
 - FY2021/22
 - Continue to deliver the remainder of initiatives identified in the proposed 2 year action plan.
 - Complete and endorse a new strategy for economic development which aligns with the commencement of the new Community Strategic Plan's term, the expiry of the current Destination Marketing Strategic Plan's term and the commencement of a new term of State Government.
- Based on the outcome of the review, and pending further findings from the series of detailed economic studies proposed, the following initiatives have been recommended as key priorities for consideration as part of the proposed 2 year action plan (in the lead up to the development of a new strategy for 2022):
 - Collection/analysis of primary and secondary economic/social data that assists the delivery of informed decision making and will inform the next major review of the Community Strategic Plan and establishment of a robust economic development strategy beyond 2022.

- Continue to deliver on objectives and initiatives as identified in the current Destination Marketing Strategic Plan 2018-2022.
- Deliver support programs that focus on building capacity within existing local businesses to better leverage the current renewal underway in Fremantle. This should also incorporate a strong program of business engagement and communication to ensure the business community is across key opportunities relating to Kings Square and other projects.
- Establish and begin to deliver a place management and activation framework that provides an effective program of activation for the new Kings Square development, and can be rolled out to other precincts.
- Leverage the new destination brand to deliver a program of investment marketing with the objective being to raise the profile of renewal underway in Fremantle and to promote Fremantle's key comparative advantages to potential investors (businesses, residents and developers).
- Develop and deliver a structured orientation/welcome program for the Department of Communities and other new organisations moving in to the Kings Square development to encourage dispersal of the estimated 1500 new workers throughout the CBD.
- Develop a prospectus of key 'investment ready' projects and associated business cases to support the delivery of a strong advocacy program in the lead up to the next State election in order to attract State Government support for the initiatives that form part of the City's strategy for economic development beyond 2022.
- Based on an assessment of genuine comparative advantage, narrow the focus on current industry development/attraction efforts to four key sectors/opportunities:
 - Film
 - Knowledge and creative based industries
 - Tourism
 - *Upstream and downstream supply chains linked to key industry sectors operating within the trade coast region (i.e. Henderson, Kwinana, Rockingham).*
- Actively leverage and participate in sub-regional economic development and investment attraction initiatives in collaboration with other regional LGAs.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1907-3
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Receive the Economic Development Strategy Review as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019).
2. Endorse aligning the development and delivery of a new economic development strategy with:
 - a. The next major review of the Community Strategy Plan (FY 2021/22)
 - b. The next State Election (scheduled to be held on 13 March 2021)
3. Endorse the development of a 2-year action plan (2020 – 2022) to guide City led economic development initiatives beyond the expiry of the current economic development strategy, which is to be brought back to Council for review.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Dave Hume

Amend part 3 of the recommendation, to include the words 'before the October meeting of Council' at the end of the motion, to read as follows:

3. **Endorse the development of a 2-year action plan (2020 – 2022) to guide City led economic development initiatives beyond the expiry of the current economic development strategy, which is to be brought back to Council for review *before the October meeting of Council.***

Amendment carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

AMENDMENT 2

Moved: Cr Andrew Sullivan

Seconded: Cr Dave Hume

Add an additional part 4 to the recommendation, to read as follows;

4. **Request the CEO to implement a process to assist the Council to refine and focus on the most relevant economic development strategies in the lead up to the next State election. The process shall include informal elected member meeting(s) or workshop(s) and deliver outcomes capable of being incorporated in the advocacy plan for implementation starting in early 2020.**

Amendment carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

COUNCIL DECISION ITEM FPOL1907-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Receive the Economic Development Strategy Review as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019).**
- 2. Endorse aligning the development and delivery of a new economic development strategy with:
 - a. The next major review of the Community Strategy Plan (FY 2021/22)**
 - b. The next State Election (scheduled to be held on 13 March 2021)****
- 3. Endorse the development of a 2-year action plan (2020 – 2022) to guide City led economic development initiatives beyond the expiry of the current economic development strategy, which is to be brought back to Council for review *before the October meeting of Council.***
- 4. *Request the CEO to implement a process to assist the Council to refine and focus on the most relevant economic development strategies in the lead up to the next State election. The process shall include informal elected member meeting(s) or workshop(s) and deliver outcomes capable of being incorporated in the advocacy plan for implementation starting in early 2020.***

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

Footnote:

Council request that the following matters be considered during the proposed informal elected member meetings/workshops:

- a. replacing the emphasis on obtaining 'Primary Centre' status with a more compelling case for Fremantle that acknowledges and supports our critical role in the State and the Perth Metropolitan Area as a special centre of tourism, culture, hospitality, transport hub, maritime and service centre and as the traditional second city of the Perth;
- b. identify the investment strategy needed by government to sustain the special place that Fremantle is;
- c. identify the increase in residential and workforce populations that are needed to sustain a functional retail core in the city centre;

- d. updated modelling of the projected growth areas in populations together with an action plan for the timely delivery of projects, especially ones that require government decisions/involvement;
- e. a focus on organisational capacity building to deliver improvements in outcomes and the timely delivery of projects associated with Council owned or controlled property;
- f. the development of an advocacy plan, including a delivery strategy, that focusses on projects requiring partnerships with business and other government agencies;
- g. completion of the parking strategy that can identify and adequately accommodate the significant changes in parking supply and demand anticipated over the coming decade(s); to deliver sufficient replacement parking capacity at strategic locations around the city; and, balances the management of parking for the often competing user groups while recognising the special needs of the retail sector;
- h. work with property owners to generate more and affordable tenancies suitable for uptake by creative industries, start-ups and small businesses;
- i. a focus on the ongoing improvement to the liveability of the city centre and other areas of higher density living, including through the timely completion of projects that deliver improved public safety, amenity, lighting, and lifestyle;
- j. a renewed emphasis on the critical importance of improved public transport to the south and east of the city (including Cockburn Coast), to offset Fremantle's geographic catchment disadvantage and access constraints relating to our historic urban centre.

**FPOL1907-6 DRAFT COMMUNITY SAFETY AND CRIME PREVENTION PLAN
2019-24 APPROVAL TO ADVERTISE**

Meeting Date:	15 July 2019
Responsible Officer:	Manager Field Services
Decision Making Authority:	Committee
Agenda Attachments:	1. Draft Community Safety Crime Prevention Plan 2019-24 2. Community Safety Engagement Report May 2019

SUMMARY

The purpose of this report is for Council to consider advertising of the draft Community Safety and Crime Prevention Plan 2019-24. The previous plan was adopted by Council in November 2011 and expired in 2015.

The City is committed to creating an environment where it is easy for people to lead safe, happy and healthy lives. As part of this commitment the City has developed a new Community Safety and Crime Prevention Plan.

The development, implementation and review of the Plan will be overseen by the Community Safety Reference Group (CSRG) which includes elected members, WA Police and City of Fremantle staff. The Plan sets out action, responsibilities and timelines and has been developed based on stakeholder and community engagement and statistics.

It proposes actions around three theme areas:

- Stakeholder partnerships and internal capacity.
- Community participation and awareness.
- Crime prevention and urban design.

Following extensive engagement on its development, the plan is now recommended to be released for further community input prior to Council considering final adoption.

BACKGROUND

The Strategic Community Plan 2015-25 identifies health and happiness as a strategic focus area, and promotes Fremantle as creating an environment where it is easy for people to lead safe, happy and healthy lives and to create an environment where people feel safe.

Community safety and crime prevention are complex issues and many aspects are not under the control of local government. Therefore, successful initiatives require a collaborative effort from all tiers of government, stakeholders and the community.

The City of Fremantle operates a Community Safety team and has developed a number of initiatives in partnership with government, organisations, community and business. The City has demonstrated an advocacy role to identify and highlight areas of need and interest and work with a range of stakeholders to find solutions, for example using a free app to improve the communication and sharing of information amongst business owners in the Fremantle city centre. The development of this Plan and associated actions is another reflection of the City's role as a leader, partner, advocate and service provider, and its capacity to continue to improve community safety and crime prevention throughout Fremantle.

FINANCIAL IMPLICATIONS

Some of the actions in the plan will require funding. Funding allocation will be considered through the project planning and annual budget process with the Plan providing direction on the priority works to be scoped and considered through this process. State and Federal government grants will also be pursued.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Community engagement occurred in late 2018 and early 2019 in the preparation of the draft Community Safety and Crime Prevention Plan, as outlined in Attachment 2 Community Safety Plan Engagement Report May 2019.

In summary, the City sought to understand the key community safety priorities of residents, visitors and businesses. Nearly 500 people were engaged via the following methods:

- Forum at Fremantle Town Hall.
- Online community safety survey.
- Online 'places for people' mapping tool.
- Neighbour Day park drop-in.
- School visits in Fremantle and Hilton.
- Business briefing at Fremantle Library.
- EYP Youth Week Survey.

Information was shared with all precinct groups and the engagement was promoted on social media, via posters, newspaper and with hard copy surveys in the Wanjoo Lounge.

Educational tools such as a home security and business security checklist were also updated or created. The City has also been in close contact with a range of stakeholders from the business and social services sectors.

Approval is now requested to advertise the draft Plan for public comment in accordance with the City's Community Engagement Policy.

OFFICER COMMENT

Community safety and crime prevention has been of particular interest for some members of the community and local businesses. The Plan seeks to incorporate the needs of both the suburbs of Fremantle and the Fremantle city centre, a significant destination and service centre which brings unique challenges and opportunities. Given the key differences in these locations, engagement was also considered on a suburb-by-suburb basis.

The Draft Community Safety Crime Prevention Plan involved extensive community engagement involving nearly 500 residents, visitors, businesses and other stakeholders.

The key findings from community engagement were combined with both internal statistics from the Community Safety team and external statistics from WA Police to give a full picture of community safety and crime within the City of Fremantle. Due to overlap with policing districts statistics from the WA Police were manually collated on a suburb by suburb basis.

This was used to develop three theme areas for the actions:

- Stakeholder partnerships and internal capacity.
- Community participation and awareness.
- Crime prevention and urban design.

The actions have been developed as a whole-of-organisation approach, with deliverables from several areas.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1907-6 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council endorse the draft Community Safety Crime Prevention Plan 2019-24 as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019), for the purpose of public advertising.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Andrew Sullivan

To add the following action to the Community Safety Crime Prevention Plan under *Recommendation 2 – Work with partners to increase social support available in the Fremantle community;*

Action	Responsibility	Budget
<i>1.2.6 Work with state government agencies to explore strategies to reduce crime and anti-social behaviour through social services, intervention strategies, restorative justice and mental health services.</i>	<i>Community Development</i>	<i>Operational - To be delivered over each year of Plan.</i>

Amendment carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

COUNCIL DECISION ITEM FPOL1907-6

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council endorse the draft Community Safety Crime Prevention Plan 2019-24 as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 July 2019), *with the inclusion of the following action*, for the purpose of public advertising;

Action	Responsibility	Budget
<i>1.2.6 Work with state government agencies to explore strategies to reduce crime and anti-social behaviour through social services, intervention strategies, restorative justice and mental health services.</i>	<i>Community Development</i>	<i>Operational - To be delivered over each year of Plan.</i>

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

FPOL1907-9 AMENDMENT TO DELEGATED AUTHORITY 1.1

Meeting Date: 10 July 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments:

SUMMARY

An amendment is recommended to be made to delegation 1.1 to remove the amount limit listed in part 4 of the limitations section (\$250, 000). A value does not need to be set in part 4 as accepting or declining tenders must be within budget which has already been approved through the budget adoption process by Council.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to make delegated authority by absolute majority. The City's current Delegated Authority Register was last review and adopted by Council on 26 June 2019.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Sections 5.16 and 5.17 of the Act, prescribes that Council may delegate certain powers and duties to Committees.

CONSULTATION

No consultation is required.

OFFICER COMMENT

After further internal consultation an amendment needs to be made to delegation 1.1 to remove the following wording '*and not exceed a value of \$250,000*' from part 4. Accepting or declining tenders must be within budget which has already been approved through the budget adoption process by Council.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL1907-9
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council adopts delegation 1.1, with the red struck through text removed, as shown below:

1.1 Delegated Committees of Council			
Delegator:	Council		
Date adopted:	26 June 2019		
Delegation:	<p>Council delegates to the</p> <ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee <p>all of the functions and powers, delegable by a local government, to make decisions on behalf of council, except any power or duty that requires a decision of an absolute majority or a 75% majority of the local government, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i></p> </td> <td style="vertical-align: top;"> <p>Section</p> <p>5.16 and 5.17 <i>Local Government Act 1995</i> section 5.42 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82</p> </td> </tr> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i></p>	<p>Section</p> <p>5.16 and 5.17 <i>Local Government Act 1995</i> section 5.42 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i></p>	<p>Section</p> <p>5.16 and 5.17 <i>Local Government Act 1995</i> section 5.42 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82</p>		
Delegated to:	<ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee 		
Limitations:	<p>The Finance, Policy, Operations and Legislation Committee, Planning Committee and Strategic Planning and Transport Committee are delegated all of the powers and functions of the local government in accordance with the following limitations:</p> <ol style="list-style-type: none"> 1. A decision of committee can only be made by the votes of at least five members of the committee. 2. When approving leases of council property: <ol style="list-style-type: none"> a. the term must not exceed ten (10) years, b. the disposal must be in accordance with Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i>. 3. When approving closure of council carparks, the closure must not exceed fourteen (14) days. 4. When accepting or declining to accept tenders, they must be within budget and not exceed a value of \$250,000. 5. may not determine final approval for: <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments </td> </tr> </table> 	<ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans 	<ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments
<ul style="list-style-type: none"> • Council policies • Strategic community plan • Corporate business plan • Strategies as defined in the City's Council policy • City related international travel • Structure plans 	<ul style="list-style-type: none"> • Local planning policies • Local planning schemes • Local development plans • Appointment or termination of a Chief Executive Officer • Scheme amendments 		
Power to sub delegate:	Nil		
Reporting requirements			
All Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.			

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

FPOL1907-10 ACCEPTANCE OF TENDER - FCC916.19 - PROVISION OF CIVIL WORKS KINGS SQUARE

Meeting Date:	10 July 2019
Responsible Officer:	Manager Parks and Landscape
Decision Making Authority:	Council
Agenda Attachments:	Tender evaluation matrix Pricing Matrix (confidential attachment)

SUMMARY

The purpose of this report is to consider tender number FCC916/19 for the Provision of Civil Works at Kings Square, Fremantle. This project is for the construction of the stage 1 public realm which includes Newman Court and part of High Street.

This report recommends Council accepts the tender submitted by Menchetti Consolidated Pty Ltd T/As MG Group in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

As part of the original Kings Square Project Business Case, Council considered urban enhancement works to the Kings Square Public Realm. On 28 February 2018, Council approved the Kings Square Public Realm Concept Design, including the playscape design, after a comprehensive engagement and consultation process.

This tender award is for the Contract for the provision of Civil Works to Newman Court and part of High Street to complete the public realm adjacent to the new Sirona development and the City of Fremantle's Civic Building and Library. The scope includes supply and/or installation of concrete pavement, cobbles and pavers, soft landscaping, lighting and electrical, CCTV, furnishings and associated works. The scope was tendered in three Separable Portions with a staged construction programme to align with the completion of the construction phases of associated buildings where:

- Separable Portion 1A is aligned with the construction and opening of the Sirona Development
- Separable Portions 1B and 1C are aligned with the construction and opening of the City's Civic Building and Library.

It is anticipated the public realm works adjacent to the buildings will be opened to the public as soon as practical after the completion of the buildings.

The three Separable Portions are shown in the following plan. The extent of Separable Portion 1C that will be constructed will be subject to total available project budget and remaining contingency. The Officer recommendation authorises the Chief Executive Officer to negotiate with Menchetti Consolidated Pty Ltd T/As MG Group on the extent and scope of Separable Portion 1C to ensure the project is within.

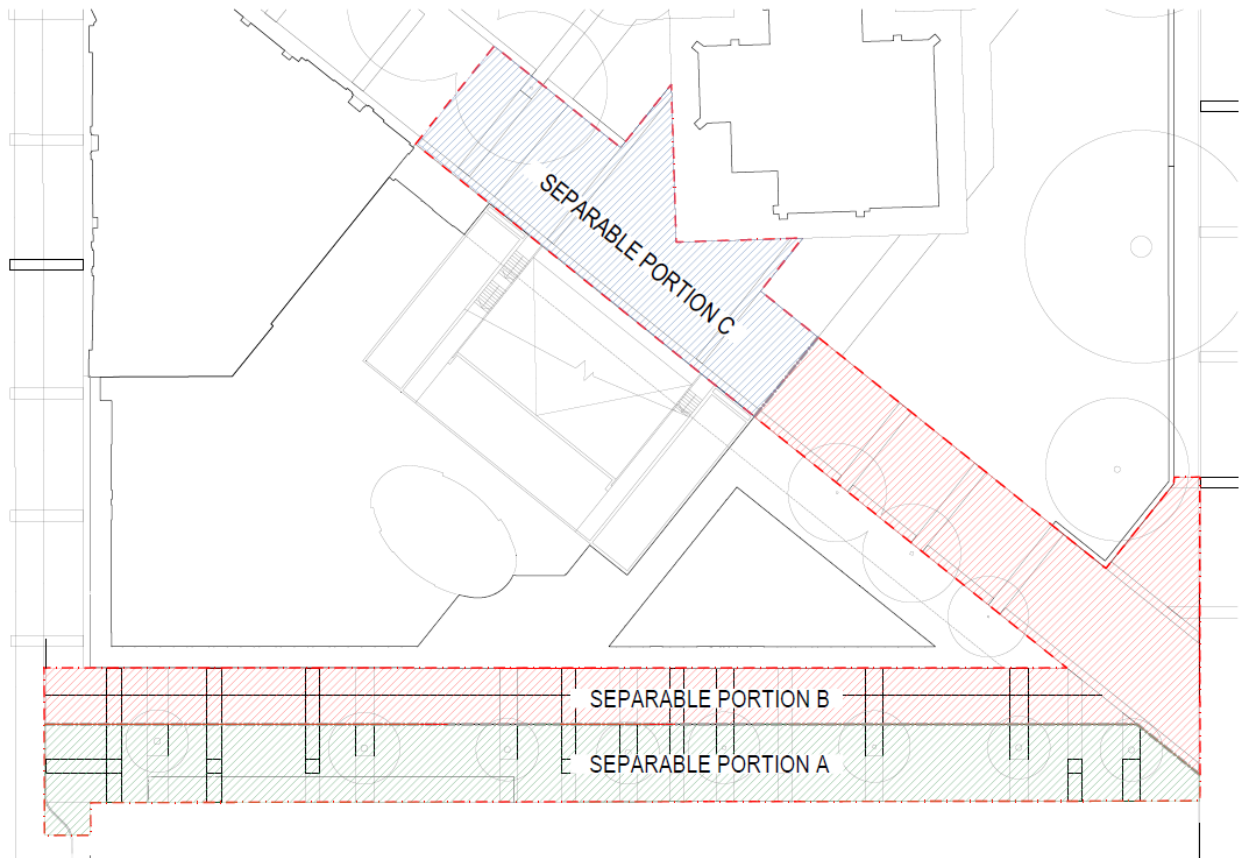


Image: Plan showing the extent of works for tendered scope of works and the three Separable Portions.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by Menchetti Consolidated Pty Ltd T/As MG Group for the Provision of Civil Works at Kings Square and associated expenses. Tenderers were required to provide a total lump sum price for the entire project itemised out for each of the three separable portions.

Description	Expenditure	Budget
Budget		
Allocated budget for P-10295 - Public Realm - Newman Court Construction -Kings Square		\$2 114 545
Expenditure		
Expenditure incurred to date	\$124 277	
Estimated associated works (paving stones, cobble stones, forward works, service adjustments etc.)	\$293 264	
Remaining Budget	\$1 697 004	
10% contingency allowance	\$169 700	
Estimated budget available for tender number FCC916/19 Provision of Civil Works at Kings Square	\$1 527 304	
Total expenditure	\$2 114 545	
Balance		\$0

Sufficient funding provision was allocated in the 2018/19 budget to deliver the project within budget. The balance of the budget was approved to be carried forward to the 2019/20 financial year budget at the Ordinary Meeting of Council on 26 June 2019.

A pre-tender estimate prepared by the City's Consultant Quantity Surveyor for the tendered works was \$1 650 000. As the pre-tender estimate did not allow a full 10% contingency within the available project budget, the works were tendered in three Separable Portions. This was to allow the City to negotiate with the preferred tenderer for value engineering solutions and/or reductions to the extent of Separable Portion 1C. This will allow the City to award the Contract, at a value inclusive of a 10% contingency, within the total available project budget.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the Local Government (Functions and General) Regulations 1996.

CONSULTATION

The concept plan community engagement and consultation was completed as part of the broader Kings Square project.

Officers will continue to update stakeholders and the community throughout the construction of stage 1 through normal media channels.

OFFICER COMMENT

Detail

Tender FCC916 for Provision of Civil Works at Kings Square, Fremantle was advertised on Saturday 4 May 2019 and closed on Friday 31 May 2019.

Essential details of the contract are outlined below:

Contract type	Lump Sum
Contract duration	The Contract is for a period of 2 years, or until the works are completed, whichever is soonest
Commencement date	It is anticipated the Contract will commence September 2019
Completion date	It is anticipated Stage 2 construction will reach Practical Completion in October 2020 (with Final Completion and end of Defects Liability Period in October 2021)

Tender evaluation

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

- Menchetti Consolidated Pty Ltd T/As MG Group

- Civcon Civil and Project Management Pty Ltd
- BOS Civil Pty Ltd.

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

- Procurement Team Leader
- Manager Urban Design / Director Kings Square Project
- Manager Parks and Landscape
- Senior Civil Engineer.

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

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

Item No	Description	Weighting
1	Relevant Previous Experience	20%
2	Key Personnel, Skills and Resources	10%
3	Demonstrated Understanding of the Project	20%
4	Sustainability	10%
5	Occupational Health and Safety	10%
6	Price	30%

All tender submissions received were conforming.

The tender submitted by Menchetti Consolidated Pty Ltd T/As MG Group scored the highest rating with 76 points, followed by BOS Civil Pty Ltd with 65 points. The remaining tender submission received a lower score.

Menchetti Consolidated Pty Ltd T/As MG Group, the recommended tenderer, was assessed as providing the City with a high level of directly relevant project experience, offers a nominated project team with a high level of experience and skills, provides a methodology to undertake the works that exceeds the City's requirement and provides the City with the best value for money, to complete the works described in the specification, in accordance with the terms of the tender document.

Reference checks indicate that Menchetti Consolidated Pty Ltd T/As MG Group have provided satisfactory construction delivery to their customers on similar projects, and will be a suitable Contractor for the City of Fremantle. They have previously worked for the City on Tuckfield Oval, and delivered the project on time, within budget and to a high quality.

Environmental considerations

Menchetti Consolidated Pty Ltd T/As MG Group have been assessed and approved by QAS International to the ISO 14001:2015 Environmental Management system, standards and guidelines. They provided a draft Environmental Management Plan as part of their submission for tender. An example recycling report was provided detailing construction waste diversion with a recovery rate of 97% by weight or 84% by volume for a similar project.

Risk consideration

An assessment undertaken by Illion indicates that Menchetti Consolidated Pty Ltd T/As MG Group have the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

The project has been assessed through the City's corporate project management framework's risk tools and has identified risks requiring potential mitigation including:

- adjacent construction projects
- site access
- existing services
- existing site conditions
- project phasing
- material supply
- business and community impacts
- occupational health and safety
- environmental impacts.

Officer's will monitor risks throughout the project and implement mitigation strategies if they become an issue.

Comment

The offer from Menchetti Consolidated Pty Ltd T/As MG Group provides the City with a high level of directly relevant experience, offers a project nominated team with a high level of experience and skills, provides a methodology to undertake the works that exceeds the City's requirement and provides the City with the best value for money, to complete the works.

The estimated maximum contractual value (before value engineering negotiations) for completion of Separable Portions 1A, 1B and 1C is \$1,624,123.16 (ex GST). A contingency of 10% of final negotiated Contract Sum is recommended to complete the works. The contingency will be accommodated within the total available project budget for this scope currently estimated at \$1 697 004.

Officers recommend negotiations are entered into with the preferred tenderer for value engineering solutions and/or reductions to the extent of Separable Portion 1C to award the Contract, at a value including a 10% contingency, within the available total project budget. Negotiation with preferred tenderers is allowable under Regulation 20, Variation of requirements before entry in to contract, of the Local Government (Functions and General) Regulations 1996.

The Contract will be delivered in two stages, where:

- Separable Portion 1A is aligned with the construction and opening of the Sirona Development
- Separable Portions 1B and 1C are aligned with the construction and opening of the City's Civic Building and Library.

The construction of the two stages will also consider the delivery of the following proposed priority works approved at Council on 29 May 2019:

- Kings Square Playscape, including a relocated mature fig tree, to coincide with the opening of the new Civic Building and Library.
- Kings Square tree planting programme, to install as many trees as practical as a forward-works package, in accordance with the Kings Square Concept Plan.
- Kings Square interim works, including the removal of existing planter beds, installing additional furniture and targeted maintenance works.

Subject to acceptance of the tender, the proposed implementation program, including associated projects, is scheduled below:

FCC916/19: Civil Works at Kings Square	2019					2020													
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Separable Portion 1A:																			
Separable Portion 1B and 1C:																			
Associated Projects																			
Sirona Development																			
Civic Building and Library																			
Civic Building and Library fitout																			
Kings Square Playscape																			
Kings Square tree planting																			
Kings Square interim works																			

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL1907-10
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Doug Thompson

Council:

- 1. Award Menchetti Consolidated Pty Ltd T/As MG Group Separable Portions 1A and 1B for the tender for the Provision of Civil Works at Kings Square, Fremantle, for the tendered price of \$976 601.26 (excluding GST), for the period September 2019 to October 2021 or until the works reach Final Completion.**
- 2. Authorise the Chief Executive Officer to negotiate with Menchetti Consolidated Pty Ltd T/As MG Group for value engineering solutions and/or reductions to the extent of the remaining scope of works in respect to Separable Portion 1C, and agree to award works within the available total project budget, up to the tendered price of \$647 521.90 (excluding GST).**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

11.4 Audit and Risk Management Committee

Nil

11.5 Library Advisory Committee

Nil

ITEMS APPROVED “EN BLOC”

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

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

The following items be adopted en bloc as recommended:

C1907-1	Amendment to the Adopted 2019-20 Fees and Charges Schedule
C1907-2	Information Report – Award of Tenders Under Chief Executive Officer Delegation – June 2019
C1907-3	Monthly Financial Report – June 2019
C1907-4	Statement of Investments as at 30 June 2019
C1907-5	Schedule of Payments Report – June 2019

Carried: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

12. Reports and recommendations from officers

C1907-1 AMENDMENT TO THE ADOPTED 2019-20 FEES AND CHARGES SCHEDULE

Meeting Date:	Council
Responsible Officer:	Manager Finance
Decision Making Authority:	Council
Agenda Attachments:	Fees and Charges 2019-20 (revised)

SUMMARY

The purpose of this report is to obtain Council approval to make the following amendments to the 2019-20 Fees and Charges adopted by Council on 26 June 2019:

- Amend the adopted spectator fee for the Fremantle Leisure Centre to align with the Leisure Centre Car Park (No.14) fee; and
- Amend the adopted Toy Library Group Membership fees for 12 months and for 6 months; and
- Add the William Street Car Park (No. 24) parking fee, which was not included in the adopted fees and charges schedule.

This report recommends that Council adopt the proposed changes to the City of Fremantle 2019-20 Fees and Charges and approve to advertise the City's intent to impose these charges, effective from 1 August 2019.

BACKGROUND

At the Ordinary Meeting of Council held on Wednesday, 26 June 2019 Council adopted the 2019-20 Annual Budget, including the City's Fees and Charges for 2019-20.

During the implementation of the adopted fees and charges, a further review was undertaken which identified some errors and/or omissions in the schedule that were adopted by Council. To rectify this, officers have recommended the proposed amendments outlined in this report and seek Council endorsement of these changes.

FINANCIAL IMPLICATIONS

Adopting changes to the 2019-20 Fees and Charges schedule will not materially impact the City's budgeted income and expected financial position.

LEGAL IMPLICATIONS

Local Government Act 1995 states:

Section 6.16 Imposition of fees and charges

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be*
-
(a) imposed during a financial year; and*
(b) amended from time to time during a financial year.*

** Absolute majority required*

Section 6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) Its intention to do so; and*
(b) the date from which it is proposed the fees or charges will be imposed.

CONSULTATION

Nil

OFFICER COMMENT

A review of the adopted fees and charges, prior to implementation, has highlighted some errors and/or omissions presented at the time of adoption, therefore the following amendments are recommended for Council adopted.

It was identified that the Fremantle Leisure Centre Spectator fee and the Leisure Centre Car Park (No.14) fees do not align, which has resulted in a discrepancy in the Leisure Centre's admissions process.

Patrons who use the Leisure Centre Car Park (No.14) and purchase a parking ticket are given a refund towards their entry fee. The refund provided is for the amount of the parking ticket purchased, not exceeding the cost of admission. By amending the spectator fee to align with the minimum parking fee, it will ensure equity between spectators who use the parking facility and spectators not using the parking facility.

Provided below is the proposed amendment to the Fremantle Leisure Centre Spectator fee:

Fee name and description	Adopted Fee (incl. GST)	Amended Fee (incl. GST)
Fremantle Leisure Centre		
Spectator	\$2.20	\$2.30

The Toy Library Group Membership fee was inadvertently presented for adoption at \$110.00 for 12 months and \$70.00 for 6 months. These amounts are based on the fees for Toy Library concession which do not apply to Toy Library Group Membership.

The fees for Toy Library Group Membership last financial year were \$150.00 for 12 months and \$100.00 for 6 months. Provided below is the proposed amendment to the Toy Library Group Membership for 2019-20:

Fee name and description	Adopted Fee (incl. GST)	Amended Fee (incl. GST)
Toy Library – Group Membership – Childcare and Playgroups (2 week loan period/no renewal)		
12 months	\$110.00	\$152.00
6 months	\$70.00	\$102.00

It was also identified that an error occurred during the preparation of the fees and charges document presented to Council and the William Street Car Park (No. 24) fee was not included in the document adopted by Council. In order for the City to impose the updated fee of \$2.30, the Council are required to adopt the proposed fee.

Provided below is the proposed fee for the William Street Car Park (No. 24), to be included in the 2019-20 Fees and Charges.

Fee name and description	Statutory Fee Indicator	GST Indicator	Proposed Fee
Commercial Parking - William Street Car Park (No. 24)			
Fee per hour or part thereof	No	Yes	\$2.30

To include these amended fees outlined above and further clarify the descriptions provided in the fees and charges, a revised copy of the 2019-20 Fees and Charges document is provided in Attachment 1 of the Ordinary Meeting of Council Agenda (24 July 2019) and it is intended that this document will replace the version adopted by Council as part of the annual budget on 26 June 2019.

In accordance with the provisions of the Local Government Act, the City is required to advertise the City's intent to impose or amend fees and charges. If Council adopts the proposed fee changes, the City will give local public notice of intent to impose these fees, effective from 1 August 2019, in accordance with the requirements of the Act.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM C1907-1
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council, pursuant to Section 6.16 of the Local Government Act 1995;

1. Adopt the following amended fees in the 2019-20 Fees and Charges:

Fee name and description	Adopted Fee <i>(incl. GST)</i>	Amended Fee <i>(incl. GST)</i>
Fremantle Leisure Centre – Swimming Fees		
Spectator	\$2.20	\$2.30

Fee name and description	Adopted Fee <i>(incl. GST)</i>	Amended Fee <i>(incl. GST)</i>
Toy Library – Group Membership – Childcare and Playgroups (2 week loan period/no renewal)		
12 months	\$110.00	\$152.00
6 months	\$70.00	\$102.00

2. Adopt to impose the following fee, to be included in the 2019-20 Fees and Charges:

Fee name and description	Statutory Fee Indicator	GST Indicator	Proposed Fee
Commercial Parking - William Street Car Park (No. 24)			
Fee per hour or part thereof	No	Yes	\$2.30

3. Add the revised fees in parts 1 and 2 above to the 2019-20 Fees and Charges document provided in Attachment 1 of the Ordinary Meeting of Council Agenda (24 July 2019), to replace the fees and charges schedule adopted by Council on 26 June 2019.

4. Authorise the publication of a local public notice stating the intention to impose the fees outlined in part 1 and 2, effective 1 August 2019.

Carried en bloc: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

C1907-2 INFORMATION REPORT - AWARD OF TENDERS UNDER CHIEF EXECUTIVE OFFICER DELEGATION - JUNE 2019

ACCEPTANCE OF TENDER FCC533/19 – ENGINEERING SURVEYING SERVICES

Responsible Officer: Glen Dougall Director City Business
Agenda Attachments: Nil

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award tender FCC533/19 – Engineering Surveying Services to Shane McMasters Surveys. The contract is for a 3-year period with a 1-year extension period at the sole discretion of the City. The overall contract value for a period of 4 years is estimated at \$235,876 (ex GST). Should the extension option not be exercised the total contract value for 3 years is estimated at \$176,907 (ex GST). The contract is due to commence mid-June 2019.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.

ACCEPTANCE OF TENDER FCC536/19 – SUPPLY OF PACKAGED BEER TO FREMANTLE ARTS CENTRE

Responsible Officer: Glen Dougall Director City Business
Agenda Attachments: Nil

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award tender FCC533/19 – Supply of Packaged Beer to Fremantle Arts Centre to Gage Roads Brewing Co Limited. The contract is for 2-year period with a 1-year extension period at the sole discretion of the City. The estimated contractual value for a 2-year contract is \$158,084 (ex GST and CPI for year two). This figure is subject to the number of concerts, events and exhibitions held at FAC during the contract period and the quantity of sales at each event or concert. The actual amount will vary dependent upon the number of large-scale front lawn concert events. The contract expense is covered in the quantity and value of sales. Included in the contract is a \$30,000 per annum cash payment from Gage Roads Brewing Co. Limited towards sponsorship or promotion of awards at FAC. Also, Gage Roads Brewing Co Limited has offered up to 400 cases per annum at no cost, for the FAC to use at its discretion. The contract is due to commence mid-June 2019.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.

COUNCIL DECISION ITEM C1907-2
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council acknowledge the following information reports for June 2019:

- 1. Acceptance of Tender FCC533/19 – Engineering Surveying Services**
- 2. Acceptance of Tender FCC536/19 – Supply of Packaged Beer to Fremantle Arts Centre**

Carried en bloc: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

C1907-3 MONTHLY FINANCIAL REPORT - JUNE 2019

Meeting Date: 24 July 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Monthly Financial Report – 30 June 2019

SUMMARY







The Monthly Financial Report for the period ending 30 June 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 June 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 30 June 2019.

Description	2018/19 YTD Budget	2018/19 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)-(A)	(D) =(C)/(A)	
OPERATING					
Revenue	\$76.08M	\$76.62M	\$0.55M	0.72%	
Expenses	(\$79.45M)	(\$75.86M)	\$3.59M	(4.52%)	
Operating Surplus/Deficit	(\$3.37M)	\$0.76M	\$4.14M	122.61%	
CAPITAL					
Revenue	\$28.01M	\$9.79M	(\$18.22M)	(65.04%)	
Expenses	(\$57.38M)	(\$11.75M)	\$45.63M	(79.53%)	
Overall Surplus/Deficit	\$0.02M	\$5.52M	\$5.50M	33597%	

It should be noted that the above balances are subject to change as processing for year ending 30 June 2019 is still occurring as part of finalising end of financial year.

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)	\$97,287	
Operating Grants, Subsidies and Contributions	\$252,411	

Expenses	Variance	
Interest Income	160,220	●
Reimbursement Income	(\$160,776)	●
Materials and Contracts	\$2,871,507	●
Employee Costs	363,905	●
Employee Costs-Agency Labour	(\$270,920)	●
Other Expenditure	195,250	●
Utility Expense	\$158,136	●

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 %
659,000	62,630	(596,370)	(91%)

The variance is mainly due to the variances for the following projects:

- Profit from the disposal of Car Park 13 is lower than anticipated budget by \$362,731.
- Disposal of 2 Jones Street O'Connor will not occur therefore budgeted profit of \$240,000 will not be received.

Reimbursement Income

YTD Budget	YTD Actual	Variance Amount \$	Variance %
970,421	809,645	(160,776)	(17%)

The variance is mainly due to the following activities:

- \$70,000 for P-11821 Demolition - 26 Montreal Street. This is a carry forward project into 2019-20.
- \$29,556 for 100530 - Lease Evan Davies Building 13 South Terrace Fremantle. Reduced reimbursement of variable outgoing income, offset by the reduced expenditure.

- \$20,273 for 100185 - Lease Fremantle Markets 74 South Terrace Fremantle. Reduced reimbursement of variable outgoing income, offset by the reduced expenditure.
- \$15,422 for 100188 - Lease Port Beach Restaurant 42 Port Beach Road North Fremantle. Reduced reimbursement income, offset by the reduced expenditure.
- \$14,652 for 100166 - Lease Hilton Progress Hall/PCYC Paget Street Hilton. Reduced reimbursement of variable outgoing income, offset by the reduced expenditure.
- \$11,614 for 100143 - Lease Fremantle Surf Lifesaving Club 20 Leighton Beach Blvd. Reduced reimbursement of variable outgoing income, offset by the reduced expenditure
- \$10,000 for reimbursement of traineeship program. Income will be received in 2019-20 financial year after the funding body finalises the end of year reconciliation.

Operating Expenditure

Employee Cost – Agency Labour

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(909,500)	(1,180,420)	(270,920)	30%

The variance is mainly due to hiring of agency labour more than budgeted in Waste Collection Team (\$131k), Parks and Landscapes Team (\$36k), Infrastructure and Strategic Projects Leadership (\$29k), Community Safety and Rangers Team (\$20k) and Business Services and System Team (\$21k). Agency staff has been utilised to replace vacant positions or cover a lost time injury. It's offset by employee cost savings.

Material and Contract

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(28,144,474)	(25,264,153)	2,880,321	10%

The variance is mainly due to actual cost savings, operating projects to be carried forward to 2019-20 financial year or end of year accruals to be finalised.

Of the above total variance an amount of \$1,475,884 is related to carried forward projects. The following projects were incomplete at the 30 June and the remaining budget will be carried forward to 2019-20 financial year including:

- \$683,145 for P-10273 Purchase-FOGO bins;
- \$147,250 for P-11748 Plan-Depot contamination investigation;
- \$139,041 for P-10848 Program-In Cahoots art exhibition (grant funded project);
- \$108,640 for 100723 - MOU Notre Dame;
- \$70,000 for P-11821 Demolition - 26 Montreal Street (contribution funded project);
- \$64,140 for 100440 - Coordinate public art installations and conservation budget to remove the yellow paint of the High Tide art project (yet to be submitted for Council approval);

- \$55,000 for P-10003 Purchase-Software Rostering and costing system;
- \$52,209 for 100383 - Lead infrastructure and project delivery directorate mainly due to the savings in consultancy cost. These funds are for design of Golf Course (yet to be submitted for Council approval - contribution funded project);
- \$47,379 for P-10489 Design and construct-South Beach toilet electrical (yet to be submitted for Council approval);
- \$46,024 for P-11800 Plan-Heart of Beaconsfield;
- \$44,200 for P-11674 Fees-Kings Square leasing;
- \$18,856 for 100092 - Conduct place activation activities;

Of the above total variance an amount of \$508,539 is related to the following activities which are subject to final adjustment such as accrual and allocation reconciliations as part of end of year processes:

- \$180,068 for 100571 - Dispose of MSW at Regional Resource Recovery Centre (RRRC). The variance will be reduced after end of year accrual is processed.
- \$101,112 for 100344 - Maintain heavy vehicles mainly due to plant recovery allocation which will be reconciled and allocated as part of end of year process.
- \$94,482 for 100381 - Collect & dispose recycled waste – domestic. The variance will be reduced after end of year accrual is processed.
- \$71,579 for 100343 - Maintain minor plant due to plant recovery allocation which will be reconciled and allocated as part of end of year process.
- \$61,299 for 100599 - Operate recycling facility. The savings are mainly from plant allocation cost which will be reconciled and allocated as part of end of year process.

The following variances of \$690,949 are cost savings at the time of reporting:

- \$144,000 for 100219 - Support the street area nightclubs. Use of security officers at taxi rank has been suspended for a trial period to determine if the positions actually required. The City's Security Officers and CCTV are monitoring the area during peak periods.
- \$124,440 for 100316 - Maintain Medians, Verges And Street Gardens. Planned savings to be used to fund overspending in other areas within Parks.
- \$91,394 for 100072 - Maintain fixed and wireless network infrastructure. Any renewal or major maintenance of the network infrastructure has been withheld this financial year and has been deferred until 2019-20 and 2020-21 to accommodate requirements of the new building.
- \$85,889 for 100225 - Monitor and remediate contaminated sites. Under expended in 2018-19 budget as contractor started the works late in financial year. They have now commenced so will be billing in the next few months using 2019-20 budget.
- \$66,070 for 100456 - Operate Fremantle leisure centre (administration). \$40k savings on cleaning due to the cost allocated to other areas and \$13k savings on trading stock.
- \$47,191 for 100573 - Collect & dispose illegally dumped waste mainly due to the savings of contract expenditure, offset by increased agency labour.
- \$45,802 for 100347 - Plant Trees - Recreation Reserves mainly due to the savings in the purchase of trees.

- \$43,926 for 100284 - Maintain Fremantle Leisure Centre mainly due to savings in general contract expense.
- \$42,237 for 100320 - Maintain Soft Landscaping - Recreation Reserves. Savings of \$10k for general contract expense and \$7k for materials.

Loss on Sale of Assets

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(10,519,993)	(2,439,905)	8,080,028	(77%)

The variance is mainly due to the following asset disposals that did not occur in this financial year:

- \$495,000 for P-10458 Disposal-7 Quarry St, to be carried forward to 2019-20;
- \$4,706,000 for P-11052 Disposal-9 Quarry St, to be carried forward to 2019-20;
- \$634,000 for P-11051 Disposal-12 Holdsworth St, to be carried forward to 2019-20;
- \$126,150 for P-11633 Disposal-12 Josephson St, to be carried forward to 2019-20;
- \$1,893,000 for P-11795 Disposal-Victoria Hall;
- \$200,000 for P-11049 Disposal of Jones Street O'Connor.

Capital Revenue

Capital Grants and Subsidies

YTD Budget	YTD Actual	Variance Amount \$	Variance %
3,409,897	2,701,730	(708,167)	(21%)

The variance is mainly due to capital grants of \$852,500 for P-10350 Design and construct-Fremantle Park Sport and Community that will be received in 2019-20 as this project is carried forward to the new financial year.

Proceeds from Disposal of Assets

YTD Budget	YTD Actual	Variance Amount \$	Variance %
24,601,850	7,089,969	(17,511,881)	(71%)

The variance of \$7.6m is mainly due to the following projects for sale of assets carried forward to 2019-20:

- \$2.75m for P-10458 Disposal-7 Quarry St;
- \$2.25m for P-11052 Disposal-9 Quarry St;
- \$1.3m for P-11051 Disposal-12 Holdsworth St;
- \$1.3m for P-11633 Disposal-12 Josephson St

The following two disposals of \$9.8m didn't occur this financial year and are not included in budget 2019-20:

- \$7.8m for P-11049 Disposal-2 Jones St;
- \$2m for P-11795 Disposal-Victoria Hall.

Capital Expenditure

Purchase Community Land and Buildings

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(50,441,298)	(8,402,329)	42,038,969	(83%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$40,959,813 for P-10297 Construct-Civic building and library (Kings Square redevelopment)
- \$2,013,306 for P-10350 Design and construct-Fremantle Park Sport and Community Centre

Purchase Infrastructure – Roads

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(1,881,890)	(1,689,798)	192,092	(10%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$50,000 for P-11718 Design and construct-B-spot-Stirling Highway crossing.
- \$36,920 for P-11677 Design and construct-Queen Victoria St/Adelaide Tce.

The following project is completed awaiting final end of year adjustments:

- \$79,719 for P-11421 Resurface MRRG-Marine Tce. Marine Terrace is completed. Awaiting receipt of final invoices which will be accrued. Project is anticipated to come in under budget; offset with reduced grant funding however is anticipated will result in some municipal saving.

Purchase Infrastructure – Parks

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(2,925,880)	(751,894)	2,173,986	(74%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$41,262 for P-10294 - Design and construct-Public Realm
- \$61,452 for P-10412 Design and construct-Booyeembara Park
- \$2,020,207 for P-10295 Design and construct-Kings Square Public Realm Newman Court

Purchase Infrastructure – Other

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(292,000)	(120,987)	171,013	(59%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$165,000 for P-11793 Install-Electronic parking signs. Project is funded from reserve.

Purchase Plant and Equipment

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(385,034)	(191,536)	193,498	(50%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$35,853 for P-11794 Purchase-Software parking application
- \$66,000 for P-11666 Install-Leisure Centre disinfectant system
- \$90,000 for P11825 Waste - Fleet Management System

Purchase Furniture and Fittings

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(1,093,090)	(268,612)	824,478	(75%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year:

- \$570,122 for P-11796 Install-CCTV. The CCTV project commenced in with the first 7 cameras replaced, further invoices expected to be paid in 2018/19 with the balance of the project to be completed by November 2019.
- \$50,000 for P- 10498 Program-Network infrastructure. Held off purchasing in this financial year awaiting new model availability.
- \$99,398 for P-11818 Purchase-Document Management System.
- \$30,000 for P-10037 Program-Telecommunications equipment. Purchase of telecommunications equipment commenced but project will continue into 2019-20.
- \$39,378 for P-11077 Install-Kings Square Network infrastructure Queensgate.

Proceeds from New Debentures

YTD Budget	YTD Actual	Variance Amount \$	Variance %
20,000,000	0	(20,000,000)	(100%)

Construction of Civic building and library project will be carried forward to 2019-20 and \$20m new loan facility will be drawn down during next financial year.

Transfer from Reserve (Restricted) – Capital

YTD Budget	YTD Actual	Variance Amount \$	Variance %
29,339,662	6,077,241	(23,262,421)	(79%)

The variance is mainly due to the following projects which will be carried forward to 2019-20 financial year with any unspent reserve funds:

- \$20,959,812 for P-10297 Construct Civic building and library (Kings Square Redevelopment);
- \$2,020,207 for P-10295 Design and construct-Kings Square Public Realm Newman Court;
- \$165,000 for P-11793 Install-Electronic parking signs.

Closing Funding Surplus

YTD Budget	YTD Actual	Variance Amount \$	Variance %
16,371	5,516,513	5,500,142	33597%

The current end of year surplus is still subject to final end of year adjustments. To date the known adjustments that reduces the current reported surplus are:

- Carried forward projects with a total of \$3,463,570 have been approved by Council as part of 2019-20 adopted annual budget. Additional \$163,728 is to be submitted for Council approval to be carried forward to 2019-20 financial year. The actual carried forward amount will be reported to Council after end of year reconciliation is finalised;
- Grant advance payment received in June 2019 from Department of Treasury of Government of Western Australia of \$555,697 for Financial Assistance Grants relates to 2019-20 financial year;
- Grant received in June 2019 of from Disability Services Commission of \$150,000 for funding towards P-11838 Design and construct-Kings Square change facility relates to 2019-20 financial year;

End of year processing continues with accruals and final reconciliations still underway which will change the end of year position.

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 annual budget.

The overall performance for the City of Fremantle for the period ended 30 June 2019 resulted in an additional \$5,500,142 surplus being identified than anticipated, which is mainly as a result of :-

Reduction in anticipated surplus

- Reduced operating revenue (excluding general rates) of \$148,803;
- Reduced of borrowing of \$20,000,000;
- Reduced capital revenue of \$18,220,048;
- Reduced net transfer from reserve of \$5,755,108;

Increase in anticipated surplus

- Underspending of capital expenditure to date of \$45,632,227;
- Underspending of operating expenditure to date of \$11,681,410;
- Increased general rates income of \$88,469.

It should be noted that processing of 30 June 2019 is still occurring as part of finalising end of financial year which will change the end of year surplus for 2018-19 financial year.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1907-3
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council receive the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 30 June 2019.

Carried en bloc: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

C1907-4 STATEMENT OF INVESTMENTS AS AT 30 JUNE 2019

Meeting Date: 24 July 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Investment Report – 30 June 2019

SUMMARY

This report outlines the investment of surplus funds for the month ending 30 June 2019 and provides information on these investments for Councils consideration.

This report recommends that Council receives the Investment Report for the month ending 30 June 2019.

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

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

BACKGROUND

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

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

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

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$1,447,365 against a year to date budget of \$1,297,192 which represents a positive variance of \$150,173.

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 2.44% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.80% (refer to Report 8 - 0.45% for 3 month) on an annualised basis as at the end of June 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 oversight by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 30 June 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 30 June 2019

At month end the City's investment portfolio totalled \$44.06m. The market value was \$44.48m; this value takes into account accrued interest.

The investment portfolio is made up:

At call account	\$12.76m
Term Deposits	\$31.30m
TOTAL	\$44.06m

Of which:

Unrestricted cash	\$11.26m
Restricted cash (Reserve Funds)	\$31.38m
Restricted cash (Trust Funds)	\$ 1.42m
TOTAL	\$44.06m

The current amount of \$11.26m held as unrestricted cash represents 14.42% of the total adopted budget for operating revenue (\$78.06m).

2. Portfolio counterparty credit framework (as at 30 June 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:

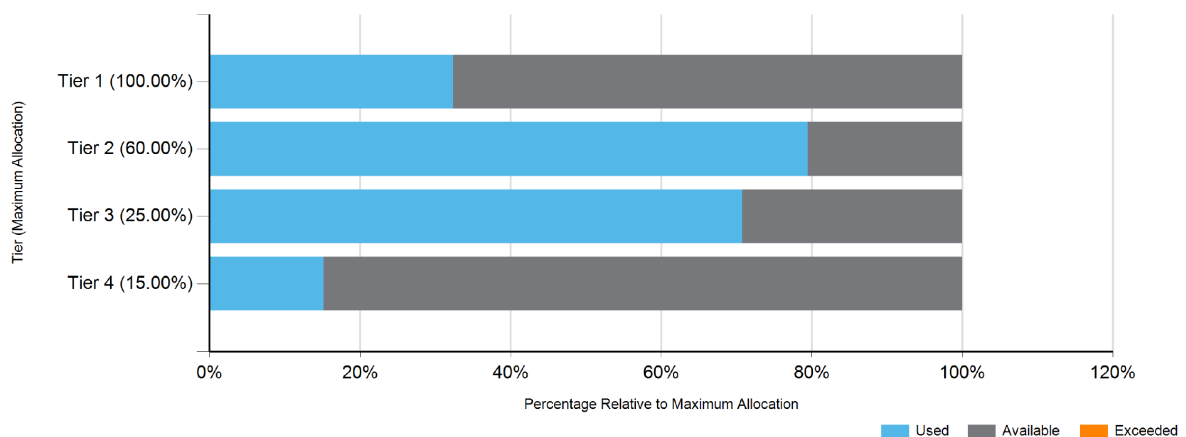
Counterparty credit framework

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:

Portfolio Credit Framework Amounts Relative to Maximum Allocations





As reported in the above graph at the end of this month investments in the individual banks of ME Bank and Suncorp 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.

- Suncorp bank exceeded the trading limit by 21% or \$1,391,641 at the end of month.

At the time of investing with Suncorp the investment was compliant with the investment portfolio. However as the total amount of the investment portfolio reduced it has resulted with Suncorp being outside of the threshold.

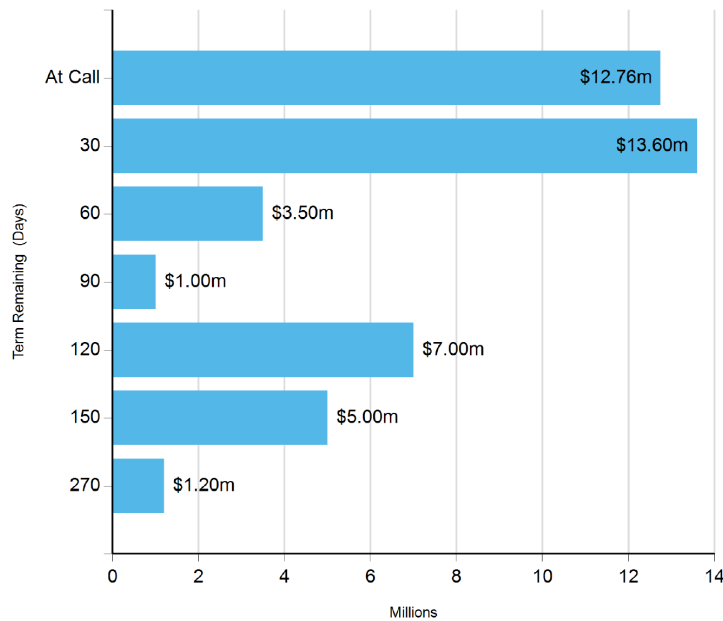
It is expected that the total portfolio balance will increase in the new financial year from the net cash inflow after issuing the annual rate notices. As a result, the investments in Suncorp bank should become compliant again once the total portfolio balance reaches the level at the time of making the investment.

3. Portfolio Liquidity Indicator (as at 30 June 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.

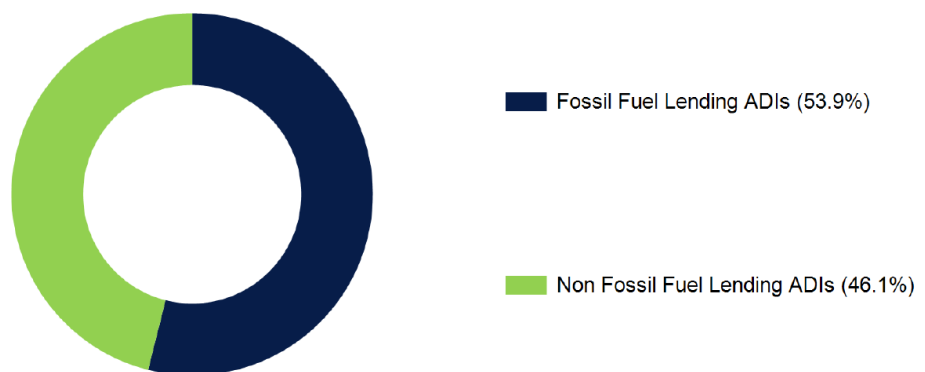
Face Value by Term Remaining



4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 30 June 2019)

At the end of this month \$20.3m (46.1%) 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).

Fossil Fuel vs Non Fossil Fuel Lending ADI



City officers are currently undertaking a review of the Investment Policy. The review will analyse the limits placed on financial institutions and overall credit ratings with a view to increase the City’s investments in “Green Investments”, whilst taking into account risk. Once completed the outcomes and recommendations of the Investment Policy review will be presented to Council for consideration.

5. Interest Income for Matured Investments (For 1 June 2019 to 30 June 2019)

For this month \$169,309.65 in interest was earned from 6 matured term deposits.

6. Investing Activities (For 1 June 2019 to 30 June 2019)

During this month 1 new term deposit was acquisitioned with a total value of \$1m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1907-4 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council receive the Investment Report for the month ending 30 June 2019.

Carried en bloc: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

C1907-5 SCHEDULE OF PAYMENTS REPORT - JUNE 2019

Meeting Date:	24 July 2019
Responsible Officer:	Manager Finance
Decision Making Authority:	Council
Agenda Attachments:	Schedule of payments and listing Purchase Card transactions <i>Attachments viewed electronically</i>

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 June 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 June 2019, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$8,582,158.69 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

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

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

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending June 2019 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$6,681,854.81
Purchase card transactions	\$77,179.30
Salary / Wages / Superannuation	\$1,818,723.88
Other payments <i>(as outlined in Attachment 1)</i>	\$4,400.70
Total	\$8,582,158.69

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1907-5 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. **Accept the list of payments made under delegated authority, totalling \$8,582,158.69 for the month ending June 2019, as provided electronically as Attachment 1 of the Ordinary meeting of Council (24 July 2019).**
2. **Accept the detailed transaction listing of credit card expenditure, for the month ending June 2019, as provided electronically as Attachment 2 of the Ordinary meeting of Council (24 July 2019).**

Carried en bloc: 11/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume

13. Motions of which previous notice has been given

N1907-1 NOTICE OF MOTION BY CR ADIN LANG - PAUSE FOR PAWS SUBMISSION

Meeting date:	24 July 2019
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Agenda attachments:	1. Pause for paws consultation paper 2. Survey response

ELECTED MEMBER SUMMARY

The State Government has committed to gathering feedback on the changes made to the *Dog Act 1976* in 2013 and the *Cat Act 2011*. The Government has prepared a Local Government Consultation Paper and has requested WALGA coordinate a sector response in alignment with the State and Local Government Partnership Agreement.

WALGA, together with Local Government Professionals WA, are members of the Ministerial Working Group overseeing the “Pause for Paws” survey and have promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

The “Pause for Paws” Local Government Consultation Paper is designed to provide feedback for both acts to see how effective the changes have been in the control and management of dogs and cats in Western Australia and to identify any areas that could be improved.

WALGA has requested a Council endorsed response by Sunday 4 August 2019. This will permit a report to be prepared for the August round of WALGA Zone meetings and consideration by State Council at its next meeting. This process and timeline aligns with the State and Local Government Partnership Agreement.

Currently the *Cat Act 2011* (Cat Act) and *Dog Act 1976* (Dog Act) aim to:

- encourage responsible pet ownership;
- safely return lost animals to their homes;
- keep the community and other animals safe;
- reduce the number of animals admitted to pounds and shelters;
- reduce the number of euthanized animals.

What is being considered during this review:

Registration of Cats and Dogs

Cats and dogs can be registered with their local government yearly, three yearly or for their lifetime. The benefits of lifetime registration are a reduction of the administrative burden on local governments because renewal notices only need to be issued once and the details of the cats and dogs only need to be entered on their systems once. It also reduces the costs for owners who only pay for registration once.

There are also disadvantages with lifetime registration because there is no reminder sent to owners to re-register their cat or dog and so owners may not advise local governments if they no longer have a pet or if they move. Local governments have said that since 2013 when owners have been able to register their dogs for their lifetime, there has been

a decline in annual revenue from registrations and on the accuracy of the content of registration systems.

Collars and Tags

Advantages	Disadvantages
Safe and easy identification (from a distance) that it is an owned pet	Not a permanent method of identification as collars can slip off or be removed
Easy visual method to determine whether cats and dogs are registered	Costs to local governments as they must purchase tags to give to owners when the animal is registered
Quickly reuniting a lost or injured animal with its owners	Can pose a danger to cats if a safety collar is not used

Concerns regarding the environmental impact of plastic tags has also been raised with the department.

Microchipping cats and dogs

Dogs must be microchipped by the time they reach three months of age, while cats are to be microchipped by six months of age. Both are to be microchipped when they are transferred to a new owner (no matter what age).

Local governments have said that one of the main issues with microchips is that they are not being registered with the relevant microchip database company or details updated when the cat or dog has transferred to new owners.

Nuisance Dogs

The 2013 changes to the Dog Act brought in improved ways for local governments to deal with nuisance dogs. A more structured approach was introduced, including that local governments can act on one complaint about a nuisance (generally barking) dog; and owners can be issued with abatement notices and fines if the problem continues.

Dog Attacks, dangerous dogs and restricted breed dogs

The fines in relation to dangerous dogs were increased in 2013 and a criminal offence was introduced if a dangerous dog kills a person or puts a person's life at risk. Courts can impose a requirement for dog owners to attend and complete a dog training course instead of (or in addition to) a fine.

Feedback over the past five years has indicated that the penalties (fines) may not be high enough to make some people comply with their responsibilities of owning a dog, particularly one that has (or has threatened to) attack. The changes also strengthened the provisions on restricted breed dogs by banning the advertising for sale of all the restricted breeds.

Cat numbers and nuisance/wandering cats

As with most Australian States, Western Australia has a large unwanted cat problem. While the introduction of the Cat Act was not expected to resolve this, and associated issues straight away, it did provide some ways that the number of unwanted/feral cats could be reduced, particularly through the requirement for all cats to be sterilised.

Local governments, cat refuges and the community have told us that cats that wander and create a nuisance are an ongoing problem. Possible solutions are cat curfews and restricting cats to premises.

The Cat Act gives local governments the ability to create their own local laws for the management of cats that are creating a nuisance, such as killing wildlife. Local laws can also specify places where cats are absolutely prohibited, but at the moment they cannot introduce restrictions across the whole district.

Cat Sterilisation

Sterilisation (de-sexing) of cats is important to help reduce the number of unwanted cats in the community.

Cats are to be sterilised by the time they are six months of age unless a veterinarian has given a certificate exempting it from sterilisation, or the cat has been approved for breeding purposes by the local government.

If a cat is being sold, traded or given away, it must be sterilised. If a cat is too young to be sterilised when it is transferred to someone else, a prepaid de-sexing voucher is to be provided to the new owner.

Combining the Cat and Dog Acts

A combined Act would still allow for provisions specific to dangerous dogs, dog attacks and greyhounds, but it would provide for consistent registration and microchipping provisions for cats and dogs. While not all provisions would apply equally, it would ensure that administrative and enforcement provisions were the same.

In addition, the negative impacts of cats and dogs on the environment could potentially be dealt with more effectively if both were managed under one Act.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM N1907-1

Moved: Cr Adin Lang

Seconded: Cr Ingrid Waltham

Council;

- 1. Endorse the survey response to the “Pause for Paws” Local Government consultation paper, as provided in Attachment 2 of the Ordinary Meeting of Council Agenda (24 July 2019).**
- 2. Endorse the following response, to be included in the City’s submission:**
 - a) The Cat Act and its supporting regulations should be amended to enable those local governments that wish to, to implement local cat containment laws across their entire jurisdiction.**

Carried: 11/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

Nil

17. Closure

The Presiding Member declared the meeting closed at 7.00 pm.