



# Minutes

## Ordinary Meeting of Council

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Wednesday, 26 June 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 **26 June 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 Jenny Archibald	East Ward
Cr Doug Thompson	North Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton 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 Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Marisa Spaziani	Director People and Culture
Mr Jay Ellis	Acting Director Community Development
Ms Phillida Rodic	Acting Director Strategic Planning and Projects
Ms Charlie Clarke	Manager Governance
Ms Beverley Bone	Manager Community Development
Ms Julia Kingsbury	Manager Development Approvals
Mr Paul Dunlop	Manager Communications and Events
Ms Tanya Toon-Poynton	Meeting Support Officer

*There were approximately 25 members of the public and 2 members of the press in attendance.*

#### 2.2 APOLOGIES

Nil

## 2.3 LEAVE OF ABSENCE

Cr Ingrid Waltham

Deputy Mayor / East Ward

## 3. APPLICATIONS FOR LEAVE OF ABSENCE

### COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

**Cr Bryn Jones' request for a leave of absence from 1 July 2019 to 14 August 2019 (inclusive) is approved.**

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

### COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

**Cr Sam Wainwright's request for a leave of absence from 1 July 2019 to 29 July 2019 (inclusive) is approved.**

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, 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 members of the public spoke in relation to item PC1906-2:**

Mark Strachan  
Jim Stewart

**The following members of the public spoke in relation to item PC1906-4:**

Gavan Kelly  
Aaron Lohman

**The following member of the public spoke in relation to item FPOL1906-14:**

Ian Hutchinson

**The following member of the public spoke in relation to item PC1906-2:**

Peter Farres-Smith representing Seton College

**The following member of the public spoke in relation to item SPT1906-1:**

Michael Purves

**The following member of the public spoke in relation to item C1906-1:**

Daniele Foti-Cuzzola

**7. PETITIONS**

Nil

**8. DEPUTATIONS**

**8.1 SPECIAL DEPUTATIONS**

Nil

**8.2 PRESENTATIONS**

1. Cr Rachel Pemberton made a presentation related to a visit to Fremantle from a Local Government delegation from the East Indonesian island of Rote while she was Acting Mayor.

The visiting Bupati Ms Paulina Haning presented the City with a traditional Eastern Indonesian robe, and the City gave the visitors a gift bag.

2. Mayor, Brad Pettitt presented an award given to the City of Fremantle by the Federal Government for Promoting Indigenous Recognition by holding the One Day event.
3. Cr Hume recently had the opportunity to visit the Sea Rescue tower on Cantonment Hill. Cr Hume encouraged elected members to visit Sea Rescue and spoke of the important work Sea Rescue does for the community.
4. Cr Thompson provided information on items from the Municipal Waste Advisory Committee (MWAC):
  - a. Better bins program review – timeline on what is needed to implement FOGO by 2045 for all local governments. One of the issues MWAC will address is how this will be addressed at a state government level.
  - b. There are a number of submission papers out for comment by the Department of Water and Environment, including 'Let's not draw the short straw' and Cr Thompson encourages local governments to respond to the submissions.

## **9. CONFIRMATION OF MINUTES**

### **COUNCIL DECISION**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Dave Hume**

**That the minutes of the Ordinary Meeting of Council dated 22 May 2019 be confirmed as a true and accurate record.**

**Carried: 12/0**

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

## **10. ELECTED MEMBER COMMUNICATION**

**Mayor, Brad Pettitt took the opportunity to recognise the achievements of Ms Fiona Hodges, who had recently resigned from her position as Director Community Development. Dr Pettitt passed on the councils thanks to Ms Hodges for all of her hard work and success during her time with the City, including her work on the Walyalup Reconciliation Action Plan and the One Day events to name a few.**

## 11. REPORTS AND RECOMMENDATIONS FROM COMMITTEES

### 11.1 PLANNING COMMITTEE 5 JUNE 2019

**PC1906-2 SETON CATHOLIC COLLEGE, MARCHANT ROAD, NO. 26 (LOT 218), SAMSON - TWO STOREY ADMINISTRATION BUILDING AND ALTERATIONS TO AN EXISTING EDUCATIONAL ESTABLISHMENT - (NB DA0045/19)**

**Meeting Date:** 5 June 2019  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1: Development Plans  
2: Schedule of submissions and Applicant's response  
3: Applicant's Justification  
4: Site Photos

#### SUMMARY

**Approval is sought for a two storey administration building addition and alterations to existing buildings at Seton Catholic College, No. 26 (Lot 218) Marchant Road, Samson.**

**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) and Local Planning Policies. These discretionary assessments include the following:**

- **Onsite car parking**
- **Streetscape (fencing).**

**The application is recommended for conditional approval.**

#### PROPOSAL

##### **Detail**

Approval is sought for a two storey administration building addition and alterations to existing buildings at Seton Catholic College, No. 26 (Lot 218) Marchant Road, Samson.

The proposed works include:

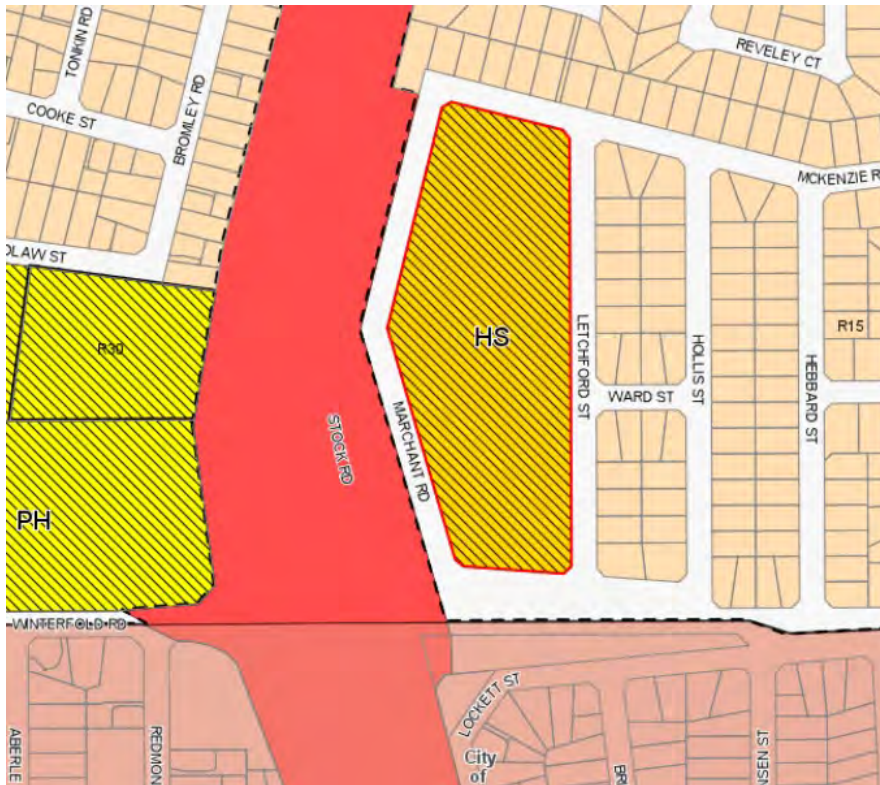
- Two storey administrative and staff building
- Conversion of existing administrative building into a staff support facility
- Deletion of 20 onsite car bays
- Pump house, water tanks, and screen fencing to Letchford Street for emergency services
- Road reserve works to create parking bays along Marchant Road.

The buildings are not for the use of classrooms and, as such, will not result in an increase of students.

Development plans are included as Attachment 1.

**Site/application information**

Date received: 8 February 2019  
 Owner name: Roman Catholic Archbishop  
 Submitted by: Parry and Rosenthal Architects  
 Scheme: Community Facility - High School Reserve  
 Heritage listing: Not Listed  
 Existing land use: Educational Establishment  
 Use class: Educational Establishment  
 Use permissibility: n/a



**CONSULTATION**

**External referrals**

*Department of Fire and Emergency Services (DFES)*

The application was referred to DFES for an assessment of the submitted Bushfire Management Plan as the lot is partially located within a bushfire zone. As of the date of this report, DFES has not provided a response and a condition of approval has been added requiring that the Bushfire Management Plan be supported by the appropriate authority.

*Main Roads Western Australia (MRWA)*

The application was referred to MRWA for comment as the site is near a Primary Regional Road reservation. MRWA has provided advice that they have no objection to the proposal subject to compliance with the recommendations of the applicant’s acoustic report, dated April 2019, requiring minimum glazing levels to windows.

These matters can be dealt with as relevant conditions and advice notes.

## **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretion was sought against the provisions of LPS4 and local planning policies. The advertising period concluded on 4 April 2019, and 5 submissions were received. The following issues were raised (summarised):

- The growth of Seton College increases the car parking and access issues for residents.
- Do not support gating off Marchant Road as residents use it.
- Do not support bus parking on Letchford Street.
- Students should be encouraged to use public transport or bike.
- The water tanks should be located on Marchant Road and not detract from the streetscape of Letchford Street.
- Concerned about the height of the water tanks on Letchford St. Will these be screened by the mature trees that are already in existence on the boundary or will these trees be removed? How will the tanks be screened from the streetscape? Is there the opportunity to put the tanks fully or partially below ground?
- All improvements should be on the college grounds not in public property.
- Staff and student parking on the west and north is a good idea. The footpath and trees should be kept.
- I assume the set down areas are only for a specific period of time. My concern would be that if we use them during that time we would be ticketed.
- Is there any reporting as part of the application on the traffic impact for Letchford Street and the surrounding residential roads if the planning application is approved?

A more detailed Schedule of Submissions, along with the applicant's response to each, is included as Attachment 3. Briefly, the applicant has provided the following response:

- This development application is not associated with additional students / staff, and hence traffic generation is unchanged. The modifications proposed allow for better management of traffic and parking to the betterment of the College and the surrounding community.
- The recorded traffic counts data supports the conclusion that the large majority of traffic using Marchant Road is associated only with the College.
- The College already provides a high level of encouragement and a 2017 survey of students indicated the following modes of transport: 26% bus, 9% walk or ride
- The Letchford Street location was investigated for the water tanks but deemed unsuitable due to accessibility and DFES requirements. Refer to Attachment 3 for a detailed response.
- Lowering the tanks fully / partially below the existing ground level was investigated but not deemed feasible. Refer to Attachment 3 for a detailed response.

In response to the above, the following comments are provided by officers:

- A Traffic and Parking Management Plan is required as a condition of approval to address vehicle access and parking issues.
- All works within the road reserve will be at the expense of the applicant and to the satisfaction of the City. Gating off Marchant Road, and providing bus bays on Letchford Street are not supported.

The remaining 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 and Council local planning policies. In this particular application the areas outlined below do not meet LPS4 and/ or policy provisions and need to be assessed under the relevant discretionary criteria:

- Onsite car parking
- Streetscape (fencing).

The above matters are discussed below.

### **Background**

The subject site is located in Samson and bound by Marchant Road to the south and west, McKenzie Road to the north, and Letchford Street to the east. The site has a land area of approximately 42,340 m<sup>2</sup> and is currently an Educational Establishment. The site is zoned Community Facility - High School Reserve and has a density coding of R15. The site is not individually heritage listed nor is it located within a Heritage Area.

The site is improved by the addition of the Seton Catholic College.

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

- Planning Approval was granted on 19 December 2007 for the Addition of Staffroom to Educational Establishment (DA655/07);
- A variation to the previous Planning Approval (DA655/07) was granted on 19 September 2008 (V31/08);
- Planning Approval was granted on 19 December 2008 for the Addition of Workshop to Existing Educational Establishment (DA634/08),
- Planning Approval was granted on 22 July 2009 for a Patio Addition to Educational Facility (DA0323/09), and
- Planning Approval was granted on 8 January 2010 for an entry statement addition and Signage to the existing Educational Establishment (DA0726/09).
- Planning Approval was granted on 21/4/2010 for additions and alterations (two storey north east wing addition of classrooms) to the existing buildings for the Educational Establishment (refer to DA0121/10).
- Planning Approval was granted on 17/4 /012 for signage addition to existing Educational Establishment onsite (refer to DA0613/11).
- Planning approval was granted on 15 August 2013 for additions and alterations (modifications to the administrative building) to the existing Educational Establishment (refer to DA0372/13).
- Planning approval was granted on 10 February 2016 for a gymnasium and tennis courts addition (DA0504/15)

The approval for the gymnasium is still valid, but the college has provided a written statement confirming they are not proceeding with the project.

### Land use

Under LPS4, the purpose of the Community Facility Reserve is “*To provide for civic and community activities and facilities that are provided for the general community by public institutions and groups.*” The proposed buildings facilitate the ongoing use of the college and are consistent with the purpose of the reserve.

### Traffic and Parking requirements

The applicant has submitted a Parking and Transportation Management Study that examines the potential local impacts in relation vehicle, pedestrian and cyclist site access, circulation and parking as a result of the proposed development.

The plan notes that morning school generated traffic typically coincides with morning commuting peak periods where afternoon school generated traffic typically occurs before the evening peak periods. During the morning peak students are typically dropped off and only short stay parking is required, however, during the afternoon peak parents typically are required to park and wait for students to finish.

Data collected from a student transport survey identified the following:

- 2% (21 students) bike to school
- 7% (73 students) walk
- 26% (273 students) take a bus
- 52% (546 students) are driven to school and dropped off
- 7% (74 students) of students drove and parked
- 5% (53 students) of students drive to school with another student.

The survey also indicates that 99% of staff drive and park at the College each day.

The study presents the following two alternative traffic and parking options:

#### Option A:

- Move the bus services from Marchant Road to Letchford Street between Marchant Road and Ward Street.
  - This option is proposed to remove the need for students to have to cross the road and thereby be safer for the students.
  - This option also involves busses exiting back into Winterfold Road from McCombe Avenue (currently via Letchford)
- Drop off / pick up zones on Letchford Street and Marchant Road to more evenly distribute traffic and provide parents with two options and help reduce parking in the residential side streets
- Formalise the verge parking along Marchant Road to angled bays to accommodate the proposed loss of staff parking as well as improve the current situation.

#### Option B:

- Retain the bus services in their current location on Marchant Road
- Have one drop off / pick up zone on Letchford Street
  - This option will increase the number of bays available for drop off / pick up
  - This option may result in an increased risk of queuing along Letchford Street.

The report also recommends that Marchant Road be closed by a gate at each end to reduce traffic movements so as to occur only during school hours. This is proposed to increase safety around the school and reduce non-school related movements along Marchant Road.

In response to the above, the City advises the following:

- A Bus set down area is not considered suitable along Letchford Street as it is considered to increase the disruption to the residents in this street.
- Closing Marchant Road with gates cannot be considered as part of this development application. It is noted that this option is not desirable as Marchant Road is a public road.
- The College is encouraged to maintain as much on-site parking as possible.
- Formalising angled parking within the verge is supported in principle, however it will be subject to a separate application for approval from the City's Infrastructure Department. Any works within the Road Reserve will be required to be completed at the applicant's expense to the specifications of the City.
- Given 20% of students reside within 3km of the College, the applicant is strongly encouraged to provide additional bicycle parking facilities to encourage and incentivise this mode of transport. It is noted that LPS4 requirements for bicycle parking is at a rate of one bay per five students, resulting in a requirement of approximately 210 bays. Although it is not considered appropriate to retrospectively impose this requirement, the application is encouraged to significantly improve the on-site bicycle facilities.

The Parking and Transportation Management Study should guide the submission of a final Traffic and Parking Management Plan. This plan should be prepared in consultation with the City to address the potential impacts identified by the applicant and the City, and be submitted for the City's final endorsement prior to the issue of a Building Permit for the proposed works.

In regard to the specific car parking requirements as a result of this proposal, the LPS4 requirements are as follows:

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Car parking	1: 1 class room (55) = 55 bays, plus 1: 25 year 12 students (170) = 7 bays	54 bays (approx.)	8 bays

The proposed buildings will require the removal of 14 onsite car bays, creating in a shortfall of eight on-site bays across the site. The eight bay shortfall is supported under clause 4.7.3 of LPS4 for the following reasons:

- Taking into consideration Seton College are in discussion with the City to include the construction of approximately 143 bays (subject to City's design and landscaping requirements) within the Marchant Road reserve. These bays effectively formalise the current verge parking and allow an increased number of vehicles through the use of angles parking bays.
- The proposal is subject to a final Traffic and Parking Management Plan outlining how alternate forms of transportation will be encouraged and how student drop off and pick up will be managed. It is noted that the Parking and Transportation

Management Study submitted with the application proposes utilising school staff to monitor and direct parking as an option.

- Staff parking can be fully accommodated through the proposed Marchant Road works and the remaining onsite parking bays.

### **Streetscape**

Water tanks and a pumping station for fire safety are located near the Letchford Street road reserve, across from Nos. 10 and 12 Letchford Street. The tanks are approximately 4.3m high and partially screened from Letchford Street by a 2.1- 2.7m high wall. The applicant's response to the submissions states that the proposed location is the most feasible in terms of fire regulations. The tanks are to be a Woodland green colour and surrounded by existing vegetation to soften the view from the street. However, it is also proposed to remove one tree to make room for the tanks.

Due to the height of the tanks in relation to the proposed wall, it is unlikely they would be screened from view of the street, particularly from the footpath across Letchford Road. The *Deemed provisions* give Council the ability to consider the streetscape amenity and whether sufficient landscaping has been provided for development. The new screen wall and tanks would necessitate the removal of a large amount of vegetation. City officers recommend a landscaping plan be submitted showing the tanks to be sufficiently screened through the use of vegetation.

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **Officers Recommendation**

**Moved: Cr Bryn Jones**

**Seconded: Cr Sam Wainwright**

Planning committee acting under delegation 1.2:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey administration building and alterations to the existing educational establishment at Seton Catholic College, No. 26 (Lot 218) Marchant Road, Samson, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 8 February 2019. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.

2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. The approved development shall be wholly located within the cadastral boundaries of No. 26 (Lot 218) Marchant Road, Samson including any footing details of the development.
4. This development approval does not relate to any works within the road reserves of Letchford Street, Marchant Road, or McKenzie Street. Works within the road reserves require a separate approval from the City of Fremantle's Infrastructure Services.
5. Prior to the issue of a building permit, the new buildings are to meet the requirements of SPP 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning, through the measures outlined in the Acoustic Assessment undertaken by Herring Storer Acoustics, dated April 2019, to the satisfaction of the City of Fremantle.
6. Prior to the issue of a building permit, a landscaping plan is to be submitted and approved, demonstrating how the water tanks will be screened from view of the street to the satisfaction of the City of Fremantle. The approved landscaping is to be implemented prior to occupation of the development and maintained for the life of the development.
7. Prior to the issue of a building permit, a Bushfire Management Plan shall be prepared and submitted to the satisfaction of the City of Fremantle on advice of the Department of Fire and Emergency Services.
8. Prior to the issue of a building permit, a final Traffic and Parking Management Plan shall be submitted to the satisfaction of the City. The plan shall be prepared in consultation with the City's Traffic Engineers and shall demonstrate how car parking and vehicle access issues relating to student drop-off and pick-up, staff parking and bus movements is to be managed based on issues identified within the Parking and Transportation Management Study.
9. Prior to the issue of a building permit but not a Demolition Permit, all works within the road reserve must receive separate approval from the City of Fremantle.
10. Prior to occupation of the development hereby approved, all works within the road reserve, including landscaping and line marking and draining of vehicle bays, shall be carried out at the applicant's expense and to the specifications and satisfaction of the City of Fremantle.
11. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.

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

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

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

#### ADVICE NOTES:

- i. In regards to condition 8 and 9 the applicant is advised to liaise with the City's Infrastructure Services department via [ibs@fremantle.wa.gov.au](mailto:ibs@fremantle.wa.gov.au) or 9432 9999 for requirements and an application. The department has advised that the following proposed works are not supported:
  - Closing/gating off Marchant Road
  - Provision of bus services along Letchford Street
- ii. In regards to the Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

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

- iii. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.

**COMMITTEE DECISION ITEM PC1906-2**

**Moved: Cr Dave Hume**

**Seconded: Cr Andrew Sullivan**

**Refer the item to Council on 26 June 2019 to allow for additional information to be provided in relation to the location of the water tanks.**

**Carried: 6/0**

**Cr Andrew Sullivan, Cr Jenny Archibald,  
Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright, Cr Dave Hume**

**ADDITIONAL OFFICER'S COMMENT**

At its meeting held on 5 June 2019, the Planning Committee referred the application to full Council on 26 June 2019 to allow for additional information to be provided in relation to the location of the water tanks.

In response to Planning Committee's request the applicant has provided the following additional information:

**Location**

The applicant has confirmed that the Department of Fire and Emergency Services (DFES) require the water tanks and pump building to be located at the College entry currently located on Letchford Street.

The proposed location was selected and agreed to following extensive design and engineering investigations by a team of specialist Consultants, the applicant's Building Surveyor, and DFES.

In addition to the proposed location being the preferred location by DFES, relocating the water tanks and pump building to Marchant Road, is not considered feasible for the following reasons:

- There is no Water Corporation water main in Marchant Road on the western side of the College to service the water tanks and pump building;
- A hard stand area can be provided within the College site for emergency vehicles which does not obstruct the street;
- Steep banks exist along Marchant Road, therefore the sites levels are not considered suitable without extensive excavation, removal of vegetation and established trees, earthworks and the construction of retaining walls.

### **Design of the Water Tanks and Pump Building**

The applicant has advised that the water tanks cannot be lowered as the base of the tanks is required to be at the same level of the floor level of the pump building.

Excavation in this location may also damage the trees which are proposed to be retained to soften the view of tanks and pump building and other existing College assets and infrastructure.

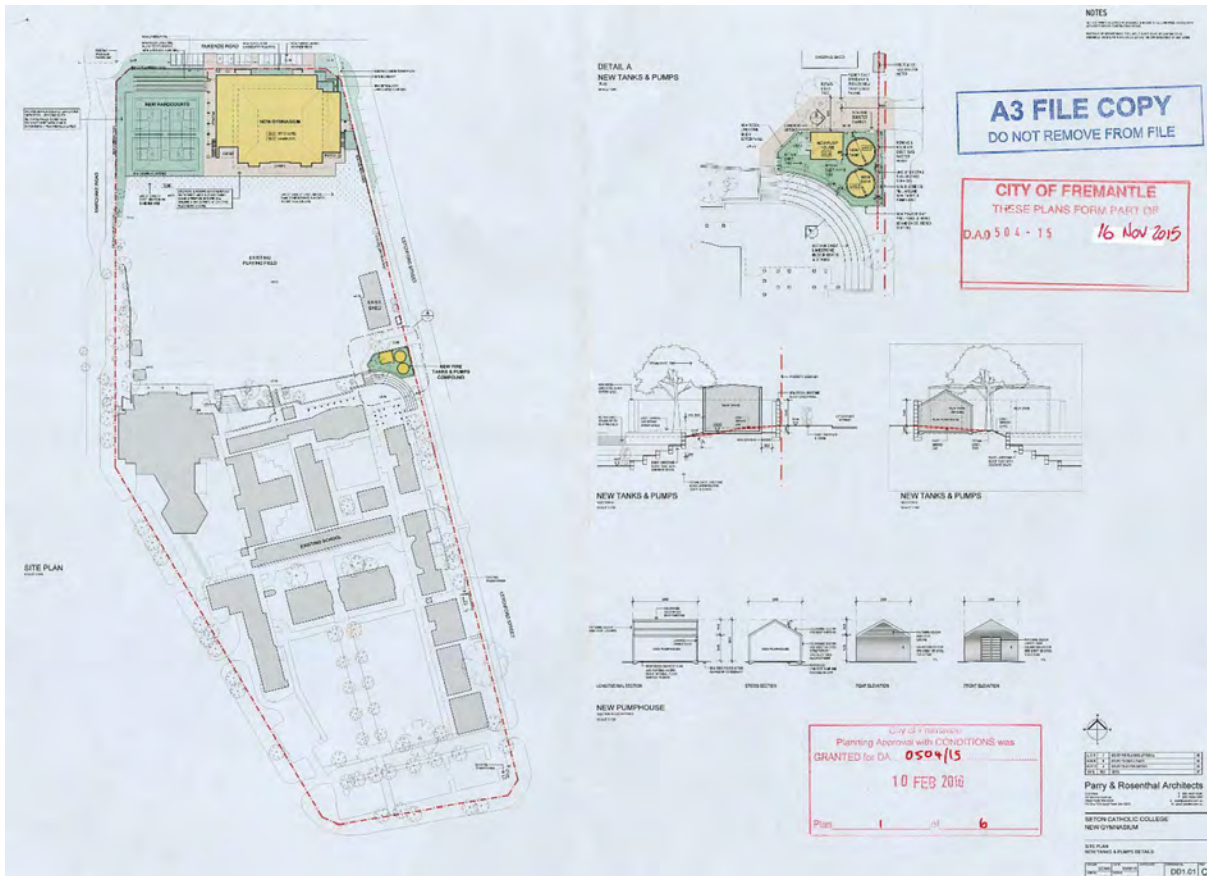
It is proposed to retain as much existing vegetation as possible and the proposed limestone screen wall is proposed to screen the equipment as much as possible from the street. The water tanks are proposed to be a dark Woodland Grey colour to help blend in with the surrounding vegetation and trees where they project above the proposed limestone wall (approximately 1.6m above the wall). It is noted that the original submission and officer's report stated that the colour will be Woodland Green, however this was an error and it has been confirmed that the colour finish is Woodland Grey. The Woodland Grey colour is an understated dark grey / green hue that has been selected by the applicant as it is reminiscent of the colour of a dark tuart tree.

The applicant has further advised that Seton Catholic College is committed to maintaining and enhancing the Letchford Street streetscape as demonstrated by its installation of reticulation and continued upkeep and maintenance of all Council owned verges surrounding the property.

The College accepts the condition to submit a Landscape Plan, which will provide additional landscaping in the setback between the limestone wall and the boundary (approximately 0.45m wide), the adjoining verge and in and around the equipment to assist in screening the wall and softening the view of the water tanks and pump building.

### **Existing Approval**

As noted in the Background section of this report, Planning Approval for a gymnasium and tennis courts addition was granted by the Planning Committee on 10 February 2016 (DA0504/15). This approval includes the construction of water tanks and a pump building, identical to equipment proposed as part of this application, in the same location on Letchford Street as illustrated below.



**Image 1:** Extract from DA0504/15 including the approved location and design of water tanks and pump building.

Although the applicant has advised that the College is not intending on constructing the gymnasium, the 2016 approval remains valid until February 2020 and could be acted on in part or full.

**Conclusion**

The additional information detailed above satisfactorily demonstrates that the proposed water tanks and pump building cannot be re-located to Merchant Road, being the only road that does not have frontage to residential dwellings. The proposed limestone wall, water tank colour finish and the requirement for additional landscaping is considered to screen and soften the view the of the equipment as much as possible from view of the street and adjoining residents, whilst satisfying the requirements of DFES. As such the proposal is recommended for conditional approval in accordance with the officer’s recommendation.

**COUNCIL DECISION ITEM PC1906-2**  
**(Officer recommendation)**

**Moved: Cr Bryn Jones**

**Seconded: Cr Doug Thompson**

**Planning committee acting under delegation 1.2:**

**APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, two storey administration building and alterations to the existing educational establishment at Seton Catholic College, No. 26 (Lot 218) Marchant Road, Samson, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 8 February 2019. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.**
- 3. The approved development shall be wholly located within the cadastral boundaries of No. 26 (Lot 218) Marchant Road, Samson including any footing details of the development.**
- 4. This development approval does not relate to any works within the road reserves of Letchford Street, Marchant Road, or McKenzie Street. Works within the road reserves require a separate approval from the City of Fremantle's Infrastructure Services.**
- 5. Prior to the issue of a building permit, the new buildings are to meet the requirements of SPP 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning, through the measures outlined in the Acoustic Assessment undertaken by Herring Storer Acoustics, dated April 2019, to the satisfaction of the City of Fremantle.**
- 6. Prior to the issue of a building permit, a landscaping plan is to be submitted and approved, demonstrating how the water tanks will be screened from view of the street to the satisfaction of the City of Fremantle. The approved landscaping is to be implemented prior to occupation of the development and maintained for the life of the development.**
- 7. Prior to the issue of a building permit, a Bushfire Management Plan shall be prepared and submitted to the satisfaction of the City of Fremantle on advice of the Department of Fire and Emergency Services.**

- 8. Prior to the issue of a building permit, a final Traffic and Parking Management Plan shall be submitted to the satisfaction of the City. The plan shall be prepared in consultation with the City's Traffic Engineers and shall demonstrate how car parking and vehicle access issues relating to student drop-off and pick-up, staff parking and bus movements is to be managed based on issues identified within the Parking and Transportation Management Study.**
- 9. Prior to the issue of a building permit but not a Demolition Permit, all works within the road reserve must receive separate approval from the City of Fremantle.**
- 10. Prior to occupation of the development hereby approved, all works within the road reserve, including landscaping and line marking and draining of vehicle bays, shall be carried out at the applicant's expense and to the specifications and satisfaction of the City of Fremantle.**
- 11. Prior to occupation of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.**
- 12. Prior to the issue of a Building Permit or Demolition Permit, a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:**
  - a) Use of City car parking bays for construction related activities;**
  - b) Protection of infrastructure and street trees within the road reserve;**
  - c) Security fencing around construction sites;**
  - d) Gantries;**
  - e) Access to site by construction vehicles;**
  - f) Contact details;**
  - g) Site offices;**
  - h) Noise - Construction work and deliveries;**
  - i) Sand drift and dust management;**
  - j) Waste management;**
  - k) Dewatering management plan;**
  - l) Traffic management; and**
  - m) Works affecting pedestrian areas.**

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

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

**ADVICE NOTES:**

- i. In regards to condition 8 and 9 the applicant is advised to liaise with the City's Infrastructure Services department via [ibs@fremantle.wa.gov.au](mailto:ibs@fremantle.wa.gov.au) or 9432 9999 for requirements and an application. The department has advised that the following proposed works are not supported:
- Closing/gating off Marchant Road
  - Provision of bus services along Letchford Street

- ii. In regards to the Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

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

- iii. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**PC1906-4 HIGH STREET, NO. 223 AND 225 (LOT 100 AND 475), FREMANTLE - PARTIAL CHANGE OF USE (PUBLIC CAR PARK) AND SIGNAGE - (TG DA0093/19)**

**Meeting Date:** 6 June 2019  
**Responsible Officer:** Manager Development Approvals  
**Decision Making Authority:** Committee  
**Attachments:**  
1: Development Plans  
2: Site Photos  
3: Applicant response to consultation submissions

## **SUMMARY**

Approval is sought for a partial change of use to public car park and associated signage at 223 and 225 High Street (Lots 100 and 475).

The proposal is referred to the Planning Committee (PC) due to comments being 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). These discretionary assessments include the following:

- Land use (Public Car Park)
- On site car parking (223 High Street)

The application is recommended for conditional approval.

## **PROPOSAL**

### **Detail**

Approval is sought for a partial change of use of existing car parks into a public carpark at 223 and 225 High Street. The works include:

- The use of all on site car parking bays on 223 High Street as a public car park,
- The use of the majority of onsite car parking bays on 225 High Street as a public car park (16 bays are proposed remain associated with the existing consulting rooms on site),
- Signage to both lots relating to the public car park use, and
- Installation of additional shade trees to landscaping strips at 225 High Street.

The site began operation as a public car park without a valid land use approval. Following contact from the City, existing signage was covered and the public car park land use ceased operation pending the resolution of the subject application.

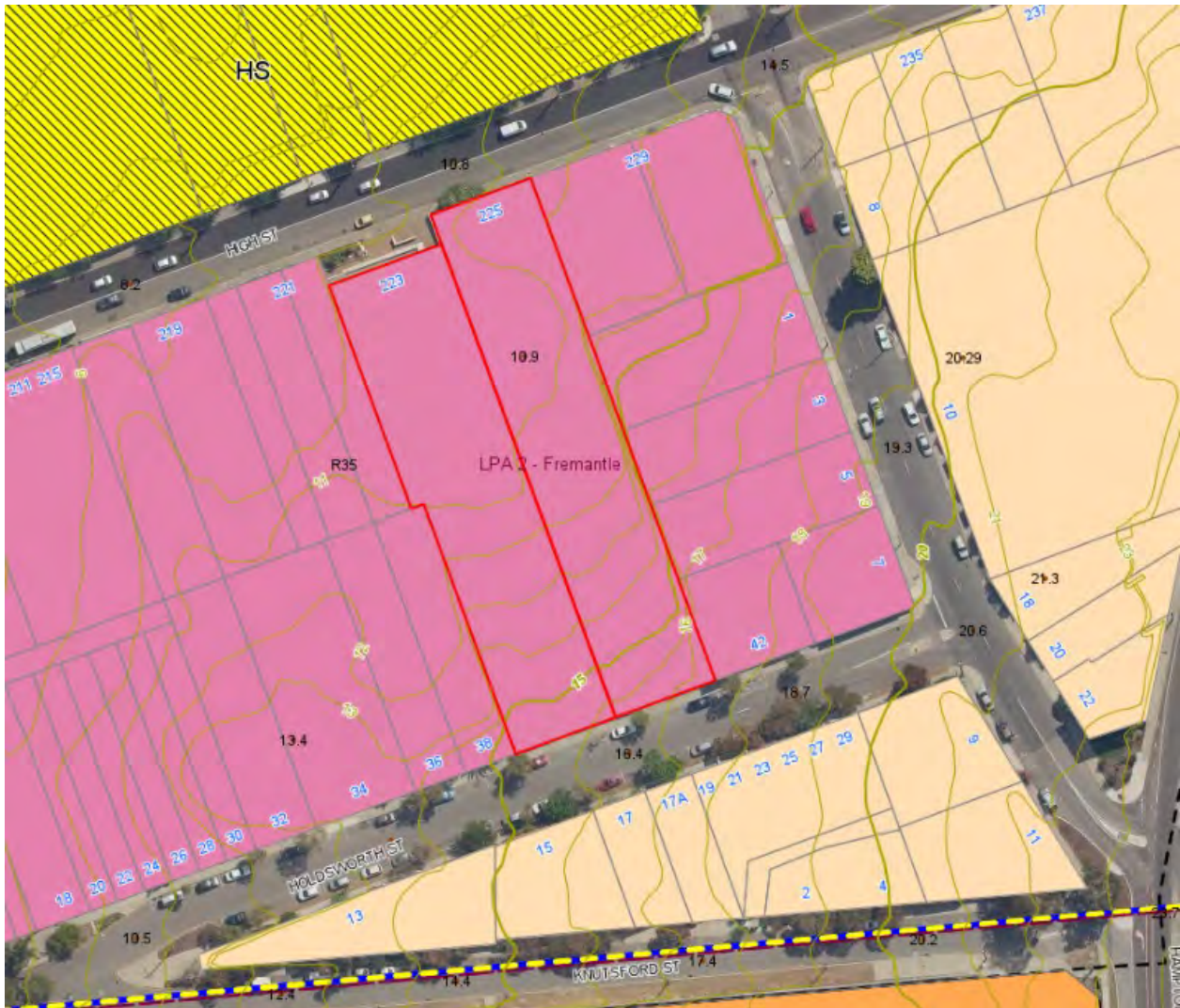
The applicant submitted amended plans on 17 May 2019 including the following:

- Additional detail with regard to vehicle manoeuvring, deleting onsite bays to accommodate turn around on both sites.
- Additional landscaping on the 225 High Street site in existing landscaping strips.
- Detail of the removal of one of the bollards separating the eye clinic carpark from the public car park at 225 High Street to permit exit from the site in forward gear should the eye clinic carpark be full.

Development plans are included as Attachment 1.

**Site/application information**

Date received: 14 March 2019  
Owner name: Baldrick Pty Ltd  
Submitted by: Element WA  
Scheme: Mixed Use R25  
Heritage listing: 223 High Street: WECA Heritage Area  
225 High Street: Level 2 – WECA Heritage Area  
Existing land use: 223 High Street: Office/Consulting Room  
225 High Street: Consulting Room  
Use class: Office/Consulting Room/ Public Carpark  
Use permissibility: P, P and A



## 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 comprised a land use which requires consultation in accordance with Local Planning Scheme No. 4. The advertising period concluded on 5 April 2019, and 11 submissions were received, 10 supporting the application and one objecting to the proposal. The following issues were raised in the objecting submission (summarised):

- The operation of a paid car park with an entrance from Holdsworth Street would encourage more traffic in the residential area,
- People parking may opt for free parking for 2 hours on the street rather than pay at a parking station, removing the availability of street parking for residents and visitors,
- It was requested that free parking passes for the subject site be made available to Holdsworth Street residents should the proposal be approved,
- The use of the site as a public car park detracts from the amenity of the area.
- Access to the public car park should be provided from High Street to reduce the impact of additional vehicle movements upon residential dwellings in Holdsworth Street.
- It was requested that some landscaping be provided to screen the site fencing facing Holdsworth Street.
- The operation of the premises as a public car park will result in underutilisation of other nearby facilities.
- A public car park is unnecessary as surrounding residences and businesses have adequate onsite parking.

In response to the above, the applicant submitted revised plans and submitted a response to the concerns raised (Attachment 3).

In response to the above, the following comments are provided by officers:

- The accommodation of the car parking at full capacity as a public carpark is consistent with its use by land uses on the subject site. While the offices in the building at 223 High Street are currently vacant and the pathology consulting room is a low intensity land use with regard to car parking, a business consistent with the approved land use could occupy the site resulting in maximum utilisation of the car parking facilities on site.
- The subject sites have approved compliant vehicle access from Holdsworth Street providing for the existing car parking bays. These bays could already be occupied at maximum capacity by the existing land uses on the subject sites.
- The parking bays on Holdsworth Street are managed by the City and are publicly available as two hour parking bays.
- The City is unable to statutorily require that landowners be provided with parking permits for the subject site.

- Only one of the subject sites (225 High Street) has compliant through access to High Street, the remaining site having access from Holdsworth Street only. As the subject sites are to remain separate, a potential outcome is that one site may be redeveloped while the other remains as existing. Accordingly predicating any approval of the subject use on access across the site boundary may result in a non-compliant car park arrangement in the future.
- The applicant has submitted amended plans showing the installation of additional shade trees to existing landscaping strips. It is a recommended condition of approval that additional detail be provided with regard to landscaping and that this landscaping be maintained for the life of the use.
- The subject area has been identified as an appropriate location for the establishment of new public parking facilities in accordance with the City's Integrated Transport Strategy.
- There are some sites within the City Centre which do not provide for sufficient car parking in accordance with Local Planning Scheme No. 4 or have no car parking on site. Accordingly the subject land use is considered to support these uses.

The remaining 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 Local Planning Scheme No. 4. Where a proposal does not meet these requirements, an assessment is made against the relevant discretionary criteria of the Scheme or policy. In this particular application the areas outlined below do not meet the policy or scheme provisions and require discretionary assessment:

- Land use (Public Car Park)
- On site car parking (223 High Street)

The above matters are discussed below.

### **Background**

The subject sites are located on the southern side of High Street and also take rear access from Holdsworth Street. The sites have a land area of approximately 2030m<sup>2</sup> (223 High Street) and 2034m<sup>2</sup> (225 High Street). Both sites accommodate existing commercial buildings including a vacant Office and Consulting Room tenancy at 223 High Street and a Consulting Room (eye clinic) tenancy at 225 High Street. The sites are zoned Mixed Use and have a density coding of R35. The existing building on 225 High Street is on the City's Heritage List as management category 2 and both sites are located in the WECA Heritage Area.

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

### **223 High Street**

- On 16 January 1989, the City granted planning approval to a change of use to 'Professional Office' (DA408/88A).
- On 19 November 1990, the City granted planning approval for a change of use to 'Pathology Laboratory' at the subject site (DA408/88B).
- On 16 September 1997, the City granted planning approval to 'Signage' (DA903-97)

- On 18 May 1999 the City granted planning approval for the 'Relocation of Coolroom' at the site (DA99-416).
- On 26 September 2013, the City approved additions and alterations to the existing building (DA0415/13).
- On 2 July 2017, the City approved additions and alterations (two storey) to the existing building (DA0298/17).

## **225 High**

- On 28 June 1999, the City granted approval to drain and seal the existing car park on site (DA338/99).

## **Land Use**

A Public Car Park is an 'A' use in the Mixed Use zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval and given special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. In considering an 'A' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

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

The proposed development is considered to address the above matters for the following reasons:

- The works component of the development comprises the installation of signage and a pay station to the subject sites only, accordingly the change to the effective land use on the subject sites is considered to be limited. The sites are currently occupied by private car parking and this is to be provided as public car parking.
- The subject site is located in an area identified in the City's *Integrated Transport Strategy 2015* as being an area preferred to accommodate public car parking to service the City Centre – that is, an area within walkable distance of, but outside, the city centre core area bounded by the Parry St/Norfolk St 'ring road'.
- The development is not considered to unduly impact the subject sites and locality with regard to environmental or social impacts.
- Having regard to the above considerations, it is considered appropriate to limit the period of approval for the operation of the public car park to five years from the date of approval. This limitation permits the review of the appropriateness of the land use in the context of the City's strategic planning objectives at this time.

**On site car parking**

Element	Requirement	Proposed	Extent of Variation
Car Parking	223 High Street Vacant ground floor office tenancy: 22 parking bays  Upper floor consulting room (pathology): 10 parking bays  Total: 32 parking bays	No dedicated parking on site (parking proposed to be provided in public car park).	32 bays
	225 High Street Consulting room: 5 bays	16 bays	Nil

The provision of onsite parking for the building at 223 High Street is considered to meet the discretionary criteria of Local Planning Scheme No. 4 in the following ways:

- Sufficient car parking remains available on the subject site for the use of employees working at the existing building on site.
- Sufficient public car parking is located in the immediate locality of the subject site to accommodate visitors to and employees of the premises.
- The site is well served by public transport services along High Street with a bus stop located across the road from the subject tenancy.

**CONCLUSION**

In accordance with the above considerations, aspects of the proposal which vary the statutory planning requirements are considered to appropriately address the relevant discretionary criteria of LPS4. The proposed change of use is considered to be acceptable in accordance with the objectives of the Mixed Use zone. Accordingly the proposal is recommended for approval, subject to conditions.

**STRATEGIC IMPLICATIONS**

Integrated Transport Strategy 2015

- Increase the number of car parking spaces outside the City Centre.

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

## OFFICER'S RECOMMENDATION

**Moved: Cr Bryn Jones**

**Seconded: Cr Adin Lang**

Planning committee acting under delegation 1.2:

APPROVE , under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the partial change of use to Public car park and signage at No. 223 and 225 (Lots 100 and 475) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 17 May 2019 and 14 March 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. Notwithstanding condition 1 above, no later than 5 June 2024 the public car park signage and associated infrastructure (pay station) shall be removed and the public car park use shall cease operating, to the satisfaction of the City of Fremantle.
3. Prior to commencement of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
4. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
5. Prior to the commencement of the land use hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
6. Prior to the commencement of the land use hereby approved, landscaping shall be completed in accordance with the approved plans required in condition 5 or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.

### Advice Note

- i) Further to condition 3, the applicant is advised that the bollards located in the carpark of 225 High Street require modification to permit through access across the site.

**AMENDMENT 1**

**Moved: Cr Dave Hume**

**Seconded: Cr Jenny Archibald**

**To add the following condition 7:**

- 7. Notwithstanding condition 1 above, 32 car parking bays on 223 High Street shall be marked and allocated for car parking for occupiers of the existing building, to the satisfaction of the City of Fremantle.**

**Amendment 1 carried: 6/0**

**Cr Sam Wainwright, Cr Jenny Archibald,  
Cr Bryn Jones, Cr Adin Lang, Cr Andrew Sullivan, Cr Dave Hume**

**AMENDMENT 2**

**Moved: Cr Adin Lang**

**Seconded: Cr Andrew Sullivan**

**To add the following conditions 8 & 9**

- 8. Notwithstanding condition 1, vehicle access and egress to Nos. 223 (Lot 100) and 225 (Lot 475) High Street, Fremantle is to be restricted to and from High Street only, with no access or egress to be provided via Holdsworth Street.**
- 9. Prior to the commencement of the use, Nos. 223 (Lot 100) and 225 (Lot 475) High Street are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle**

**Amendment 2 carried: 3/3**

**For  
Cr Bryn Jones, Cr Adin Lang, Cr Andrew Sullivan,  
Against  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

**Cr Bryn Jones used his casting vote FOR the Amendment resulting in it being CARRIED.**

**COMMITTEE RECOMMENDATION ITEM PC1906- 4**

Moved: Cr Bryn Jones

Seconded: Cr Adin Lang

Planning committee acting under delegation 1.2:

**APPROVE** , under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the partial change of use to Public car park and signage at No. 223 and 225 (Lots 100 and 475) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 17 May 2019 and 14 March 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. Notwithstanding condition 1 above, no later than 5 June 2024 the public car park signage and associated infrastructure (pay station) shall be removed and the public car park use shall cease operating, to the satisfaction of the City of Fremantle.
3. Prior to commencement of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
4. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
5. Prior to the commencement of the land use hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
6. Prior to the commencement of the land use hereby approved, landscaping shall be completed in accordance with the approved plans required in condition 5 or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.
7. *Notwithstanding condition 1 above, 32 car parking bays on 223 High Street shall be marked and allocated for car parking for occupiers of the existing building, to the satisfaction of the City of Fremantle.*

8. ***Notwithstanding condition 1, vehicle access and egress to Nos. 223 (Lot 100) and 225 (Lot 475) High Street, Fremantle is to be restricted to and from High Street only, with no access or egress to be provided via Holdsworth Street.***
  
9. ***Prior to the commencement of the use, Nos. 223 (Lot 100) and 225 (Lot 475) High Street are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle***

#### **Advice Note**

- i) **Further to condition 3, the applicant is advised that the bollards located in the carpark of 225 High Street require modification to permit through access across the site.**

**Carried: 6/0**

**Cr Sam Wainwright, Cr Jenny Archibald,  
Cr Bryn Jones, Cr Adin Lang, Cr Andrew Sullivan, Cr Dave Hume**

#### **ADDITIONAL OFFICER COMMENT**

At its meeting held on 5 June 2019, the Planning Committee referred the application to full Council on 26 June 2019 with a Committee Recommendation for approval subject to relevant conditions.

At the Planning Committee the following additional conditions were added to the Officer's recommendation:

7. ***Notwithstanding condition 1 above, 32 car parking bays on 223 High Street shall be marked and allocated for car parking for occupiers of the existing building, to the satisfaction of the City of Fremantle.***

Condition 7 was added to address the Committee's concern that no tenant parking was being retained on No. 223 High Street for the use of the existing Pathology tenancy and the vacant office tenancy. The number of bays (32) was determined in accordance with the car parking requirement under the Local Planning Scheme No. 4 (LPS4). The Condition results in five (5) car parking bays on No. 223 High Street being available for public parking.

8. ***Notwithstanding condition 1, vehicle access and egress to Nos. 223 (Lot 100) and 225 (Lot 475) High Street, Fremantle is to be restricted to and from High Street only, with no access or egress to be provided via Holdsworth Street.***

9. *Prior to the commencement of the use, Nos. 223 (Lot 100) and 225 (Lot 475) High Street are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle*

Conditions 8 and 9 were added to address the Committee's concern that there may be an increase in traffic and illegal parking in Holdsworth Street as a result of the public car park. As the lots are currently on separate titles and access is not able to be provided from High Street to No. 223 High Street, the lots will need to be amalgamated or an agreement entered into to ensure that vehicles can access all the proposed tenant and public car parking bays from the High Street crossover on No. 225 High Street.

In response to Committee's recommendation the applicant has submitted a revised plan dated 14 June 2019 and additional information for Council's consideration.

The revised plan includes the following amendments:

No. 223 High Street

- Proposed four (4) on site tenant car parking bays for the use of the currently occupied Pathology tenancy.
- Proposed 22 on site tenant car parking bays for the future use of the currently vacant Office tenancy.
- The interim use of the 22 car parking bays for public car parking until such a time that the Office tenancy is leased and occupied.
- Proposed 11 public car parking bays.
- A 2m wide landscaping strip along two-thirds of the Holdsworth Street frontage (either side of the existing crossover).

No. 225 High Street

- Proposed 16 on site tenant car parking bays for the use of the currently occupied Eye Clinic.
- Proposed 39 public car parking bays.
- Access and egress to the 55 on site bays being provided via the existing crossover on High Street with egress only permitted via the existing crossover on Holdsworth Street.
- A 2m wide landscaping strip along two-thirds of the Holdsworth Street frontage (either side of the existing crossover).

In support of the amendments the applicant has submitted the following justification:

### Access

*Whilst it is acknowledged that access to 225 High Street from High Street is current extant it is not preferable to provide access and egress for both sites from this access point for the following reasons:*

- *It is consistent with orderly and proper planning to limit vehicle access from higher order streets where access to a secondary street is available. This is consideration of reducing obstructions to traffic flow and safety.*
- *The two sites are owned by two separate landowners but share one common owner.*
- *The landowners do not wish to constrain either of the sites by restricting access to one point only.*
- *The vehicular crossovers to Holdsworth Street are extant and commercial vehicular access has historically been obtained from both lots. Thus, vehicular movements associated with the use of the land to and from Holdsworth Street have historically occurred.*

Notwithstanding the above, the applicant proposes to amend the proposal to limit access to No. 225 High Street from High Street only with egress from the site being via High Street or Holdsworth Street only. This amendment is proposed to assist in reducing vehicle traffic in Holdsworth Street without constraining the site.

Officers support the proposed amendment to the vehicle movement to and from the subject sites for the following reasons:

- Restricting all vehicle movements through one entry/exit point from High Street on No. 225 High Street is not desirable as the existing crossover and driveway is narrow and High Street experiences a high volume of traffic, specifically during morning and evening peak periods.
- On street car parking bays in Holdsworth Street are 2 hour time restricted between 9am to 5pm daily, and fee paying for the bays closest to Parry Street. It is also noted that the existing terrace dwellings, located immediately south of the site have historic exclusive use a number of on street bays located on the southern side of Holdsworth Street. Long stay users of the proposed public car parking cannot legally park in Holdsworth Street beyond the current restrictions. It is not expected to increase any illegal use of the bays.

On the basis of the above, Officers recommend that Conditions 8 and 9 of the Committee's recommendation be deleted and a new condition be added as follows:

- x. *Notwithstanding condition 1, no vehicle access is permitted to No. 225 (Lot 475) High Street, Fremantle from Holdsworth Street. The existing entry/exit point on Holdsworth Street is to be modified to facilitate egress only, to the satisfaction of the City of Fremantle.*

### Tenant parking

The applicant has advised that the Pathology tenant does not have any clients attending the site, as it is used as a centralized clinical research laboratory. The pathology use has been in place since the late 1980's and currently leases the upper floor of the building. As such, the applicant has advised that the actual demand for on site car parking for this tenant is four (4) bays. It is proposed to provide four (4) for the use of the Pathology tenancy.

The remainder of the existing building is a vacant office tenancy of approximately 650m<sup>2</sup>. The tenancy has been vacant for some time and as such does not result in any current parking demand.

It is noted that the existing tenancy can be occupied by an Office tenant without the need for further Planning Approval. It is understood the Committee raised a concern in regard to the need for on site tenant parking should the office tenancy be occupied during the term of this approval. Rather than provide the bays whilst the tenancy is vacant, it is proposed to operate these bays as public car parking bays until such a time the tenancy is occupied. On occupation, it is proposed to provide 22 bays for the office tenancy, consistent with the minimum requirements of LPS4.

Officers support the proposed amendment to provide four (4) bays for the use of Pathology tenancy and the interim use of any future tenant car parking bays for the office for public parking subject to the applicant/owner providing the minimum number of bays required under the LPS4 for an 'Office', being 22 bays, on occupation of the tenancy.

As such, Officers recommend that Condition 4 of the Committee's recommendation be deleted and the following new conditions be added:

- x. *Notwithstanding condition 1, four (4) car parking bays are to be provided on No. 223 High Street for the exclusive use of tenants/customers of the upper floor tenancy (Pathology), to the satisfaction of the City of Fremantle.*
- x. *Notwithstanding condition 1, should the existing office tenancy on No. 223 High Street be leased and occupied, prior to occupation of the tenancy 22 of the public car parking bays on No. 223 High Street are to be provided for the exclusive use of the office tenant(s) and their customers, to the satisfaction of the City of Fremantle. The applicant/owner is to notify the City in writing of the leasing of the tenancy 30 days prior to occupation.*

It is noted that should the vacant Office tenancy be occupied by a tenant that does not require 22 car parking bays, or a change of use from Office to another commercial use is proposed the applicant/owner would be required to lodge a new application for Planning Approval in which the provision of tenant parking will be assessed against the provisions of LPS4.

### Landscaping

In response to the Committee's concerns in regard to the visual appearance of the parking area as viewed from Holdsworth Street, the applicant has advised that although the appearance of the site will not change from the existing appearance, the applicant proposes to increase the landscaping and provide an additional 2m wide strip of landscaping along the Holdsworth Street frontage, either side of the existing crossovers.

Officers support the additional provision of landscaping along the Holdsworth Street frontage of both sites to help soften the view of the car park from the street. The Committee's recommendation includes a condition requiring the submission of a detailed landscaping and reticulation plan to be submitted and approved by the City prior to commencing the use of the site for a public car park.

### **Conclusion**

Having regard for the above, it is considered that the proposed amendments, including the revised access and egress arrangements, the provision of current and future tenant parking on No. 223 High Street and the addition of landscaping along the Holdsworth Street frontage, address the concerns of the Committee. As such, Officers provide the following amended recommendation:

### **AMENDED OFFICERS RECOMMENDATION**

**Moved: Cr Bryn Jones**

**Seconded: Cr Doug Thompson**

APPROVE , under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the partial change of use to Public car park and signage at No. 223 and 225 (Lots 100 and 475) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plan, dated 14 June 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. Notwithstanding condition 1 above, the public car park signage and associated infrastructure (pay station) shall be removed and the public car park use shall cease operating five (5) years from the date of commencement, to the satisfaction of the City of Fremantle.
3. Prior to commencement of the development hereby approved, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 4.7.1(a) of the City of Fremantle Local Planning Scheme No.4, to the satisfaction of the City of Fremantle.
4. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
5. Prior to the commencement of the land use hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.

6. Prior to the commencement of the land use hereby approved, landscaping shall be completed in accordance with the approved plans required in condition 5 or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.
7. Notwithstanding condition 1, no vehicle access is permitted to No. 225 (Lot 475) High Street, Fremantle from Holdsworth Street. The existing entry/exit point on Holdsworth Street is to be modified to facilitate egress only, to the satisfaction of the City of Fremantle.
8. Notwithstanding condition 1, four (4) car parking bays are to be provided on No. 223 High Street for the exclusive use of tenants/customers of the upper floor tenancy (Pathology), to the satisfaction of the City of Fremantle.
9. Notwithstanding condition 1, should the existing office tenancy on No. 223 High Street be leased and occupied, prior to occupation of the tenancy 22 of the public car parking bays on No. 223 High Street are to be provided for the exclusive use of the office tenant(s) and their customers, to the satisfaction of the City of Fremantle. The applicant/owner is to notify the City in writing of the leasing of the tenancy 30 days prior to occupation.

Advice Note

- i) Further to condition 3, the applicant is advised that the bollards located in the carpark of 225 High Street require modification to permit through access across the site.

**PROCEDURAL MOTION**

**At 6.57 pm the following procedural motion was moved:**

**COUNCIL DECISION ITEM PC1906-4**

**Moved: Cr Adin Lang**

**Seconded: Cr Jeff McDonald**

**The item be deferred for a decision to the next appropriate Planning Committee to allow the Committee to consider a suggestion to impose to a condition to restrict vehicle entry to both No. 223 and 225 High Street from No. 225 High Street only, with exit only permitted into Holdsworth Street from either site.**

**Carried: 10/2**

**For**

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

**Against**

**Cr Jon Strachan, Cr Dave Hume**

## 11.2 FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE 12 JUNE 2019

Mayor, Brad Pettitt invited Aboriginal Elders, Mingali McGlade and Ben Taylor to make a presentation to the meeting in relation to the adoption of the Walyalup Reconciliation Action Plan.

Cr Bryn Jones vacated the chamber at 7.11 pm and returned at 7.12 pm.

### FPOL1906-2 WALYALUP RECONCILIATION ACTION PLAN 2019 - 2022

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Community Development  
**Decision Making Authority:** Committee  
**Agenda Attachments:** 1. Walyalup Reconciliation Action Plan 2019-2022  
2. City of Fremantle Community Engagement Report

#### SUMMARY

The purpose of this report is to adopt the City's Walyalup Reconciliation Action Plan (WRAP) 2019 – 2022. The report has been prepared to outline the process and approach taken by the City with the support of the Reconciliation Working Group.

The City is building on nearly twenty years of initiatives to strengthen its relationships with the Aboriginal community and seeks to establish an ongoing dialogue with the Aboriginal community through the development of the City's WRAP.

The City's WRAP details our commitment to improving relationships, respect and opportunities within the City to contribute to reconciliation in Australia.

This report recommends that Council endorse the WRAP and forwards it to Reconciliation Australia for final endorsement.

#### BACKGROUND

The Reconciliation Action Plan (RAP) program was launched in 2006 during the 40<sup>th</sup> anniversary of the 1967 referendum. All RAP's are developed with the support of Reconciliation Australia and include actions, timelines and deliverables based around three pillars of relationships, respect and opportunities.

The City identified the need to develop a RAP to provide a framework that recognises Aboriginal culture within the City and to continue building strong relationships with the Aboriginal community.

The City has a long standing commitment in fostering relationships with Aboriginal people dating back to the formative *Policy for respect, recognition and conciliation* with Aboriginal people that was endorsed by Council in 2000. The Policy is now considered outdated and lengthy, with many of the 129 strategies and actions considered to be outside the reach or core business of local government.

An *Aboriginal Engagement Plan* was developed and endorsed by Council in 2015 to assist the City to improve relations with the Aboriginal community and is underpinned by a key principle of establishing two separate dialogues, one for community matters and another for land and heritage matters.

The Aboriginal community have indicated the importance they place on the City developing a RAP. This is not a deviation of the work that is being done through the Aboriginal Engagement Plan as it will complement that plan. The WRAP will gather all of the initiatives in a reporting framework and place a focus on the City making a whole of organisation commitment to reconciliation.

In recent years the City has achieved a number of initiatives such as the establishment of the Walyalup Aboriginal Cultural Centre, the development of the Statements of Significance recognising the historical relationship of the Whadjuk people in the Fremantle Walyalup area, along with the acknowledgement and recognition of the traditional owners. Other initiatives include events such as the Wardanji Festival, Revealed and more recently the One Day event and Smoking Ceremony that commenced in 2017. In the 2016 Census, 454 of the 28,893 residents (1.6%) counted in Fremantle said that they had Aboriginal or Torres Strait Islander origins, or both. Of these, 94% were Aboriginal.

The City's commitment is already being demonstrated as the result of listening to the community, building connections and taking action. The target of 4% employment identified through the community consultation for the City of Fremantle has already been exceeded. Along with the most recent cohort of Aboriginal trainees, an Aboriginal employment rate of 4.5% has been reached.

## **FINANCIAL IMPLICATIONS**

The WRAP's 19 actions and 99 deliverables are currently being scoped and will be incorporated into usual budget processes for future financial years.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

The WRAP (attached) was developed through community consultation starting in November 2017 with Traditional Owners nomination of two delegates to sit on the RAP working group and represent the Whadjuk people.

In March 2018 the City engaged Kambarang Services, Danny Ford, Rose Walley and Tim Muirhead to work with City staff to facilitate culturally appropriate conversations with the Aboriginal community and key stakeholders through a series of workshops and meetings.

In September 2018 the City held a powerful and engaging community meeting, attended by over 100 committed people including Aboriginal people and key stakeholders, as well as the Mayor, Elected Members and City staff. This meeting generated organic and grass roots discussion around people, spirit and place in Fremantle and was summarised into a practical plan for Reconciliation. At the meeting nominations for membership to the Working Group were accepted. This working group is diverse and consists of traditional owners (Whadjuk people), Aboriginal people both young and older, non-Aboriginal external people, Elected Members and City staff.

The WRAP was then endorsed by the Working Group in April 2019 where over 50 committed people attended the meeting who also signed the Statement of Commitment to Reconciliation. It was at this meeting that the Working Group requested that the reconciliation action plan be referred to as the Walyalup Reconciliation Action Plan (WRAP).

During the month of May 2019 the plan was made available to the wider community, who were asked to provide their comments on how our community and individuals can help on our path to reconciliation. Electronic feedback was taken through the City's My Say portal along with hard copies available at the City's library, Wanjoo Lounge and Meeting Place in South Fremantle. The City of Fremantle Walyalup Community Engagement Report summarises the findings (attached).

There were 777 visitors to the My Say Freo project page, the majority over the 21 and 22 May 2019 period during high media exposure.

172 people downloaded the draft RAP document from My Say Freo and over 100 hard copies were distributed to community members. Several people made enquiries at the WACC and Wanjoo Lounge and elected to complete the survey online.

There were 45 responses in total, 42 online and 3 hard copies.

In summary:

- 45 responses were received.
- Two thirds of respondents feel the 15 actions in the draft RAP align with the City of Fremantle's vision for reconciliation.
- The community felt they can work towards reconciliation by involvement in education and events (with a focus on truth telling), Aboriginal involvement in decision-making, implementation of the RAP and a focus on youth and children.
- Individuals identified a range of actions they are or will take to build respect, relationships and opportunities. The most common were actively spending time together, being kind and fair and having respect, or attending arts and culture events, reading plaques or championing the RAP. A number of people also felt they did not need to take any individual action.

Listed below are the community questions from the wider consultation:

- How well do you believe the actions in the draft Reconciliation Action Plan align within City of Fremantle vision for reconciliation?
- How do you think the community can work towards greater reconciliation?
- How can you help build respect, relationships and opportunities on our path to reconciliation?

## OFFICER COMMENT

The City is developing a WRAP for many reasons but primarily to engage better with Aboriginal people and the general community to advance values of inclusiveness and equality. It's been almost 20 years since council committed to developing a *Policy on Conciliation, Respect and Recognition* and 3 years on from an *Aboriginal Engagement Plan*. A key learning from this is that maintaining relationships with Aboriginal people is like an investment with the more invested the better the return. This WRAP will add to this work and form an overarching framework for what is occurring now and to update and measure future deliverables.

Reconciliation Australia determines four types of RAP's – Reflect, Innovate, Stretch and Elevate. Reflect is for organisations that are new to the reconciliation journey; Innovate is for organisations that are trialling different approaches to reconciliation and are testing where their resources are best invested; Stretch is for organisations that are setting measurable outcome targets for their activities, and Elevate is for organisations that are considered leaders in reconciliation, have a wealth of experience and knowledge, and can assist Reconciliation Australia and other organisations. In consultation with Reconciliation Australia it was determined the most appropriate RAP type for the City would be the Stretch RAP which was named by the City's RAP Working Group as the Walyalup Reconciliation Action Plan (WRAP).

The purpose of the City's WRAP, specifically a Stretch RAP, is to raise awareness and support through the development of solid foundations, governance models and future commitments that promote sustainable opportunities in areas such as employment, economic development and procurement all the while celebrating and recognising Aboriginal culture.

The City's Stretch WRAP sets out the actions and deliverables required to prepare the City for reconciliation in successive RAPs. The first community forum in September 2018 was well attended with over 100 people who provided input to 15 actions and 74 deliverable outcomes. Media coverage attracted significant interest in the City's WRAP and in particular the dual naming opportunities identified in the plan. Feedback was sourced from the wider community along with some mandated requirements from Reconciliation Australia, bringing the total of 19 actions and 99 deliverable outcomes over the next three years.

The high number of people accessing the WRAP document along with the robust conversations resulting on social media and throughout the community could be seen as an indication for overwhelming support, in addition to the proportionally low number of raised concerns.

The WRAP will be a whole of organisation approach, guided and championed by the Walyalup Reconciliation Reference Group. The plan will be reviewed every 12 months in alignment with the financial year. The plan will be reviewed with Reconciliation Australia after two years. Reports will be provided annually to Reconciliation Australia, and annually in the City's Annual Report.

The City's vision for reconciliation is to create an inclusive, caring community where Aboriginal people experience the same life outcomes as other Australians, and where their special place in our nation and our City is recognised. We want a community and an organisation in which Aboriginal people are acknowledged, listened to and understood; a community and organisation that respect and tell the truth about history, and where healing and growth is nurtured by all of us. Ultimately, we want this to be a shared vision for Fremantle, where the City embraces culture and heritage, and where Aboriginal people are part of making decisions and improvements for community wellbeing.

The City recognises the importance of meaningful engagement, mutual respect, creating trust and utilising culturally appropriate practices and protocols to truly understand its local communities. The City has a strong commitment to working collaboratively with the Aboriginal community.

The resulting document captures this vision and demonstrates the City's commitment to help increase respect, foster relationships and develop opportunities for Aboriginal people in 19 actions and 99 deliverables.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

Council:

1. Adopt the City of Fremantle Walyalup Reconciliation Action Plan 2019 - 2022 and note that the Plan will be subject to further formatting and styling as determined by the Chief Executive Officer, prior to publication.
2. Note the City of Fremantle Walyalup Community Engagement Report, as provided in Attachment 2 of this item in the Finance, Operations and Legislation Committee Agenda (12 June 2019).
3. Forward the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022 to Reconciliation Australia for final endorsement.

## **AMENDMENT 1**

**Moved: Cr Rachel Pemberton**

**Seconded: Mayor, Brad Pettitt**

**To amend the Walyalup Reconciliation Action Plan 2019-2022, as follows;**

1. **Amend part 3.1 to bring forward the conversation and investigation into a treaty to March 2020 (not 2022).**

<b>3: Explore viability of a local 'Treaty' or equivalent.</b>	3.1 Consider, with Walyalup Reconciliation Reference Group and other key Elders and leaders, the potential benefits and risks of a local treaty, or equivalent agreement.	<del>March 2022</del> 2020	Director City Business
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2. Amend part 4.2 to host 'cross cultural partnership' training more than once in 2021, perhaps annually.

	4.2 Host 'cross-cultural partnership' training, building the capacity of Fremantle's community and business leaders to develop genuine partnership with Aboriginal and Torres Strait Islander people, and take constructive approaches to cross-cultural tensions, build trust between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander people.	<del>April 2021</del> April 2020/2021 /2022	Manager Community Development
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3. Amend part 12 to add an additional part 12.7 to offer cross-cultural awareness training to people outside the Council, to our community, perhaps through the Curious / WACC program. It would mean adding elements of point 9.2 to point 12, as follows;

<b>12: Generate, in the community, interest in, understanding and respect for Whadjuk and Aboriginal and Torres Strait Islander culture, historic experiences and perspectives.</b>	<p><b>12.7 Commit to offering cross-cultural awareness training to the broader community. This should include (in addition to information about history and culture):</b></p> <ul style="list-style-type: none"> <li>• <b>Clarity about contemporary dynamics (including impacts of dispossession).</b></li> <li>• <b>Keys to developing genuine partnership today.</b></li> <li>• <b>Importance of present day protocols (including Welcome to Country and Acknowledgement).</b></li> <li>• <b>Dynamics and impacts of racism and ethnocentricity.</b></li> </ul>	2020/2021 /2022	<b>Director Community Development</b>
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**Amendment carried: 7/0**

Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan

**AMENDMENT 2**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

To amend the Walyalup Reconciliation Action Plan 2019-2022, as follows;

1. Amend part 5 to add additional deliverables as point 5.6, 5.7, 5.8 and 5.9, as follows;

5: Promote reconciliation through our sphere of influence	<i>5.6 Attend multiple external events, creating an opportunity to engage with and support other RAP organisations in their journey.</i>	May 2019/20/21/22 July 2019/20/21/22	Manager Community Development
	<i>5.7 Engage and promote the WRAP to the wider community through the City's New Resident Welcome Pack, City Publications, Newsbytes and Social Media channels.</i>	July 2019/20/21/22	Manager Community Development
	<i>5.8 Encourage schools and early learning centres in our local area to develop a RAP through the Reconciliation Australia Narragunnawali program.</i>	September 2019	Manager Community Development
	<i>5.9 Promote Narragunnawali; Reconciliation in Education to neighbouring schools.</i>	September 2019	Manager Community Development

2. Amend part 6 to expand on the deliverables 6.1, 6.3 and 6.5, as follows;

6: Celebrate National Reconciliation Week (NRW) to strengthen and maintain relationships between Aboriginal and Torres Strait Islander staff and other staff	6.1 Continue to encourage attendance of staff (and remove any barriers) to attend NRW events that draw Aboriginal and Torres Strait Islander people, or focus on related issues. Attending external NRW events in the local area is a great way to meet and establish relationships with Aboriginal and Torres Strait Islander people.	May 2020/2021/2022	Manager Community Development
	6.3 WRAP Reference Group members to participate in <b>at least several one</b> external NRW events. <i>This is an opportunity to engage with and support other RAP organisations in their reconciliation journey.</i>	May 2019/2020/2021/2022	Manager Community Development

	6.5 Organise at least two internal events, including at least one <b>organisation</b> <i>community</i> -wide NRW event, each year <i>to encourage with and support other RAP organisations in their reconciliation journey.</i>	May 2019/2020 /2021/2022	Manager Community Development
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**3. Amend part 7 by moving deliverables 7.1, 7.2, 7.3 and 7.4 from section 7 Under Relationships to the Respect Section.**

<b>7: Engage with Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week. <u>Move these 4 deliverables (7.1 to 7.4) from Relationships to Respect section</u></b>	7.1 WRAP Reference Group to participate in an external NAIDOC Week event. <i>Focus is about celebration of Aboriginal and Torres Strait Islander cultures and achievements, generating pride in First Nation Cultures.</i>	July 2019/2020 /2021/2022	Manager Community Development
	7.2 Review City's Policies and procedures to remove barriers to staff participating in NAIDOC Week.	July 2019/2020 /2021/2022	Manager Community Development
	7.3 Support all staff to participate in at least one NAIDOC Week event in our local area.	July 2019/2020 /2021/2022	Manager Community Development
	7.4 In consultation with Aboriginal and Torres Strait islander stakeholders support at least one external NAIDOC Week event each year.	July 2019/2020 /2021/2022	Manager Community Development

**4. Amend part 8 by adding two deliverables 8.3 and 8.4 as follows:**

<b>8: Promote positive race relations through anti-discrimination strategies</b>	<i>8.3 Continuously review HR Policies and Procedures concerned with anti-discrimination, currently referred to as the "Equal Employment Opportunity Anti-Discrimination and Bullying in the work place" Policy</i>	<i>March 2019/2021</i>	<i>Director People &amp; Culture</i>
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	<b>8.4 Engage with Aboriginal and Torres Strait staff and/or the Reconciliation Aboriginal Reference Group members to continuously improve our Equal Employment Opportunity Anti-Discrimination and Bullying in the work place” Policy</b>	<b>March 2021</b>	<b>Director People &amp; Culture</b>
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**5. Amend part 13 by expanding on deliverable 13.10, as follows;**

<b>13: Encourage (and publicise) events that foster connection and respect between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander people.</b>	13.10 Identify other key Aboriginal and Torres Strait Islander events (eg Aboriginal and Torres Strait Islander Children’s Day) and encourage activity in the Fremantle region, <b>through the Lifelong Learning Program, It’s All About Play program.</b>	August 2019/2020 /2021/2022	Coordinator Lifelong Learning – Buster Program
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**6. Amend part 15 by expanding on deliverable 15.2, as follows;**

<b>15: Increase procurement of Aboriginal and Torres Strait Islander services.</b>	<p>15.2 Develop and implement an Aboriginal and Torres Strait Islander procurement strategy.</p> <ul style="list-style-type: none"> <li>• Develop and communicate opportunities for procurement of goods and services from Aboriginal and Torres Strait Islander businesses <b>and staff, that could include the values of this initiative to the City and Aboriginal businesses. How staff can access preferred supplier list and undertake an equitable tendering process.</b></li> <li>• Review and update procurement practices to remove barriers in procuring goods and services from Aboriginal and Torres Strait Islander businesses.</li> <li>• Maintain commercial relationships with at least two Aboriginal and/or Torres Strait Islander businesses.</li> </ul>	September 2020/2021 /2022	Director City Business
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**Amendment carried: 7/0**

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

**Reason for change:**

Following the distribution of the agenda, Reconciliation Australia provided feedback on the Walyalup Reconciliation Action Plan 2019-2022 and the plan has been amended in accordance with the feedback received.

**COMMITTEE RECOMMENDATION ITEM FPOL1906-2**  
**(Officer's recommendation, as amended)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

Council:

1. Adopt the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022, as amended and provided in Attachment 1 of the Finance, Operations and Legislation Committee Minutes (12 June 2019) and note that the Plan will be subject to further formatting and styling as determined by the Chief Executive Officer, prior to publication.
2. Note the City of Fremantle Walyalup Community Engagement Report, as provided in Attachment 2 of this item in the Finance, Operations and Legislation Committee Agenda (12 June 2019).
3. Forward the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022 to Reconciliation Australia for final endorsement.

**Carried: 7/0**

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

**ADDITIONAL OFFICER COMMENT**

Following the Finance Policy Operations and Legislation committee meeting held on 12 June 2019, officers were advised by Reconciliation Australia that they may take up to three weeks to review the plan for endorsement. Since then Reconciliation Australia have provided initial feedback on the Plan, but may still provide further recommendations over the next few weeks. It is anticipated that further changes may be received before the Council meeting, therefore officers will provide an updated Plan and recommendation in the Additional Documents (to be distributed on Tuesday, 25 June 2019) for consideration at the meeting.

Officers are not anticipating any major changes to the Plan from Reconciliation Australia, however if changes recommended after adoption are considered significant, the plan will be brought back to council for further consideration.

**ALTERNATIVE OFFICER’S RECOMMENDATION**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

1. Adopt the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022, as amended, and ~~provided in Attachment 1 of the Finance, Operations and Legislation Committee Minutes (12 June 2019)~~ note that the Plan will be subject to further formatting and styling as determined by the Chief Executive Officer, prior to publication.
2. Note the City of Fremantle Walyalup Community Engagement Report, as provided in Attachment 2 of this item in the Finance, Operations and Legislation Committee Agenda (12 June 2019).
3. Forward the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022 to Reconciliation Australia for final endorsement.

**AMENDMENT**

**Moved: Cr Sam Wainwright**

**Seconded: Mayor, Brad Pettitt**

**To insert the following action under heading 11 in the Walyalup Reconciliation Action Plan 2019-2022:**

<p><b>11: Support a detailed feasibility study into an excellent Aboriginal and Torres Strait Islander Cultural Centre</b></p>	<p><b>11.3 If co-funding for a new Aboriginal Cultural Centre at Manjaree/Arthurs Head is not secured in the short term, with the 2021 commitments made during the state election and its outcome being an important indicator, the City will propose alternative interim configurations for an expanded Walyalup Aboriginal Cultural Centre that can fulfil some of the functions proposed for the new centre as described in the Visioning Report.</b></p>	<p><b>October 2020</b></p>	<p><b>Director Community Development</b></p>
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**Amendment carried: 12/0**

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

**COUNCIL DECISION FPOL1906-2**  
**(Alternative officer's recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

- 1. Adopt the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022, as amended, and note that the Plan will be subject to further formatting and styling as determined by the Chief Executive Officer, prior to publication.**
- 2. Note the City of Fremantle Walyalup Community Engagement Report, as provided in Attachment 2 of this item in the Finance, Operations and Legislation Committee Agenda (12 June 2019).**
- 3. Forward the City of Fremantle Walyalup Reconciliation Action Plan 2019 – 2022 to Reconciliation Australia for final endorsement.**

**Carried: 12/0**

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

## 12. REPORTS AND RECOMMENDATIONS FROM OFFICERS

### C1906-1 SHOWCASING FREMANTLE, BILINGUAL CHILDREN'S BOOK SPONSORSHIP

Meeting Date:	Council
Responsible Officer:	Manager Governance
Decision Making Authority:	Council
Agenda Attachments:	Nil

#### SUMMARY

The City has been approached by Italian primary school teachers requesting support to achieve their goal of publishing a bilingual children's book showcasing the City of Fremantle.

This report recommends that Council:

1. approve a donation of \$1000 for the publication of the bilingual children's book "Arriva La Befana" and
2. agree to provide the following support following publication of the book:
  - a. promotion of the book through the City's social media channels; and
  - b. provision of opportunities for reading events through the City's community services programs.

#### BACKGROUND

Daniele Foti-Cuzzola and Daniela Pruiti Ciarello have recently approached the City with a request for support in the production of a bilingual children's book. The book is to be set in, and will showcase Fremantle.

The book is intended to explore immigration and the continuation and sharing of cultural practises with new friends, from a child's point of view. Daniele provided the following mission statement:

*"Our Mission:*

*Through our combined experiences of working as Italian primary school teachers, we found there were no children's books that focused specifically on the Italo-Australian experience. In addition to wanting to create a story that was specific to the Italo-Australian experience, we also wanted to create a story that Australian children, who have no knowledge of the Italian language and culture, would be able to engage with and relate to. While the books main purpose is to be used as an educational tool for both Italian and English students, we also want to highlight and celebrate the city of Fremantle and its role in shaping Western Australia's multicultural landscape. While there are many stories set in other "Little Italy's" around the world such as New Jersey, Leichhardt Street and Carlton, there are few that showcase Fremantle and its central role in many Italo-Australian stories."*

It is intended that in addition to a donation of \$1000 to assist with the publication of this bilingual children's book that other non-monetary support will also be provided. This additional support will be in the form of promotion through the City's social media channels and 'book reading' events through the City's community services children's programs.

### **FINANCIAL IMPLICATIONS**

Funding will be taken from the 2018/2019 International Relations budget allocation.

### **LEGAL IMPLICATIONS**

Nil.

### **CONSULTATION**

Nil.

### **OFFICER COMMENT**

Given the nature of this request, its alignment with the City's established position of support and promotion of events and occasions intended to support/benefit the City's large Italian community, it is considered appropriate on this occasion to donate an amount above that allowed through policy provision. Therefore this request requires Council approval.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

### **OFFICER'S RECOMMENDATION**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

### **Council:**

1. Approve a donation of \$1000 for the publication of the bilingual children's book "Arriva La Befana" and
2. Agree to provide the following support following publication of the book:
  - a. promotion of the book through the City's social media channels; and
  - b. provision of opportunities for reading events through the City's community services programs.

**AMENDMENT**

**Moved: Cr Rachel Pemberton**

**Seconded: Cr Jenny Archibald**

To amend part 1 of the recommendation to change the word donation to sponsorship, as shown in red and green below:

1. Approve a **donation** **sponsorship** of \$1000 for the publication of the bilingual children's book "Arriva La Befana" and

**Amendment carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**COUNCIL DECISION ITEM C1906-1**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

1. Approve a *sponsorship* of \$1000 for the publication of the bilingual children's book "Arriva La Befana" and
2. Agree to provide the following support following publication of the book:
  - a. promotion of the book through the City's social media channels; and
  - b. provision of opportunities for reading events through the City's community services programs.

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

## 11. REPORTS AND RECOMMENDATIONS FROM COMMITTEES

### 11.3 STRATEGIC PLANNING AND TRANSPORT COMMITTEE 19 JUNE 2019

#### SPT1906-1 NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - PRINCIPLES OF SCHEME AMENDMENT

<b>Meeting Date:</b>	19 June 2019
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	1. Site Photographs

#### 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 considerable community concern was expressed.

In January 2019, Council resolved to defer initiating a formal planning scheme amendment, to enable more time to consider alternative development scenarios for the sites, and the best planning mechanisms to achieve these. This was discussed at an informal Councillor workshop on 1 April 2019 with a site visit with community members occurring on 23 April 2019.

This report reiterates key considerations and options, and proposes a series of development outcomes and mechanisms for the planning of the site as follows:

- Introduction of a uniform zoning of Mixed Use and residential density of R80 with a plot ratio of up to 1, across the lots.
- Introduction of specific building height limits and setbacks, to reflect the site's location and facilitate a transition between high and low density.
- Introduction of policy controls to include specific boundary wall, overshadowing, interface and pedestrian access link controls.

It recommends approval of these approaches, and the preparation of a further report setting out details of an amendment to Local Planning Scheme No. 4 and Local Planning Policy 3.1.3 to achieve this.

#### 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 provides 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 site's potential rezoning 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) and resolved after debate to:

- 1. Defer the draft scheme amendment.**
- 2. Refer the matter of the most appropriate development outcome for the site to the Strategic Planning and Transport Committee.**
- 3. Give further consideration to the scheme amendment and any other mechanisms to secure Councils preferred development outcomes on advice from the Strategic Planning and Transport Committee.**

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.

The purpose of this report is to further consider these and the range of views expressed, and to establish the principles for a path forward.

### Site Context Overview

As has been touched on in previous reports, the subject site is located within an area which can be defined as having a mixed use character, both from a land use and built form perspective. Whilst single residential dwellings immediately abut the site on the north-eastern and south-western boundaries, the surrounding area also comprises of converted warehouses, commercial land uses, multiple dwellings as well as existing or proposed mixed use development. It has a total site area of 4133m<sup>2</sup>.

The site is very well located from a planning perspective, being accessible by high frequency service bus routes as well as the Fremantle train line, with a high number of facilities and services within a 500m radius catchment including parks, sporting and leisure facilities, schools, shops, restaurants and the Fremantle Arts Centre. These locational attributes are summarised in Figures 1 and 2.



Figure 1: Immediate development and land use context, subject site.

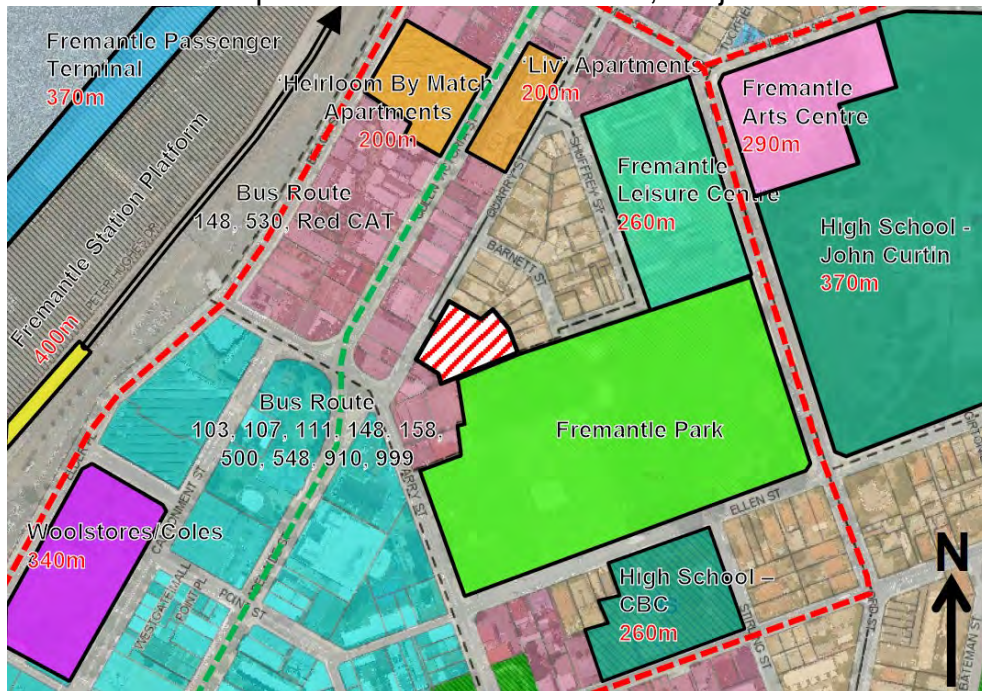


Figure 2: Context overview, key sites within 500m radius.

## Planning Context

A detailed overview of the planning framework applicable to this proposal was provided in the November 2018 report to Council; this information remains current, however a brief summary has been provided as follows:

### **State Planning Framework:**

*Perth and Peel @3.5million*, in combination with the *Central Sub-regional Planning Framework* (which the City of Fremantle municipality forms part of), provides detail on the broad objectives to cater for future population growth within the Perth Metropolitan Area. Under these, the City has been allocated an additional urban infill housing target of just over 4,100 new dwellings by 2031 and 7,030 by 2050. Location of infill development and consolidation in well serviced locations (particularly those with access to public transport, employment and commercial services) represents a long standing planning policy within WA which has been strengthened through *Perth and Peel @3.5million* and the introduction of density targets in the sub-regional frameworks.

### **Strategic Community Plan:**

The site is immediately adjacent to the Fremantle Northern Gateway/Queen Victoria Residential Quarter, and the Fremantle City Centre, which the Strategic Community Plan and associated Freo 2029 Transformational Moves prioritise for consolidation and revitalisation. Figures 1 and 2 demonstrate the site's location in relation to this context.

### **Local Planning Framework:**

A portion of the site (Lots 1 and 2) is currently within a local planning sub-area under Schedule 8, introduced as part of the 'East End'/Northern Gateway project in 2011, via Scheme Amendment No. 38. This area is subject to Local Planning Policy 3.1.3: Precinct 3, which was adopted by Council in 2012 to provide further direction, design and explanatory guidance for new developments within the sub-area.

## **OFFICER COMMENT**

Debate on this item at Council has indicated that retention of the current zoning is not an acceptable option given the strategic location of the site. Informal discussion with the Department of Planning, Lands and Heritage, coupled with the clear policy position of the WAPC, has confirmed that overall down coding of the site will not be supported. Rezoning options which optimise the role of the site in contributing to housing density, diversity and revitalisation objectives whilst minimizing adverse impact on adjoining low density development have consequently been explored.

Discussion of options has essentially continued to revolve around those originally outlined in the July 2018 report, but with further consideration occurring in relation to points of concern raised in preliminary engagement (particularly with regards to neighbour interface, heights, overshadowing, land use mix, building design and streetscape). The following broad parameters were discussed at the informal Councillor workshop:

- Priority for residential land use given the need to encourage more people to live near central Fremantle, without excluding the potential for a modest mixed use component;

- A residential coding of a medium-high density (achieving an equal or greater yield to that under current zoning – previously estimated around 34 dwelling units – refer to December 2018 report);
- Diversity of dwelling types is preferred but should not be prescribed beyond the new requirements recently introduced into the R-Codes Volume 2 by Design WA;
- Building height up to 4 storeys (reflective of provisions already applicable to Lots 2 and 1 and its associated sub-area) in the centre of the site with lesser heights on the boundaries with existing low density residential (including that to the south-west);
- A higher quality design outcome is desired on site, as far as this can be achieved through traditional planning processes (noting the much stronger emphasis on this aspect established in the new R-Codes Volume 2 by Design WA);
- Existing vegetation should be encouraged to be retained but not be prescribed beyond the new requirements recently introduced into the R-Codes Volume 2 by Design WA;
- There should be specific provision on where boundary walls should be permitted, along with minimum setbacks for upper floors to limit bulk and overshadowing on neighbouring properties;
- Pedestrian access should be incorporated through the site to provide a connection to Fremantle Park and to potentially activate the ‘dead’ corner at the back of the site

The site walk-around reinforced local community concerns about excessive bulk and height, impacts on amenity, the suitability of the site to accommodate non-residential uses and concerns about design quality. Support was expressed for the proposed pedestrian connection into Fremantle Park.

Key planning elements and options responding to the direction received are summarised below:

<b>Table 1 – Potential Primary Planning Controls – Quarry Street lots 1, 2 &amp; 8</b>	
<b>Zoning</b> Mixed Use	<p>The site abuts Residential zoned land to the north-east and Mixed Use zoned land to the south-west. Both options facilitate the residential form of development identified but the Mixed Use zone also would allow (but not require) “<i>a mix of compatible land uses... in small scale premises... where the uses would not be detrimental to the viability of ...(centres) ...(or) to the amenity of adjoining owners or residential properties in the locality</i>”. A wide range of uses are permissible. The Residential zone, by contrast, would potentially allow (but not require) much more limited commercial options including home offices, home or liquor store, restaurant, cottage industry, child care and education.</p> <p>Based on the location of the site at the periphery of the CBD, maintaining the option for Mixed Use has been marginally preferred, consistent with the remainder of the sub-area, recognising that its relatively low exposure may inhibit demand for this. However, given the concerns expressed by residents and the priority Council has placed on a residential outcome, it remains open to Council to pursue a Residential zone instead.</p>

<p><b>Density</b> R80</p>	<p>With the gazettal of the new Volume 2 of the R-Codes, development standards have varied slightly. The site has previously been estimated to accommodate a <i>theoretical</i> yield of approximately 34 dwellings (based only on plot ratio and an assumed average apartment size of 85m<sup>2</sup>). Under the default provisions of the new Volume 2 of the codes and the same assumptions, an R80 plot ratio (1) could facilitate 48 units, whilst R100 (PR 1.3) could facilitate 63. However, as noted previously, the application of height, setback and parking requirements coupled with consideration of market demand would almost certainly limit the actual yield to a lower number than above.</p> <p>Whilst R100 provides greater flexibility (and might encourage a mix of dwelling types by allowing greater plot ratio for apartments counterbalanced with lower density grouped dwellings), on balance the R80 option is recommended as closer to the built density likely to be achieved within the other site constraints. Stipulation of a minimum yield through a condition of land sale could occur to ensure Council's objectives are achieved.</p> <p>The minimum average lot size which would apply to any grouped dwellings (as opposed to apartments) if these were proposed is the same for both codings: 150m<sup>2</sup> (though larger lots can be proposed).</p>
<p><b>Height</b> 4.0 Storeys/11.0 metres. Max 7.5m within 10m of side boundaries.</p>	<p>Heights of surrounding buildings vary from one to 4 storeys: development opposite and in the adjoining 'Area 6' of the sub-precinct contains or is zoned to accommodate development of 11-15m (3-5 storeys). However, immediately adjoining buildings are (effectively) 1-2 storeys (3-7.5m).</p> <p>The size of the site allows the option of a graduation in scale internally. To facilitate a density outcome, a maximum building height of 11.0 metres (approximately 3-4 storeys) is proposed, consistent with the adjoining Area 6. However, provision for 4.0 metres of additional height to 15 metres, as is the case with the remainder of the sub-area, is recommended to be excluded. This represents an increase in potential height from 9m (top of pitched roof) or 7.5m for a flat roof for Lot 8 but a reduction from that currently permissible on Lots 1 and 2.</p> <p>To provide a transition to low density dwellings to the north-east and assist in mitigating bulk and scale impacts, a 7.5m (2 storey) height limit (consistent with that applicable to R25) has been proposed within 10m of this boundary. Extension of this principle to the south-west boundary is now also proposed in recognition of the development restrictions which apply to the adjoining heritage listed single house. This promotes a stepped design which, although a somewhat crude measure, provides some certainty to neighbours. It may also possibly encourage the placement of lower density / grouped dwellings at one of these interfaces (though this is speculative).</p>

	<p>These setbacks for taller elements would apply in addition to the setbacks applicable under the R-Codes.</p>
<p><b>Setbacks</b></p>	<p>Setbacks within the street vary from nil (opposite and as provided for through sub-area 6) to 0.5-2m to the dwelling to the south and 6m to the dwelling to the north (though its garage is approximately 1m from the street).</p> <p>Given the setback of adjoining buildings and the strong likelihood of their retention on this alignment (given their heritage listing), a 2m minimum street setback is proposed for the subject site. This aligns with the default 'acceptable outcome' for R80 and R100 in Volume 2 of the R-Codes (noting that this is no longer to be taken as a 'deemed to comply' standard). It also aligns with the maximum setback applicable within Sub-Area 6.</p> <p>To maintain a firm edge to the street, however, and consistency with the principles applicable to the remainder of the sub-area, a maximum 4m street setback is proposed.</p>

If agreed, inclusion of the above controls within the scheme reflects the approach taken in the existing sub-area and other precincts within the City. It also provides a greater degree of certainty.

Most other development standards would typically be controlled by the default scheme, R-Code and policy requirements. Supplementing these with additional controls to promote a higher quality of design and extension of a pedestrian link through the site is proposed. This is most neatly achieved through inclusion of the site within the Precinct 3 (Northern Gateway / Queen Victoria Residential Quarter) Local Planning Policy area. This:

- Recognises the role of the site as contributing towards the objectives of the sub-precinct;
- Incorporates a specific design objective which states that “new buildings in the area should embody contemporary and innovative architecture which is sensitive to Fremantle’s sense of place...”
- Allows the existing pedestrian access provisions already required of other sites to link Queen Victoria Street to Quarry Street, to be applied to this site to stipulate a similar link to Fremantle Park;
- Allows for application of site-specific controls. Suggestions include:
  - additional boundary wall controls to clearly limit the application of these on the southern boundary to the area aligning with the existing dwelling, and
  - open space interface requirements.

Inclusion of specific requirements relating to minimum yield and provision of the pedestrian link to Fremantle Park in the contract of sale for future disposal of the land by the City has also been recommended to reinforce these requirements.

## Conclusion

The proposed planning controls aim to address the key themes raised on this project, balancing residential density and broader city planning outcomes with a context-responsive built form outcome. If agreed, these can inform the preparation of a scheme amendment and accompanying policy material which would be submitted to Council for preliminary approval, referral to the Western Australian Planning Commission and public consultation.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the process of rezoning of the site, if undertaken in-house. Valuation impacts of any change of zoning to the City's landholding do not represent planning considerations and are consequently not further considered in this report.

## **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 Western Australian Planning Commission, consultation on the formal scheme amendment and local planning policy changes would be undertaken in accordance with LPP 1.3, as well as the Regulations.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**Moved: Cr Dave Hume**

**Seconded: Cr Rachel Pemberton**

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

**\* AMENDMENT 1**

**Moved: Cr Jon Strachan**

**Seconded: Mayor, Brad Pettitt**

**To amend 1 c) to read as follows:**

- c) Maximum building heights for new development to be limited to 12m, 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.

**Amendment lost: 3/4**

**For:**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Rachel Pemberton**

**Against:**

**Cr Bryn Jones, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

**AMENDMENT 2**

**Moved: Cr Jon Strachan**

**Seconded: Mayor, Brad Pettitt**

**To amend 1 d) to read as follows:**

- d) Parapet walls higher than 3.0m will not be permitted on lot side boundaries; and, 4.0m minimum front and rear setbacks shall apply, to be prescribed in a local planning policy. All other lot boundary setbacks shall be in accordance with the R-Codes.

**Amendment lost: 0/7**

**Against:**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Rachel Pemberton, Cr Bryn Jones,  
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

\*Note: It was noted by Council that Amendment 1 was recorded incorrectly in the Strategic Projects and Transport Committee minutes. The correct amendment is printed above.

**COMMITTEE RECOMMENDATION ITEM SPT1906-01**  
**(Officer's recommendation)**

**Moved: Cr Dave Hume**

**Seconded: Cr Rachel Pemberton**

**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**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Jenny Archibald,  
Cr Bryn Jones, Cr Rachel Pemberton, Cr Jeff McDonald, Cr Dave Hume**

## ADDITIONAL OFFICER COMMENTS

In debating the proposed amendment to recommendation 2 c, queries were raised by members of the Strategic Planning and Transport Committee in relation to permissible height and opportunities to vary this. The following extract of the town planning scheme (referenced in discussion) is provided to outline how variations to height would be assessed. These provisions limit variations to where adjacent buildings (which in this instance include the QV11 apartments across the road) vary the heights specified in Schedule 8 of the Scheme, and other limited circumstances.

### 4.8 Variations to site and development standards and requirements

#### 4.8.1 Variation to height requirements

4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 8, Council may

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8 March 2007

Local Planning Scheme No 4

vary the maximum height requirements subject to being satisfied in relation to all of the following—

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

4.8.1.2 Where there is a variation in ground level over a development footprint of greater than one metre, Council may increase the specific height requirements of Schedule 8 subject to—

- (a) no portion of external wall of the building exceeding the maximum external wall height requirement of Schedule 8 by greater than 0.5 metres, and
- (b) no portion of external wall of the building that exceeds the maximum external height requirement of Schedule 8 being situated on the higher side of the development footprint as measured from natural ground level.

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

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

For the purpose of this clause, 'minor projection' will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

**COUNCIL DECISION ITEM SPT1906-1**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Dave Hume**

**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**

**Carried: 11/1**

**For**

**Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**Against**

**Cr Andrew Sullivan**

**11.2 FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE 12  
JUNE 2019**

**FPOL1906-8 REVIEW OF VICTORIA HALL, 179 HIGH STREET, FREMANTLE  
SALE**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Economic Development and Marketing  
**Decision Making Authority:** Council  
**Agenda Attachments:** Leasing of City property in a competitive manner

**SUMMARY**

**Due to no satisfactory offers received in line with adopted budget, this report is to request Council to approve the removal of Victoria Hall from the market for sale until such time as market conditions improve. It is considered that this will occur in a period after the completion of Kings Square.**

**As an interim use, it is proposed that a short term licence no greater than two (2) years activate the premises. The City's register of delegated authority 2018/19 grants the Chief Executive Officer approval to approve Leases or Licenses for up to a five year term.**

**This report recommends that Council to;**

- 1. Approve to withdraw Victoria Hall, 179 High Street Fremantle from sale.**
- 2. Approve short term activation of Victoria Hall, 179 High Street Fremantle via a Licence agreement, up to a two (2) year term, subject to a suitable permitted use.**
- 3. Note that an item will be brought to Council no later than January 2021 to enable consideration of further recommendations for Victoria Hall, 179 High Street Fremantle.**

**BACKGROUND**

Council adopted the sale of Victoria Hall in the 2018/2019 budget.

At July 2018 Council noted the following:

- 2. That Officers will proceed with advertising the sale of Victoria Hall, 179 High Street, Fremantle by public tender, as approved in 2018/19 budget.*
- 3. Notes the proceeds of the sale are to be placed in the Town Hall Conservation Reserve and the Heritage Reserve.*

The City commenced advertisement of the property Wednesday 16 October 2018. The campaign was advertised through digital resources including social media. Advertisement also occurred in the Western Australian and Business News.

Officers have developed an extensive database of contacts that have expressed an interest in investing in Fremantle. All of the contacts were notified of the City's investment opportunities.

Tenders closed Tuesday 27 November 2018 at 2.00pm (AWST) with one submission received from Anglican Parish of Fremantle for the amount of one (1) dollar.

At Ordinary Council dated 12 December 2018 Council resolved;

1. *Reject the tender submitted for Victor Hall, 179 High Street, Fremantle.*
2. *Approve the advertisement of the sale of Victoria Hall, 179 High Street, Fremantle on the open market with the following conditions;*
  - a. *The purchaser must enter into a Heritage Agreement for Victoria Hall, 179 High Street, Fremantle with the Heritage Council of Western Australia.*
  - b. *The purchaser agrees that following settlement the Heritage Council of Western Australia will lodge a memorial in respect of the Heritage Agreement with Landgate for placement on the certificate of title for Victoria Hall, 179 High Street, Fremantle.*
  - c. *The purchaser agrees no to re-convey Victoria Hall, 179 High Street, Fremantle until the memorial has been lodged.*
3. *Any offers received that are considered appropriate to the Chief Executive Officer be brought to Council for consideration.*

The City has marketed the property for sale by offers since January 2019. While the property continues to generate interest no appropriate offers have been received.

It is recommended that the property be removed from the market for the interim and that short term activation by a licence up to a term of two years, subject to a suitable permitted use. The Chief Executive Officer is granted approval under the register for delegated authority 2018/19 for leases and licenses up to five years.

## **FINANCIAL IMPLICATIONS**

The current financial year budget includes forecast sale income of \$2,000,000 for Victoria Hall with funds to be allocated to the Town Hall Conservation Reserve and the Heritage Reserve.

Market feedback has indicated that potential risks for purchasers, that cannot be mitigated by the City, including but not limited to heritage constraints, impact offers in line with current budget.

Licensing the property will be subject to any financial and compliance requirements incurred by the City for the proposed permitted use of the licensee. The current permitted under planning is for a hall and offices.

## **LEGAL IMPLICATIONS**

A Licence will be drafted in accordance with the *Local Government Act 1995* and *Commercial (Retail) Tenancy Act 1985*.

This is a proposed disposal of property, by way of Licence is made under the *Local Government Act 1995* (S) 3.58 (3) and (4). The disposal will be advertised in a national newspaper inviting any person wishing to make a submission concerning this Licence to make it in writing to the City within fourteen days of advertisement.

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

Whilst the marketing campaign for the property has received continual interest from prospective purchasers the current market conditions do not support the budget adopted by Council for Victoria Hall's sale.

General feedback has indicated that while seeing potential in the building, interested parties are wary that the heritage building's existing layout impacted the building's functionality and that the City's expectations of sales price further impacted prospective purchasers budget to invest in fit out and/or redevelopment to make the building viable for their proposed use.

Independent reports by CoreLogic advise that property prices in Perth have dropped overall by 4.5% in the last twelve months with indications that the market is now levelling out. The completion of the Kings Square development may contribute to improving the value of property within the surrounding location. On this basis, it is recommended that Council remove Victoria Hall from the market with an aim to reconsider sale once market conditions improve.

In the interim, to allow for activation of Victoria Hall while retaining flexibility for potential sale, it is recommended that six month licences be considered. Six month agreements are exempt from the City's Leasing of Property in a competitive manner policy and 2.24 of the Delegated Authority Register grants the CEO authority to approve licence agreements that do not exceed five (5) years.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COUNCIL DECISION ITEM FPOL1906-8**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council:**

- 1. Approve to withdraw Victoria Hall, 179 High Street Fremantle from sale.**
- 2. Approve short term activation of Victoria Hall, 179 High Street Fremantle via a Licence agreement, up to a two (2) year term, subject to a suitable permitted use.**
- 3. Note that an item will be brought to Council no later than January 2021 to enable consideration of further recommendations for Victoria Hall, 179 High Street Fremantle.**

**Carried: 12/0**

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

**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 Hannah Fitzhardinge

The following items be adopted en bloc as recommended:

FPOL1906-1	Agreement to Lease – Public Golf Course – 20 Montreal Street, Fremantle
FPOL1906-5	Monument Hill (Memorial Reserve) – Partial Road Closure of Swanbourne and Bateman Streets, Fremantle for amalgamation with ‘A’ Class Reserve No 9335
FPOL1906-7	Delegated Authority Register Review
FPOL1906-9	Encroachment of a Front Boundary Wall Pier at 65 Wray Avenue, Fremantle
FPOL1906-10	Adoption of Flying of Flags Policy
FPOL1906-12	Strategic Community Plan and Corporate Business Plan

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**FPOL1906-1 AGREEMENT TO LEASE - PUBLIC GOLF COURSE - 20 MONTREAL STREET, FREMANTLE**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Economic Development and Marketing  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Nil

**SUMMARY**

**This report is for committee to consider an Agreement to Lease with Evergreen Golf Pty Ltd and Andrew Billingham for the Fremantle Public Golf Course, 20 Montreal Street, Fremantle, subject to key conditions being met.**

**Mr Billingham is the current Lessee of 20 Montreal Street, Fremantle having been a Director of Evergreen Golf Pty Ltd since 11 July 2008. The current Lease is due to expire 7 November 2022. Mr Billingham has a proven record as Lessee and operator of the public facility which caters to 12 regular golf clubs.**

**An Agreement to Lease obligates both parties to enter into a Lease subject to specific conditions being met. If those conditions are met, the Lease terms and conditions are finalised and will be brought back to Council for approval. Entering into an Agreement to Lease will form a commitment to Mr Billingham of a new lease after the expiry 7 November 2022.**

**A section of the golf course will be excised due to the Main Roads Western Australia (MRWA) project to upgrade the intersection at High Street and Stirling Highway. The City is currently undertaking a Tender process to secure consultants for redesigning the golf course. Redevelopment of the golf course and club house will occur within the final years of the current Lease working proactively with Mr Billingham. The details of how the works will progress with an operating Lessee are subject to the final golf course design being confirmed.**

**Under the Leasing of City property in a competitive manner policy, approaching the conclusion of lease terms (between 6-12 months prior to the expiry of a lease), interested parties would be given an opportunity to compete in an open and competitive manner to lease with some exemptions. Due to the uniqueness of this commercial lease, officer's recommend that committee consider the circumstances as being sufficient to qualify for an exemption to the competitive process that the City's policy normally requires.**

**BACKGROUND**

**MRWA has developed a proposal for upgrading the intersection at High Street and Stirling Highway between Carrington Street and Marmion Street.**

**To accommodate the proposed road alignment along High Street and retain existing significant trees, a portion of the Class A and Class C reserves are required to be vested to MRWA for the purpose of road reserve, this impacts the Fremantle Public Golf Course.**

At the Special Meeting of Council 29 August 2018 Council resolved that as part of the primary concept objectives the golf course objectives would be;

1. *Retain 9 holes*
2. *Retail par 34*
3. *Minimum impact on trees.*
  - a. *Lost trees replaced through landscape strategy.*

The new road alignment has a significant impact on the northern section of the golf course, the impact results in the loss of two holes (#3 and #6). To maintain the function of the golf course, MRWA and the City engaged the services of golf course architects to evaluate the impact and provide a number of options for an effective redesign of the golf course.

The scope for this work was based upon providing a golf course with similar functionality, accommodating:

- A 9 hole golf course
- Minimum par 34
- Maximised course length – minimum >2000m (currently 2465m)
- Similar sized driving range facility (including an equivalent number of bays)
- Comparable practice facilities including putting green
- Similar size / function of clubhouse facility
- Full irrigation system
- Minimal tree removal - offset by new tree planting
- Safety compliance
- Suitable car parking and access
- Minimal impacts on Booyeembara Park (see below)

At Ordinary Council dated 10 April 2019 Council resolved;

1. *Request officers progress to engage consultants and commence the design process for the required development works for the golf course remediation, golf club and community facility...*

The Tender for the golf course design has been released with the closing date being 12 June 2019. Advertisement of the Tender for the golf course club house and community facility will be released in the near future. It is estimated that final designs for the golf course will be completed in early 2020.

The City entered into a Lease with Evergreen Golf Pty Ltd for a term of seven years effective 8 November 2001 expiring 7 November 2008 with two further terms of seven years' each. The last of these terms has been exercised with the Lease expiring 7 November 2022.

Mr Billingham was originally an employee of Evergreen Golf Pty Ltd at the commencement of this Lease, becoming a partner in 11 July 2008, and sole Director in 23 December 2016.

Mr Billingham has a proven track record with the City as a Lessee and operator of a public facility which caters to 12 regular golf clubs. Under the terms of the current Lease the Lessee is responsible for all maintenance of the course and grounds, including upgrading fairways and greens as required. This has been proactively scheduled by the Lessee.

## **FINANCIAL IMPLICATIONS**

There are no financial implications from this item.

The current Lease receives a rent of \$90,829.34 + GST per annum plus outgoings.

2018/19 Council Rates and State Government Emergency Services Levy for the premises is \$17,271.61.

The rent for a new Lease would be determined by an independent market valuation based on the new designed golf course excluding any of the Lessee's financial contributions.

## **LEGAL IMPLICATIONS**

An Agreement to Lease obligates both parties to enter into a Lease subject to specific conditions being met. If those conditions are met, the Lease terms and conditions are finalised. Entering into an Agreement to Lease will form a commitment to the current Lessee/Operator of the Golf Course.

Certain aspects of the golf course design will need to be clarified prior to the Lease terms being finalised. These will be brought back to Council for approval. The lease must comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

## **CONSULTATION**

The terms of any Lease will be brought back to Council for approval. Subject to this occurring the proposed disposal of property, by way of Lease is made under the Local Government Act 1995 (S) 3.58 (3) and (4).

If approved, the disposal will be advertised in a national newspaper inviting any person wishing to make a submission concerning the Lease to make it in writing to the City within fourteen days.

## **OFFICER COMMENT**

Under the Leasing of City property in a competitive manner policy approaching the conclusion of lease terms (between 6-12 months prior to the expiry of a lease), interested parties would be given an opportunity to compete in an open and competitive manner to lease with some exemptions. Officers recommend that the public golf course is an exemption under Clause 1.1a) where a property is leased to a tenant that is paying full commercial market rate or above, and adds significant value to Fremantle's overall tenancy mix and appeal for visitors.

While Council has endorsed a scope for the golf course redevelopment, Mr Billingham has advised that, considering how golf is evolving, he would like the opportunity to consider financially contributing for additional features in the course design. These items potentially include;

- Floodlighting to the driving range to allow for night usage.
- Cover to the driving range to cater for weather conditions.
- Mini golf and/or simulator golf
- Pro shop/buggy bays

These items are subject to the final costings and the preferred course design.

Officers recommend that Agreement to Lease will be on the following conditions;

1. Subject to the preferred golf course design and any Lessee financial contribution being accepted by the Lessee no later than 30 days from formal submission by the City. Extension of this time frame will be at the sole discretion of the City.
2. Acknowledge that all reasonable endeavours will be taken by the City when considering integration of the Lessee's design additions but no guarantee of inclusion is provided by the City.
3. The Lessee is solely responsible for the development costs associated with any requested additions to the golf course design outside of the City's scope.
4. Lease terms and conditions will be agreed, subject to Council approval, no later than 90 days from formal acceptance of the golf course design and Lessee financial contribution by the Lessee. Extension of this time frame will be at the sole discretion of the City.
5. Acknowledge that the Lease will be based on the following terms;
  - a. Permitted use: Public Golf Course.
  - b. Rent: to be determined by an independent market valuation excluding any financial contribution by the lessee.
  - c. Lease term: ten years with further terms to be considered subject to Lessee financial contribution being determined.
  - d. Conditions:
    - i. The Lease will be subject to Minister for Lands approval.

It is expected that MRWA will commence the High Street project in the last quarter of 2019 which will result in the golf course losing holes 3 and 6. There is scope in the golf course consultant's brief to develop an interim golf course design to maintain a functional golf course for the period between the land excision and the commencement of construction of the new golf course. The details of how the works will progress with an operating Lessee are subject to the final golf course design being confirmed.

Discussions regarding compensation to the Evergreen Pty Ltd business due to impact from the lease area being varied and the redevelopment works are to occur directly between Mr Billingham and MRWA.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## OFFICER'S RECOMMENDATION

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

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

1. Approve Evergreen Golf Pty Ltd as qualifying for an exemption under city policy "leasing of City Property in a competitive manner" in accordance with clause 1.1 a) where it states '*A property is leased to a tenant that is paying full commercial market rate or above, and adds significant value to Fremantle's overall tenancy mix and appeal for visitors*'.
2. Approve an agreement to Lease for a term of 12 months in accordance with the following conditions;
  - a. Subject to the preferred golf course design and any Lessee financial contribution being accepted by the Lessee no later than 30 days from formal submission to the Lessee by the City. Extension of this time frame will be at the discretion of the City.
  - b. Acknowledge that all reasonable endeavours will be taken by the City when considering integration of the Lessee's design additions but no guarantee of inclusion is provided by the City.
  - c. The Lessee is responsible for any development costs associated with any requested additions to the public golf course design outside of the City's scope.
  - d. Lease terms and conditions will be agreed, subject to Council approval, no later than 90 days from formal submission of the golf course design and Lessee financial contribution. Extension of this time frame will be at the discretion of the City.
3. Subject to Ministerial approval and Evergreen Golf Pty Ltd meeting the conditions of the Agreement as outlined in recommendation 2 of this report, request a Lease to be brought back to Council for approval based on the following key Lease terms and conditions;
  - a. Permitted use: public golf course
  - b. Rent: to be determined by an independent market valuation excluding any financial contribution by the lessee
  - c. Lease terms: ten years with further terms to be considered subject to Lessee financial contribution being determined.

**COUNCIL DECISION ITEM FPOL1906-1**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

- 1. Approve Evergreen Golf Pty Ltd as qualifying for an exemption under city policy “*leasing of City Property in a competitive manner*” in accordance with clause 1.1 a) where it states ‘*A property is leased to a tenant that is paying full commercial market rate or above, and adds significant value to Fremantle’s overall tenancy mix and appeal for visitors*’.**
- 2. Approve an offer to lease *between Evergreen Golf Pty Ltd and City of Fremantle, based on the following;***
  - a. *Evergreen Golf Pty Ltd agreement to vary the current lease to allow the requirements for land resumption of the Fremantle Public Golf Course land in accordance with the requirements for land resumption to facilitate the proposed road widening works on High Street, Fremantle.***
  - b. *This offer for lease and preferred future golf course design including any financial contribution from the lessee being accepted by the Lessee no later than 30 days from formal offer by the City. Extension of this time frame will be at the discretion of the City.***
  - c. *Reasonable endeavours, but no guarantee of inclusion, of Lessee design conditions being provided by the City.***
  - d. *The Lessee is responsible for any development costs associated with any lessee requested additions to the public golf course design outside of the City’s scope.***
  - e. *Ministerial agreement being provided for the proposed lease.***
  - f. *Permitted use: public golf course***
  - g. *Rent: to be determined by an independent market valuation excluding any financial contribution by the lessee***
  - h. *Lease term: ten years with any further term subject to council approval prior to the lease being finalised.***

**Carried en bloc: 12/0**

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

**FPOL1906-5 MONUMENT HILL (MEMORIAL RESERVE) - PARTIAL ROAD CLOSURE OF SWANBOURNE AND BATEMAN STREETS, FREMANTLE FOR AMALGAMATION WITH 'A' CLASS RESERVE NO. 9335**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager of Information Technology  
**Decision Making Authority:** Council  
**Agenda Attachments:** Copy of Reserve No. 9335 crown land details

**SUMMARY**

This report proposes to make adjustments to the boundary lines of Monument Hill Memorial Reserve being an 'A' class Reserve No. 9335 (Monument Hill) to include the areas road reserve located at the north eastern corner (Swanbourne Street) and on the western boundary (Bateman Street).

The map below indicates the areas of road reserve (following the footpaths) to be included as part of Monument Hill leaving a 1.5m x 1.5m truncation on each of the three corners. The amalgamation will increase the total size of Reserve No. 9335 from 36940m<sup>2</sup> (with an additional 4126m<sup>2</sup>) to approximately 41066m<sup>2</sup>.

The process will require a partial road closure in accordance with Sections 58 of the *Land Administration Act 1997* (LAA) with an advertising period of 35 days.

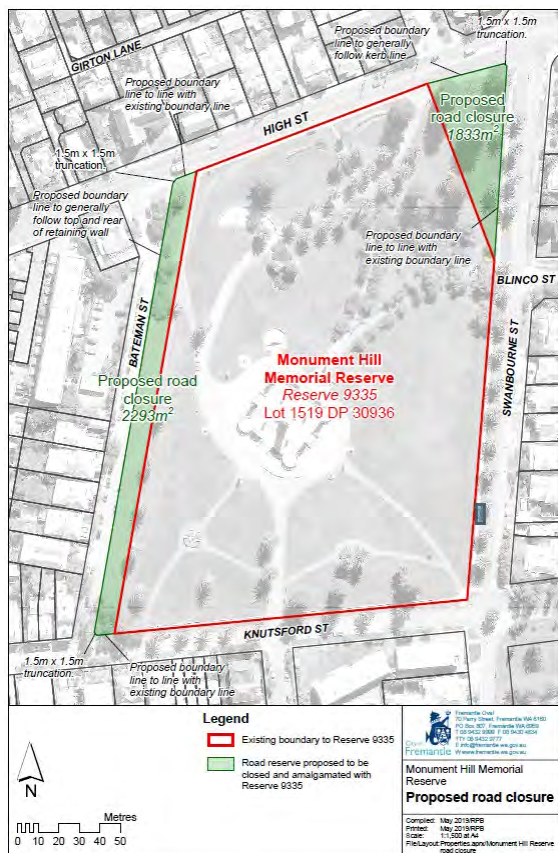


Figure 1 - Map showing the proposed areas for amalgamation with Reserve No. 9335

This report recommends that;

1. Council, in accordance with Sections 58 of the *Land Administration Act 1997*, approve the advertising of the proposed partial road closures of a portion of Bateman Street, Fremantle (approximately 2293m<sup>2</sup>) and a portion of Swanbourne Street, Fremantle (approximately 1833m<sup>2</sup>) for the purpose of amalgamation with Reserve No. 9335 being Lot 1519 on Deposited Plan No. 30936 and, subject to no objections being received:
  - a. Support the proposal, and apply to the Minister for Lands to close and amalgamate portions of Bateman and Swanbourne Streets, described in part 1 leaving a 1.5m x 1.5m truncation on each of the three corners, as road reserve and
  - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the closure and amalgamation.

## BACKGROUND

Originally the land contained within the current day Reserve No. 9335 had an obelisk constructed at the summit in 1874 for the purposed of a “trig” providing a service to surveyors and navigators (known as Obelisk Hill). A map dated in the 1880s (see figure 2) appears to have similar boundary lines as we see today with a triangular portion left as road reserve.

The land was vested as a reserve for the purpose of a public park on 20 July 1904 under the name of “Obelisk Reserve”. The obelisk was replaced by the War Memorial in honour of Fallen Soldiers’ and Sailors’ with an unveiling ceremony on 11 November 1928.



Figure 2 - Map dated around 1880 showing little change to the current boundary lines.

Over time the landscaping encroached onto both the road reserves at the north eastern corner of Swanbourne Street and Bateman Street between Knutsford Street and High Street on the western side of the reserve. This report proposes to formalise and protect the landscaped lawns and gardens by incorporating them into the Monument Hill Memorial Reserve.

## **FINANCIAL IMPLICATIONS**

Upon receipt of a Council resolution to close the subject portions of road reserve for amalgamation into the 'A' class Reserve No. 9335 – the Minister for Lands will enact Section 42 of the *Land Administration Act 1997*. In accordance with Section 42 LAA, the Minister is required to advertise the proposal in a State circulated newspaper (Western Australian). The Minister will invoice the City of Fremantle with the cost of the advertising. The DPLH has provided the cost of their last two advertisements being between \$900.00 and \$1,200.00. As the City's advertisement would be short, the estimation would be toward the lower figure.

In addition the Minister requires the City to supply a boundary survey. The City's Surveyors have confirmed that no previous boundary survey is in existence. Therefore the subject areas including the proposed truncations will require on-site pegging in order to prepare a Deposited Plan showing the new lot with the surveyed portions amalgamated into Reserve No. 9335.

The following estimations for advertising and survey costs are noted below:

- The cost of the proposed advertisement at a minimum number of words is estimated at approximately \$900.00 - \$1,000.00.
- The cost of a Land Survey and Deposited Plan is estimated at approximately \$5,120.00 plus GST.

## **LEGAL IMPLICATIONS**

The proposed partial road closure and amalgamation is in accordance with Section 58 (partial or whole public road closures) 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 *LAA*.

## **CONSULTATION**

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

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

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

The City has conducted initial 'Dial Before You Dig' enquiries on 24 April 2019 to subject areas of Swanbourne Street and Bateman Street, Fremantle. The enquiry identified assets located in the vicinity of the subject area with comments from the agencies tabled below.

<b>Swanbourne Street</b>	
Atco Gas	Has assets in the vicinity of the subject area
Western Power	Underground power noted within the subject area
NBN Services	Has 'Inactive Plans' the vicinity of the subject area
Pipe Networks (TPG)	Has telecommunications network infrastructure contained within the Telstra duct network
Water Corporation	Has assets in the vicinity
Telstra	No response – however known assets in the vicinity

<b>Bateman Street</b>	
Atco Gas	Assets are present at the corner of Bateman Street and High
Western Power	Has assets in the vicinity
NBN Services	Has assets in the vicinity
Focus Communications	Has assets in the vicinity
Water Corporation	Has assets in the vicinity
Telstra	No response – require a payment for plans
Pipe Networks (TPG)	Telstra assets affected and found on the Telstra duct Network Plans
BP Refinery Kwinana	No pipelines are located within the nominated area

## **OFFICER COMMENT**

The portions of road reserve proposed for closure and amalgamation will correct the long standing encroachment of the Monument Hill reserve into the roadway. The proposed boundary re-alignment will follow and protect the current landscaping for inclusion into the Monument Hill 'A' Class reserve.

The initial Dial Before You Dig searches have identified assets in the vicinity of the proposed road closures. The formal advertising process will provide further information with regard to assets which has existed over the landscaped road reserve for many years. Therefore the public utility assets are not considered to be an impediment to the proposed road closures and amalgamation as shown in Figure 1.

From a Heritage perspective the proposed boundary amendments is considered an improvement. The correction would bring the Monument Hill boundaries into alignment with the Heritage Council's state registered boundaries.

The City's Principal Engineer requires that a 1.5m x 1.5m truncation be provided at all three corners.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

### **COUNCIL DECISION ITEM FPOL1906-5** **(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

- 1. Council, in accordance with Sections 58 of the *Land Administration Act 1997*, approve the advertising of the proposed partial road closures of a portion of Bateman Street, Fremantle (approximately 2293m<sup>2</sup>) and a portion of Swanbourne Street, Fremantle (approximately 1833m<sup>2</sup>) for the purpose of amalgamation with Reserve No. 9335 being Lot 1519 on Deposited Plan No. 30936, and subject to no objections being received:
  - a. Support the proposal, and apply to the Minister for Lands to close and amalgamate portions of Bateman and Swanbourne Streets, described in part 1 leaving a 1.5m x 1.5m truncation on each of the three corners, as road reserve; and**
  - b. Indemnifies the Minister for Lands against any claim for compensation that may arise from the closure and amalgamation.****

**Carried en bloc: 12/0**

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

## FPOL1906-7 DELEGATED AUTHORITY REGISTER REVIEW

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Governance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

### SUMMARY

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

In order to meet the City's legislative requirements it is recommended that Council acknowledge that a review has been undertaken and adopt the Delegated Authority Register 2019/2020.

This report recommends that Council:

1. Revoke all delegated authority contained within the Delegated Authority Register 2018/2019
2. Adopt all delegated authority contained in the Delegated Authority Register 2019/2020 as included below.
3. Adopt the Execution of documents Policy as included below.

### BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the register of delegations at least once every financial year. The City's current Delegated Authority Register was last review and adopted by Council on 27 June 2018.

In addition to the adoption of the Delegated Authority Register it is recommended that the City adopt an Execution of Documents Policy. The *Local Government Act 1995* requires Council, by resolution, to authorise officers to sign documents on its behalf. However, the Act does not allow the Chief Executive Officer to sub-delegate that authority so the authorisation must come directly from Council to officers and a policy is considered to be the most efficient way to capture the requirements of Council in this authorisation.

### FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

Sections 5.42 and 5.44 of the Act, prescribes that Council may delegate certain powers and duties to the Chief Executive Officer and other officers. A delegation authorises persons or class of persons to exercise powers that the Council would ordinarily exercise. The City of Fremantle has established a Delegated Authority Register to improve the timeliness and efficiency of decision making for stakeholders.

In some instances Acts and Regulations require Council to make a direct appointment to a person or class of persons. For example, the *Food Act 2008* is an Act that allows an Enforcement Agency (Local Government) to delegate authority but does not allow the ability for the Chief Executive Officer to sub-delegate that authority.

In addition, where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government for example: The *Environmental Protection Act 1986* allows for the appointment by the Chief Executive Officer of the Department of Environment Regulation to grant delegated authority direct to local government Environmental Health Officers. The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the appointment is advertised in the Government Gazette.

Where an officer of the local government is able to exercise a power under an Act or Regulation but has no discretion in how that power is exercised, officers are able to carry out that power without having a written delegation from Council. This is known as “acting through”. For example, if a provision of an Act specified that a local government must refuse an application that does not contain the applicants’ name, there is no need for the Council to provide delegation to officers to refuse applications for this reason as officers are unable to exercise any discretion, they must refuse the application.

## CONSULTATION

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

## OFFICER COMMENT

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

The only major amendments to the Delegated Authority Register recommended during this review are as follows:

1. The expansion of powers to the:
  - Finance, Policy, Operations and Legislation Committee,
  - Planning Committee
  - Strategic Planning and Transport Committee.

It is anticipated that the broadening of powers will improve the ease of decision making for council. This amendment will not change the ability of two committee members to request that a decision of committee be determined formally at Council.

Additional minor amendments recommended during this review are as follows:

2. The replacement of the delegated authority to execute documents on behalf of the city with a policy authorising officers.

The Act requires Council, by resolution, to authorise officers to sign documents on its behalf. However, the Act does not allow the Chief Executive Officer to sub-delegate this authority; therefore authorisation through policy is considered to be the most efficient way to capture the requirements of Council in this authorisation.

The policy intends to provide guidance on the appropriate method of execution for the City's documents and ensures that the City's common seal is applied and documents executed in accordance with the provisions of the Act.

Minor amendments to the Delegated Authority Register recommended during this review are as follows:

- Improved formatting and language/sentence structure.
- Improved delegation headings to provide clarity on the actual function included in the delegation.
- Correction of any spelling and grammatical errors.
- Updated numbering as necessary.
- Clarification and correction of legislative references.

The table below details the recommended changes to the Delegated Authority Register 2019/2020.

<b>Table of Amendments</b>		
<b>Delegated authority register 2018/2019</b>	<b>Delegated authority register 2019/2020</b>	<b>Comment /Changes made</b>
<b>Delegations to Committees of Council (Part 1)</b>		
1.1 FPOL Committee	1.1 Delegated Committees of Council	It is anticipated that the broadening of powers will improve the ease of decision making for council and that the combination of the separate delegations will standardise and improve consistency and clarity.
1.2 Planning Committee		
1.3 SPT Committee		
<b>Delegations to the Chief Executive Officer (Part 2)</b>		
2.3 Power to defer, grant concessions, waive or write off debts	2.3 Defer payment, grant a concession, waive fees and write off debts	Amended the title to provide clarity on the actual function. And CEO limits have been aligned with current expenditure for the purpose of effective and consistent management of the City.
2.4 Disposing of property	2.4 Disposing of property	CEO limits have been aligned with current expenditure for the purpose of effective and consistent management of the City.

2.23 Execution of documents	2.23 Execution of documents (Deleted)	Recommended for deletion and the adoption of a policy as the power cannot be sub delegated and the policy is intended to offer clarity and provide further guidance.
<b>Statutory delegations – other legislation (Part 3)</b>		
3.22 Local Planning Scheme – Development Control	3.22 Local Planning Scheme – Development Control	<p>To add the following wording shown in italics: The application involves a demolition to a building (<i>excluding an outbuilding, incidental structure or minor addition</i>) on the City of Fremantle Heritage List or in a Heritage Area.</p> <p>The use of the word building could be interpreted as any building or structure on a site. However, a large number of applications include demolition of a minor building or structure (like an outbuilding or a lean to) or a minor addition that does not need to go to Planning Committee for determination.</p>
<b>Administrative changes</b>		
All	Improved formatting to simplify layout and improve clarity.	
Where appropriate	Update all numbering as needed.	
Where appropriate	Minor sentence structure changes to improve readability and consistency.	
Where appropriate	Amend table lay out to improve readability and consistency.	
All	<p>Include the following wording in all limitations on delegations and sub delegations:</p> <p><i>‘All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions’.</i></p> <p>A broader reference ensures use of the delegation must be consistent with all Council and Administration policy and relevant legislation.</p>	
All	<p>Include the following wording in the reporting requirements section,</p> <p><i>‘Use of this delegation:</i></p> <p>1. <i>‘Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.’</i></p> <p>To improve consistency and ensure the capture of use of delegation in the city’s record keeping system.</p>	
Where appropriate	Update to officers titles.	

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

**COUNCIL DECISION ITEM FPOL1906-7**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council:**

- 1. Revoke all delegated authority contained within the Delegated Authority Register 2018/2019**
- 2. Adopt all delegated authority contained in the Delegated Authority Register 2019/2020 as included below.**
- 3. Adopt the Execution of documents Policy as included below.**

# Register of delegated authority

Local government to Chief Executive Officer and  
committees

2019 - 2020

## Explanation notes

### General

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to officers.

### Limits on delegations to the Chief Executive Officer

#### Section 5.43

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

### Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The register details the related document(s) where the power to delegate is derived from. This

delegated authority register will be reviewed in accordance with the Act on an annual basis.

### Councils understanding

It is that by delegating its authority it is granting sufficient power to enable the City's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

### Legislation

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the council must be by absolute majority decision {S5.42 (1)}.

### Associated legislation

Legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Building Act 2011* and associated regulations;
- *Bush Fires Act 1954* and associated regulations;
- *Cat Act 2011* and associated regulations;
- *Caravan Parks and Camping Grounds Act 1955* and associated regulations;
- City of Fremantle Local Laws;
- *Control of Vehicles (Off-Road Areas) Act 1978* and associated regulations;
- *Dog Act 1976* and associated regulations;
- Local Planning Scheme No. 4;
- *Environmental Protection Act 2005* and associated regulations;
- *Food Act 2008* and associated regulations;
- *Freedom of Information Act 1992* and regulations;
- *Health Act 1911* and associated regulations;
- *Land Administration Act 1997* and associated regulations;
- *Litter Act 1979* and associated regulations;

- *Local Government (Miscellaneous Provisions) Act 1960* and associated regulations;
- *Planning and Development Act 2005* and associated regulations;
- *Spear-guns Control Act 1955*;
- *Strata Titles Act 1985* and associated regulations;

### **Acting through another person**

#### **Section 5.45**

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

- (a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
- (b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right, as though he or she were the original decision maker. Alternatively, where a person is ‘acting through’ they are making a decision as previously instructed.

The difference between a delegated authority to exercise discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states:

#### **56. “May” imports a discretion, “shall” is imperative**

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

The City’s Delegated Authority and Authorisations Management Procedure should be read in conjunction with this

### **Delegation by the Chief Executive Officer**

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee

{S5.44 (1)}. This must be done in writing {S5.44 (2)} The Act allows for the Chief Executive Officer to place Limitations on any delegations if desired {S 5.44 (4)}

### **Transfer of authority due to absence**

Where an officer has been appointed to act in a delegated position in the absence of the usual officer, the authority shall transfer to the officer acting as appointed, for the duration of the authorisation.

### **Register of, and records relevant to delegations Section 5.46**

A register of delegations is to be kept and reviewed at least once every financial year. If an officer is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The onus is on the officer exercising delegated authority to ensure that a record is made.

A person to whom a power is delegated under the Act is considered to be a ‘designated employee’ under S 5.74(b) of the Act and is required to complete a primary and annual return each year. There is no power for a person other than the Chief Executive Officer to delegate a power {S 5.44 (1)}.

### **Authority to amend the Delegated Authority Register**

The Manager Governance is authorised to effect non-substantive changes to the Delegated Authority Register to reflect:

- (a) *Changes to titles of positions; and,*
- (b) *the deletion of positions.*

1.1 Delegated Committees of Council			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the</p> <ul style="list-style-type: none"> <li>• Finance, Policy, Operations and Legislation Committee</li> <li>• Planning Committee</li> <li>• Strategic Planning and Transport Committee</li> </ul> <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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b></p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>City of Fremantle Local Planning Scheme No. 4</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Section</b></p> <p>5.16 and 5.17</p> <p><i>Local Government Act 1995 section 5.42</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></p> </td> </tr> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	<p><b>Legislation</b></p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>City of Fremantle Local Planning Scheme No. 4</i></p>	<p><b>Section</b></p> <p>5.16 and 5.17</p> <p><i>Local Government Act 1995 section 5.42</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></p>
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<b>Delegated to:</b>	<ul style="list-style-type: none"> <li>• Finance, Policy, Operations and Legislation Committee</li> <li>• Planning Committee</li> <li>• Strategic Planning and Transport Committee</li> </ul>		
<b>Limitations:</b>	<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"> <li>1. A decision of committee can only be made by the votes of at least five members of the committee.</li> <li>2. When approving leases of council property:             <ol style="list-style-type: none"> <li>a. the term must not exceed ten (10) years,</li> <li>b. the disposal must be in accordance with Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i>.</li> </ol> </li> <li>3. When approving closure of council carparks, the closure must not exceed fourteen (14) days.</li> <li>4. When accepting or declining to accept tenders, they must be within budget and not exceed a value of \$250,000.</li> <li>5. may not determine final approval for:             <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Council policies</li> <li>• Strategic community plan</li> <li>• Corporate business plan</li> <li>• Strategies as defined in the City's Council policy</li> <li>• City related international travel</li> <li>• Structure plans</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>• Local planning policies</li> <li>• Local planning schemes</li> <li>• Local development plans</li> <li>• Appointment or termination of a Chief Executive Officer</li> <li>• Scheme amendments</li> </ul> </td> </tr> </table> </li> </ol>	<ul style="list-style-type: none"> <li>• Council policies</li> <li>• Strategic community plan</li> <li>• Corporate business plan</li> <li>• Strategies as defined in the City's Council policy</li> <li>• City related international travel</li> <li>• Structure plans</li> </ul>	<ul style="list-style-type: none"> <li>• Local planning policies</li> <li>• Local planning schemes</li> <li>• Local development plans</li> <li>• Appointment or termination of a Chief Executive Officer</li> <li>• Scheme amendments</li> </ul>
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<b>Power to sub delegate:</b>	Nil		
Reporting requirements			
All Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.			

2.1 Administration of local laws					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to administer the City's local laws in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.42 and 5.43</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.42 and 5.43</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.2 Investing and managing investments					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.</li> <li>2. Establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.</li> </ol> <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> <li>1. Is to be presented in a report to each monthly Council meeting.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.3 Defer payment, grant a concession, waive fees and write off debts													
<b>Delegator:</b>	Council												
<b>Date adopted:</b>													
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;"><b>Section</b> 5.42, 5.43, and 6.2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p> <p>Note: Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 5.42, 5.43, and 6.2									
<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 5.42, 5.43, and 6.2											
<b>Delegated to:</b>	Chief Executive Officer												
<b>Limitations on delegation:</b>	<p>Where all reasonable avenues of recovery have been exhausted the Chief Executive Officer may, up to the maximum amount indicated below:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Defer Payment of a debt:</td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 25%; text-align: right;">\$500,000.00</td> </tr> <tr> <td>Waive or grant a concession (discount):</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$100,000.00</td> </tr> <tr> <td>Write – Off a debt other than an infringement debt:</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$100,000.00</td> </tr> <tr> <td>Write – Off an infringement debt:</td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="text-align: right;">\$10,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Defer Payment of a debt:		\$500,000.00	Waive or grant a concession (discount):		\$100,000.00	Write – Off a debt other than an infringement debt:		\$100,000.00	Write – Off an infringement debt:		\$10,000.00
Defer Payment of a debt:		\$500,000.00											
Waive or grant a concession (discount):		\$100,000.00											
Write – Off a debt other than an infringement debt:		\$100,000.00											
Write – Off an infringement debt:		\$10,000.00											
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 5.44									
<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 5.44											
Reporting requirements													
<p>Use of this delegation,</p> <ol style="list-style-type: none"> <li>1. When waiving or writing off debts valued at \$1000 or above per debtor this must be reported to the Audit and Risk Management Committee.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>													

2.4 Disposing of property					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. dispose of property to:               <ol style="list-style-type: none"> <li>a) the highest bidder at public auction or</li> <li>b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender</li> </ol> </li> <li>2. dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act. (give public notice and consider submissions).</li> <li>3. dispose of property excluded from s. 3.58 of the Act.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="padding-left: 10px;"><b>Section</b> 5.42, 5.43 , 3.58(2) and (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 , 3.58(2) and (3)		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 , 3.58(2) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	<p>The Chief Executive Officer may approve leases of council property where:</p> <ol style="list-style-type: none"> <li>1. The key lease terms and performance criteria have been agreed by council; or               <ol style="list-style-type: none"> <li>a. the lease is not for a period greater than six months (short term lease only); or</li> <li>b. the lease agreement does not require a business plan; or</li> <li>c. the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and</li> <li>d. the lease is in accordance with relevant council policies.</li> </ol> </li> </ol> <p>The Chief Executive Officer may, up to the maximum amount indicated below:</p> <table style="width: 100%; border: none;"> <tr> <td style="border-right: 1px solid black; padding-right: 10px;">Approve disposals of land:</td> <td style="padding-left: 10px;">\$50,000.00</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;">Approve disposals of property other than land</td> <td style="padding-left: 10px;">\$20,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Approve disposals of land:	\$50,000.00	Approve disposals of property other than land	\$20,000.00
Approve disposals of land:	\$50,000.00				
Approve disposals of property other than land	\$20,000.00				
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="padding-left: 10px;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Must be reported to the Audit and Risk Management Committee.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.5 Payments from municipal or trust fund					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make payments from the municipal or trust fund in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> <li>1. Is to be presented in a report to each monthly council meeting.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.6 Determine grants and sponsorship allocations					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine allocation of the City's grants, and sponsorships in accordance:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>		<p><b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting requirements					
Use of this delegation:					
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.7 Agreements for payment of rates and service			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make an agreement with a person for the payment of rates or services charges.</p> <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.42, 5.43 and 6.49</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> Section 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be reported to the Audit and Risk Management Committee.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.8 Require lessee to pay rent in satisfaction of rates or services charge			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government.</li> <li>2. Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.</li> </ol> <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.42, 5.43, 6.60(2) and (4)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.9 Objection to rate record - objection and review				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.42, 5.43, 6.76(4) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)			
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.10 Rate exemptions				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine applications for rate exemptions in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.42, 5.43 and 6.26</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26			
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub-delegate:</b>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements				
Use of this delegation:				
1. Is to be reported to the Audit and Risk Management Committee.				
2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.11 Expressions of interest and tenders			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. To call tenders.</li> <li>2. To call tenders for the disposal of impounded goods.</li> <li>3. To invite tenders though not required to do so.</li> <li>4. The criteria for accepted tenders.</li> <li>5. To vary tender information after public notice of invitation to tender and before the close of tenders.</li> <li>6. Seek clarification from tenderers in relation to information contained in their tender submission.</li> <li>7. To evaluate tenders and decide which is the most advantageous.</li> <li>8. To accept or reject tenders.</li> <li>9. To decline any tender.</li> <li>10. Minor variations before entering into a contract.</li> <li>11. To accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract.</li> <li>12. When to seek expressions of interest and to invite expressions of interest to supply goods or services.</li> <li>13. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"> <p><b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Sections</b>                      3.57, 3.47, 5.42 and 5.43</p> <p><b>Regulations</b>                      11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Functions and General) Regulations 1996</i></p>	<p><b>Sections</b>                      3.57, 3.47, 5.42 and 5.43</p> <p><b>Regulations</b>                      11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>
<p><b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Functions and General) Regulations 1996</i></p>	<p><b>Sections</b>                      3.57, 3.47, 5.42 and 5.43</p> <p><b>Regulations</b>                      11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers.</li> <li>2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget.</li> <li>3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.12 Sole supplier of goods and services				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority:</p> <ol style="list-style-type: none"> <li>To determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black;"> <p><b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p><b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>	<p><b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)</p>			
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> <li>The final amount spent does not exceed \$50 000.</li> <li>adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and</li> <li>Sufficient investigation into the use of potential substitute goods or services has been undertaken.</li> <li>Determinations to be reported to the Audit and Risk Management Committee at least annually.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>			
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>		
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

2.13 Appointment of Acting Chief Executive Officer			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to appoint an Acting Chief Executive Officer in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.36, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The employee being a director.</li> <li>2. Appointments being no longer than six weeks.</li> <li>3. Council members are to be advised of Acting Chief Executive Officer.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting Requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.14 Appoint authorised persons			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting Requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.15 Additional powers when notice is given to the owner or occupier of land under Section 3.25					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything necessary to achieve the purpose for which a notice has been given and to recover costs associated with achieving the purpose for which a notice has been given, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;"><b>Section</b> 3.26, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 3.26, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 3.26, 5.42 and 5.43			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.16 Particular things local governments can do on land that is not local government property					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;"><b>Section</b> 3.27, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 3.27, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>		<b>Section</b> 3.27, 5.42 and 5.43			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.17 Crossing from public thoroughfare to private land or private thoroughfare				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land.</li> <li>2. give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p>		<p><b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>
<p><b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i></p>		<p><b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations delegation:</b>	<ol style="list-style-type: none"> <li>1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>			
<b>Power to sub delegate:</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.44</p> </td> </tr> </table>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.44</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.44</p>		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

2.18 Powers of entry			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. enter on to land to perform any function of the local government under the Act.</li> <li>2. give a notice of entry.</li> <li>3. seek and execute an entry under warrant.</li> <li>4. execute entry in an emergency.</li> <li>5. give notice and effect entry by opening a fence.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.19 Disposing of confiscated or uncollected goods			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to sell or otherwise dispose of confiscated or uncollected goods and to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black;"><b>Legislation</b> <i>Local Government Act 1995</i></td> <td style="width: 50%;"><b>Section</b> 5.44</td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.20 Disposal of sick or injured animals			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to destroy and dispose of an animal that is determined to be too sick or injured to treat, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      3.47A(1), 5.42 and 5.43                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      5.44                 </td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.21 Close thoroughfares to vehicles			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles.</li> <li>2. give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks.</li> <li>3. where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made.</li> </ol> <p>in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      3.50, 3.50(A), 3.51, 5.42 and 5.43                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      5.44                 </td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.22 Reserves under control of local government					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything for the purposes of controlling and managing land that is vested in or under the management of the City, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 3.54, 5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 3.54, 5.42 and 5.43</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 3.54, 5.42 and 5.43</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting Requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.23 Dangerous excavations in or near public thoroughfares					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></p>		<p><b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></p>		<p><b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</p>			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Power to sub delegate:</b>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>	<p><b>Section</b> 5.44</p>			
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

2.24 Private works on, over or under public places				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p>		<p><b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p>
<p><b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></p>		<p><b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</p>		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	<p>Subject to:</p> <ol style="list-style-type: none"> <li>1. Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>.</li> <li>2. That due process for the issuing of a notice under section 3.25 of the Act is followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>			
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Local Government Act 1995</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 5.44</p> </td> </tr> </table>	<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.44</p>
<p><b>Legislation</b> <i>Local Government Act 1995</i></p>		<p><b>Section</b> 5.44</p>		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

### Bush Fires Act 1954

3.1 Bush Fires Act 1954 Powers, duties and functions of a local government				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Bush Fires Act 1954</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 48</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Bush Fires Act 1954</i></p>		<p><b>Section</b> 48</p>
<p><b>Legislation</b> <i>Bush Fires Act 1954</i></p>		<p><b>Section</b> 48</p>		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> <li>1. Are prescribed in the Act with a requirement for a resolution of the local government.</li> <li>2. Are prescribed by the Act for performance by designated officers.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>			
<b>Power to sub delegate:</b>	Nil.			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

**Food Act 2008**

3.2 Food Act 2008 Appoint authorised and designated officers			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to appoint a person:</p> <ol style="list-style-type: none"> <li>1. To be an authorised officer for the purposes of the <i>Food Act 2008</i>.</li> <li>2. To be a designated officer for the purposes of the <i>Food Act 2008</i>.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Section</b> 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p>
<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 122(1) and 126(13)</p> <p>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p>		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

3.3 Food Act 2008 Prohibition orders			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services and Senior Environmental Health Officer authority to determine:</p> <ol style="list-style-type: none"> <li>1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65].</li> <li>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices.</li> <li>3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p>
<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>65(1), 66, and 67(4)</p>		
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

3.4 Food Act 2008 Prosecutions				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, and Senior Environmental Health Officer authority to institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>		<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p>
<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>		<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>125</p>		
<b>Delegated to:</b>	<p>Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer</p>			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	Nil.			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

3.5 Food Act 2008 Registration of food businesses			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, Senior Environmental Health Officer and all Environmental Health Officers authority to:</p> <ol style="list-style-type: none"> <li>1. Determine applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration.</li> <li>2. After considering an application, grant (with or without Limitations) or refuse the application.</li> <li>3. Vary the Limitations or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i>.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p>
<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>110(1) and (5) and 112</p>		
<b>Delegated to:</b>	<p>Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer All Environmental Health Officers</p>		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

3.6 Food Act 2008 Determine compensation			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p>
<p><b>Legislation</b> <i>Food Act 2008</i></p> <p><i>Food Act 2008</i></p>	<p><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</p> <p>70(2) and (3)</p>		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The level of compensation to be paid in respect of any single claim is not to exceed \$5 000.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Building Act 2011**

3.7 Building Act 2011 Approve or refuse building permit										
<b>Delegator:</b>	Council									
<b>Date adopted:</b>										
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a building permit.</li> <li>2. Refuse a building permit.</li> <li>3. Determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning.</li> <li>4. Determine approval / refusal of battery powered smoke alarm and determine application form.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Legislation</b></td> <td style="width: 40%;"><b>Section</b></td> </tr> <tr> <td><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td>20, 27(1) and (3)</td> </tr> <tr> <td><i>Building Regulations 2012</i></td> <td>Regulation 55 and 61</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	20, 27(1) and (3)	<i>Building Regulations 2012</i>	Regulation 55 and 61
<b>Legislation</b>	<b>Section</b>									
<i>Building Act 2011</i>	127									
<i>Building Act 2011</i>	20, 27(1) and (3)									
<i>Building Regulations 2012</i>	Regulation 55 and 61									
<b>Delegated to:</b>	Chief Executive Officer									
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.									
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)								
Reporting requirements										
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>										

3.8 Building Act 2011 Approve or refuse demolition permit							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>							
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a demolition permit.</li> <li>2. Refuse a demolition permit.</li> <li>3. Impose, vary or revoke Limitations on a demolition permit.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Legislation</b> <i>Building Act 2011</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 35%;"><b>Section</b> 127</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td>21, 27(1) and (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127	<i>Building Act 2011</i>		21, 27(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127					
<i>Building Act 2011</i>		21, 27(1) and (3)					
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Legislation</b> <i>Building Act 2011</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 35%;"><b>Section</b> 127(6A)</td> </tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)			
<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)					
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.9 Building Act 2011 Grant occupancy permit or building approval certificate				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. require an applicant to provide any document or information required in order to determine an application.</li> <li>2. grant or modify an occupancy permit or building approval certificate.</li> <li>3. impose, add, vary or revoke Limitations on an occupancy permit or building approval certificate.</li> <li>4. the period in which an occupancy permit or modification, or building approval certificate has effect.</li> </ol> <p>in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Building Act 2011</i>  <i>Building Act 2011</i> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <b>Section</b>                      127                      58, 62(1) and (3)                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i> <i>Building Act 2011</i>		<b>Section</b> 127 58, 62(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i> <i>Building Act 2011</i>		<b>Section</b> 127 58, 62(1) and (3)		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"><b>Legislation</b> <i>Building Act 2011</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"><b>Section</b> 127(6A)</td> </tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)
<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

3.10 Building Act 2011 Designate authorised persons				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to appoint 'authorised officers', in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Building Act 2011</i>  <i>Building Regulations 2012</i>  <i>Local Government Act 1995</i>  <i>Criminal Procedures Act 2004</i> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <b>Section</b>                      127                      Regulation 70(2)                      9.10 and 9.16                      6(b)                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedures Act 2004</i>		<b>Section</b> 127 Regulation 70(2) 9.10 and 9.16 6(b)
<b>Legislation</b> <i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedures Act 2004</i>		<b>Section</b> 127 Regulation 70(2) 9.10 and 9.16 6(b)		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"><b>Legislation</b> <i>Building Act 2011</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"><b>Section</b> 127(6A)</td> </tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)
<b>Legislation</b> <i>Building Act 2011</i>		<b>Section</b> 127(6A)		
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

3.11 Building Act 2011 Issue and revocation of building orders							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>							
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Make building orders in relation to:               <ol style="list-style-type: none"> <li>a. Building work.</li> <li>b. Demolition work.</li> <li>c. An existing building or incidental structure.</li> </ol> </li> <li>2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]</li> <li>3. Revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, cause an authorised person to:               <ol style="list-style-type: none"> <li>a. Take any action specified in the order.</li> <li>b. Commence or complete any work specified in the order.</li> <li>c. If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118 (2)].</li> </ol> </li> <li>5. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;"><b>Legislation</b></th> <th style="text-align: left;"><b>Section</b></th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)
<b>Legislation</b>	<b>Section</b>						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;"><b>Legislation</b></th> <th style="text-align: left;"><b>Section</b></th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127(6A)</td> </tr> </tbody> </table>	<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127(6A)		
<b>Legislation</b>	<b>Section</b>						
<i>Building Act 2011</i>	127(6A)						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.12 <i>Building Act 2011</i> Inspection and copies of building records						
<b>Delegator:</b>	Council					
<b>Date adopted:</b>						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine an application from an interest person to inspect and copy a building record, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding: 5px;"><b>Legislation</b> <i>Building Act 2011</i></td> <td style="width: 50%; padding: 5px;"><b>Section</b> 127</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">131(2)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	131(2)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127					
<i>Building Act 2011</i>	131(2)					
<b>Delegated to:</b>	Chief Executive Officer					
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Reporting requirements						
Use of this delegation:						
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>						

**Litter Act 1979**

3.13 Litter Act 1979 Withdrawal of infringement notices			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety</li> <li>• Team Leader Parking</li> </ul> <p>the authority to determine if an infringement is to be withdrawn; and to sign withdrawal notices sent under subsection 4 of the <i>Litter Act 1979</i>.</p> <p>In accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><b>Legislation</b> <i>Litter Act 1979</i></td> <td style="border-left: 1px solid black; text-align: center;"><b>Section</b> 30(4a)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)
<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)		
<b>Delegated to:</b>	<p>Chief Executive Officer Director City Business Manager Field Services Team Leader Community Safety Team Leader Parking</p>		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

### Dog Act 1976

3.14 Dog Act 1976 Functions					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to undertake all the powers and duties of the local government under the <i>Dog Act 1976</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Legislation</b> <i>Dog Act 1976</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;"><b>Section</b> 10AA</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Dog Act 1976</i>		<b>Section</b> 10AA
<b>Legislation</b> <i>Dog Act 1976</i>		<b>Section</b> 10AA			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA(3)			
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

### Cat Act 2011

3.15 Cat Act 2011 Functions					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Cat Act 2011</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Legislation</b> <i>Cat Act 2011</i></td> <td style="width: 5%; border: none;"> </td> <td style="width: 45%; border: none;"><b>Section</b> 44</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Cat Act 2011</i>		<b>Section</b> 44
<b>Legislation</b> <i>Cat Act 2011</i>		<b>Section</b> 44			
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Cat Act 2011</i>	<b>Section</b> 45			
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

**Caravan Parks and Camping Grounds Act 1995**

3.16 Caravan Parks and Camping Grounds Act 1995 Authority to act as authorised persons			
<b>Appointer:</b>	Council		
<b>Date adopted:</b>			
<b>Appointed function:</b>	<p>Council appoints the:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Compliance and Health</li> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Community Safety</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul> <p>to act as an authorised person for the purposes of this Act as considered necessary</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; vertical-align: top;"> <p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>                      The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the Caravan and Camping Grounds Regulations 1997</p> </td> <td style="width: 30%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p><b>Section</b> 17(1)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>                      The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the Caravan and Camping Grounds Regulations 1997</p>	<p><b>Section</b> 17(1)</p>
<p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>                      The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the Caravan and Camping Grounds Regulations 1997</p>	<p><b>Section</b> 17(1)</p>		
<b>Appointment:</b>	<p>Chief Executive Officer                      Director City Business                      Manager Field Services                      Team Leader Compliance and Health                      Senior Environmental Health Officer                      All Environmental Health Officers                      Team Leader Community Safety                      All Community Safety Officers                      All Security Officers</p>		
<b>Limitations on appointment:</b>	<p>The following officers can perform all of the functions of an authorised person under the <i>Caravan Parks and Camping Grounds Act 1995</i> but for the purposes of infringement notices the following limits apply:</p> <p>In accordance with section 23(11) the following persons are authorised to extend and withdraw infringement notices under 23(5) and (7) of the <i>Caravan Parks and Camping Grounds Act 1995</i>, <b>but must not issue infringement notices:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety</li> </ul> <p>In accordance with section 23(11) the following persons are authorised to issue infringement notices under section 23(2) of the <i>Caravan Parks and Camping Grounds Act 1995</i> but must not extend or withdraw infringement notices:</p> <ul style="list-style-type: none"> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Compliance and Health</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul>		

	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
<b>Power to sub delegate:</b>	Nil – <i>The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i>
<b>Reporting requirements</b>	
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.	

### Graffiti Vandalism Act 2016

<b>3.17 Graffiti Vandalism Act 2016 Local government functions</b>										
<b>Delegator:</b>	Council									
<b>Date adopted:</b>										
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>, including the appointment of authorised persons, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Legislation</b></td> <td style="width: 50%;"><b>Section</b></td> </tr> <tr> <td><i>Graffiti Vandalism Act 2016</i></td> <td>15 and 16</td> </tr> <tr> <td><i>Graffiti Vandalism Act 2016</i></td> <td>Part 3</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>Part 9</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b>	<b>Section</b>	<i>Graffiti Vandalism Act 2016</i>	15 and 16	<i>Graffiti Vandalism Act 2016</i>	Part 3	<i>Local Government Act 1995</i>	Part 9
<b>Legislation</b>	<b>Section</b>									
<i>Graffiti Vandalism Act 2016</i>	15 and 16									
<i>Graffiti Vandalism Act 2016</i>	Part 3									
<i>Local Government Act 1995</i>	Part 9									
<b>Delegated to:</b>	Chief Executive Officer									
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.									
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 17								
<b>Reporting requirements</b>										
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.										

**Public Health Act 2016**

3.18 Public Health Act 2016 Appoint authorised officers				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a qualified person to be an environmental health officer.</li> <li>2. Designate environmental health officers (either as a person or class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act.</li> <li>3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the Public Health Act 2016 or another specified Act.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>Legislation</b></p> <p><i>Public Health Act 2016</i></p> <p><i>Public Health Act 2016</i></p> </td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 45%; vertical-align: top;"> <p><b>Section</b></p> <p>17, 24(1),(3) and (4)</p> <p>21</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b></p> <p><i>Public Health Act 2016</i></p> <p><i>Public Health Act 2016</i></p>		<p><b>Section</b></p> <p>17, 24(1),(3) and (4)</p> <p>21</p>
<p><b>Legislation</b></p> <p><i>Public Health Act 2016</i></p> <p><i>Public Health Act 2016</i></p>		<p><b>Section</b></p> <p>17, 24(1),(3) and (4)</p> <p>21</p>		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The designation of authorised officers is to be in accordance with section 25 of the <i>Public Health Act 2016</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>			
<b>Power to sub delegate:</b>	Nil.			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

**Fines, Penalties and Infringement Notices Enforcement Act 1994**

3.19 Fines, Penalties and Infringement Notices Enforcement Act 1994 Appointment of prosecution officers				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 35%;"><b>Section</b> 13 and 13(2)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>		<b>Section</b> 13 and 13(2)
<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>		<b>Section</b> 13 and 13(2)		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	Nil.			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

**Planning and Development Act 2005**

3.20 Planning and Development Act 2005 Illegal development								
<b>Delegator:</b>	Council							
<b>Date adopted:</b>								
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:               <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Legislation</b></td> <td style="width: 40%;"><b>Section</b></td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42</td> </tr> <tr> <td><i>Planning and Development Act 2005</i></td> <td>214(2), (3) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development Act 2005</i>	214(2), (3) and (5)
<b>Legislation</b>	<b>Section</b>							
<i>Local Government Act 1995</i>	5.42							
<i>Planning and Development Act 2005</i>	214(2), (3) and (5)							
<b>Delegated to:</b>	Chief Executive Officer							
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
<b>Power to sub delegate:</b>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44						
Reporting requirements								
Use of this delegation:								
<ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>								

**City of Fremantle Local Planning Scheme No. 4**

3.21 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>					
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to take action under part 13 of the <i>Planning and Development Act 2005</i> for any failure to comply with the provisions of Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). As well as the power to determine a position in respect to any mediation resulting from an application for review made under Part 14 of the <i>Planning and Development Act 2005</i> in response to a decision made under delegated authority; and</p> <p>The determination of the City's position with respect to any appeal to the State Administrative Tribunal on a decision made under delegated authority.</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>Legislation</b> <i>Planning and Development Act 2005</i></td> <td style="border-left: 1px solid black; width: 30%;"><b>Section</b> 13 and 14</td> </tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td> <td style="border-left: 1px solid black;">82</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82
<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14				
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015</td> <td style="border-left: 1px solid black; width: 30%;"><b>Section</b> 83</td> </tr> </table>	<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83		
<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83				
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					

3.22 City of Fremantle Local Planning Scheme No. 4 Development Control			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. applications for planning approval (including the exercise of discretion under Local Planning Scheme No. 4 and the Residential Design Codes);</li> <li>2. all matters which arise out of the imposition of conditions on planning approvals; and</li> <li>3. all matters delegated to the City of Fremantle under the <i>Planning and Development Act 2005</i>, or functions that the City is authorised to exercise under that Act.</li> </ol> <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      5.42 and 5.43                      6.49                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43 6.49
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43 6.49		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Local Government Act 1995</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      5.44                 </td> </tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

**Control of Vehicles (Off-road Areas) Act 1978**

3.23 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer			
<b>Appointer:</b>	Council		
<b>Date adopted:</b>			
<b>Appointed function:</b>	<p>Council appoints the Manager Field Services, Team Leader Community Safety and all Community Safety Officers authority to act as an authorised officer for the purposes of this Act as considered necessary, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Legislation</b>  <i>Control of Vehicles (Off-road Areas) Act 1978</i> </td> <td style="width: 50%; vertical-align: top;"> <b>Section</b>                      38(1)(c) and 38 (3)                 </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)
<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)		
<b>Appointment:</b>	Manager Field Services Team Leader Community Safety All Community Safety Officers		
<b>Limitations on appointment:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub-delegate:</b>	Nil		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements			

### Health (Asbestos) Regulations 1992

3.24 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i>, in accordance with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i></td> <td style="width: 50%; border: none;"><b>Section</b> Regulation 15D(5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)
<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>power to Sub delegate:</b>	Nil.		
Reporting requirements			
Use of this delegation:			
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

**6.1 Ordinary Council Meeting - 22 August 2018 – Item SPT1808-2**  
**Fremantle Oval - Indicative Development Plan**

<b>Fremantle Oval - Indicative Development Plan</b>	
<b>Delegator:</b>	Council
<b>Date adopted:</b>	OCM - 22 August 2018
<b>Authorised function:</b>	<p>Authorises the Chief Executive Officer to negotiate a partnership approach with LandCorp, expressed through a Memorandum of Understanding (MoU) document, to further investigate the feasibility of developing the precinct in a manner that addresses the vision, goals, objectives and principles, with additional reference to:</p> <ul style="list-style-type: none"> <li>a. ensuring that any future development will be subjected to planning objectives and controls derived from extending the application of the Local Planning Scheme into the oval precinct, as opposed to a new Redevelopment Scheme being imposed;</li> <li>b. the importance of creating a great public realm within the redevelopment area that is connected, legible, safe and draws its pattern, form and character from the cultural significance of the site and its surrounds.</li> <li>c. the MoU to reference the existing Steering and Reference Groups established by the Council, and the ongoing consultative roles these bodies will serve during the next stage;</li> </ul> <p><b>Legislation</b> <i>Local Government Act 1995:</i></p> <p style="text-align: right;"><b>Section</b> 5.42</p> <p>For the purpose of effective management of the City of Fremantle.</p>
<b>Delegated to:</b>	Chief Executive Officer
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
<b>Power to sub delegate:</b>	Nil
<b>Reporting requirements</b>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

**6.2 Special Council Meeting – 31 October 2018 – Item SCM1810-1**  
**Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library**

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library				
<b>Delegator:</b>	Council			
<b>Date adopted:</b>	SCM – 31 October 2018			
<b>Authorised function:</b>	<p>The Chief Executive Office is authorised to agree to any variation to the works under the construction contract entered into under paragraphs 3 or 4 of the Council Decision, provided that the single or cumulative upward adjustment to the contract sum does not exceed 5% of the contract sum.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;"><b>Legislation</b> <i>Local Government Act 1995:</i></td> <td style="width: 5%; border-left: 1px solid black; border-right: 1px solid black;"></td> <td style="width: 35%;"><b>Section</b> 5.42</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995:</i>		<b>Section</b> 5.42
<b>Legislation</b> <i>Local Government Act 1995:</i>		<b>Section</b> 5.42		
<b>Delegated to:</b>	Chief Executive Officer			
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
<b>Power to sub delegate:</b>	Nil			
Reporting requirements				
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>				

## Execution of Documents

### Policy scope

This policy provides guidance on the appropriate method of execution for the City's documents and ensures that the City's common seal is applied and documents executed in accordance with the provisions of the *Local Government Act 1995* (the Act).

According to the Act, s9.49A, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.

### Policy statement

This policy applies to all City of Fremantle officers who have been authorised through the provisions of this policy to execute documents on behalf of Council.

Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining to those decisions.

In the case of:

1. Legislation;
2. The formal requirements of a Commonwealth or State department, authority or agency (as described in a policy or procedure, etc); or
3. A Council decision;

expressly specifying a particular way in which a document is to be executed, that course of action is to take precedence over this policy.

Should ambiguity arise over what category might apply to a document i.e. two categories may have relevance to a document, then the higher category is to take precedence unless the decision has been made under delegated authority in which case it is a Category 2 document and can be executed by the officer exercising the delegated authority.

Category 1(A) Documents	
<p>Category 1A documents <b>require a specific resolution of Council</b> to sell, lease or enter into an agreement etc. as well as an authority to affix the seal.</p> <p>These documents will be executed by having the common seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the Mayor and CEO or pursuant to s9.49A(3)(b) of the Act, the Mayor and a senior employee authorised by the CEO to do so.</p>	
No#	Description
1	<p>Deeds, including but not limited to:-</p> <ul style="list-style-type: none"> <li>• Deeds of Agreement;</li> <li>• Deeds of Release; and</li> <li>• Memorandum of Understanding,</li> </ul> <p>in respect to sale, purchase or other commercial dealing relating to City assets including equitable interests.</p>
2	Local Planning Schemes and Amendments.
3	<p>Lease documents. This category includes, but is not limited to:-</p> <ul style="list-style-type: none"> <li>• Extension of Lease under original lease and new term not previously provided;</li> <li>• Variation of Lease;</li> <li>• Assignment of Lease; and</li> <li>• Surrender of Lease.</li> </ul> <p>except for any of the above that are granted under delegated authority.</p>
4	Licence documents
5	Local Laws
6	Documents prepared for registration at Landgate that are mortgage documents and transfer of land forms where the value of the land exceeds the amount determined by the City of Fremantle for the purpose of section 5.43 (d) of the Act.
Category 1(B) Documents	
<p>Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a “class of documents” authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.</p> <p>Please note that the document <b>may not require a Council resolution</b> (being a Category 1(B) document) however the decision to undertake a particular course of action may still require Council approval</p>	
No#	Description
1	Agreements relating to grant funding, when the funder requires that the agreement be signed under seal.
2	Debenture documents for loans which Council has resolved to raise.
3	Extension of Lease under original lease clause or provision.
4	Sub Lease of a portion of the premises by the Lessee.
5	Minor Variation of Lease provided it does not alter the substantive terms of the Lease approved by Council (for example, changes a process within the lease).
6	General Legal and Service Agreements not already listed in this policy.
7	Indemnity given by the City to a third party.

Category 2 Documents	
<p>Category 2 documents <b>do not require the seal to be affixed.</b> Under section 9.49(A)(4) Council hereby authorises those officers listed in the table below to sign documents on behalf of the City of Fremantle.</p>	
Description	Authority to Execute
Documents required in the management of land as a landowner.	Chief Executive Officer The responsible Director
Documents required to enact a decision of Council (i.e. contractual documents resulting from a tender process, transfer of lands forms, notification on title as required by a condition of approval, memorandum of understanding, adoption of a new Structure Plan etc.)	Chief Executive Officer The responsible Director
Documents that enact a decision made under delegated authority or as a condition of approval given under delegated authority.	Chief Executive Officer The responsible Director The Officer exercising the delegated authority
Category 3 Documents	
<p>Category 3 documents are those documents that are created in the normal course of business and are consistent with City policies and procedures. Category 3 documents are to be executed by a Director or Manager, or a City officer where the authority and accountability has been extended <b>through a policy or procedure.</b> These documents <b>include but are not limited to</b> the following</p>	
No#	Description
1	Agreements in the normal course of business for the purchase of goods or services identified within the service unit's budget (other than for tenders awarded by Council) and conforming to the requirements of the City's Purchasing Policy and other relevant policies.
2	Debenture documents for loans which Council has resolved to raise.
3	General correspondence required to discharge the duties of your position.
4	Contracts for grant funding conducted in accordance with the City's policies and procedures.
5	Regular hire arrangements.

## Definitions and abbreviations

Nil.

Review information and related documentation	
<b>Reviewing officer:</b>	Manager Governance
<b>Policy adopted:</b>	Click here to enter a date. "<Council number>"
<b>Policy amended:</b>	Click here to enter a date. "<Council number>"
<b>Legislation:</b>	"<Legislation or NA>"
<b>Delegations:</b>	"<Delegation or NA>"
<b>Related documents:</b>	"<Other related document or NA>"
<b>Next review date:</b>	Click here to enter a date (2 years). "<Council number>"

**Carried en bloc: 12/0**  
**Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
 Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
 Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**FPOL1906-9 ENCROACHMENT OF A FRONT BOUNDARY WALL PIER AT 65 WRAY AVENUE, FREMANTLE**

**Meeting Date:** 8 May 2019  
**Responsible Officer:** Manager Field Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Survey dated 3/05/2019

**SUMMARY**

**On 24 October 2018, the City received a written complaint from the owners of 67 Wray Avenue in relation to a brick pier constructed over the common boundary of 65 and 67 Wray Avenue. The pier constructed by the owner of 65 Wray Avenue formed part of a newly constructed front brick wall and encroaches 28.5 centimetres into 67 Wray Avenue. A survey from a licensed land surveyor has confirmed the encroachment and whilst the encroachment could be considered minor, it does contravene the planning and building approvals granted for the wall.**

**The owner of 67 Wray Avenue has stated that the encroaching pier affects access to the services of his recently completed mixed use development, and has demanded that it be relocated to its approved location.**

**It is recommended that Council approve a third party mediator be engaged, to encourage the property owners of 65 and 67 Wray Avenue Fremantle to agree on an amicable solution.**

**BACKGROUND**

The subject site is located on the South Western side of Wray Avenue between Hampton Road and South Terrace, Fremantle. The property is listed on the City's Heritage list as management category Level 3.

The City received a written complaint from the neighbour at 67 Wray Avenue regarding an encroachment of a newly constructed front boundary brick pier. Both Planning and Building approvals required the brick pier to be on the boundary and contained solely within 65 Wray Avenue.

An official survey of the boundary undertaken by a licenced land surveyor (See attachment 1) indeed confirmed the encroachment to be 28.5 Centimetres. The owner of 67 Wray Avenue is aggrieved by this and has insisted that the City take action to have the pier reinstated to its approved location

(Photograph of encroaching pier below)



## STATUTORY CONSIDERATIONS

Pursuant to section 29 (1) of the Building Act 2011 the person named as the builder on a building permit must ensure that —

- (a) *The building or incidental structure to which the permit applies is completed in accordance with the plans and specifications that are specified in the applicable certificate of design compliance; and*
- (b) *The building work otherwise complies with the building permit including each condition that applies to the permit.*

The encroaching pier as constructed is not considered to comply with the above requirements as it is not constructed in accordance with the approved plans.

The encroachment also constitutes work affecting neighbouring land under Section 76 of the Building Act which states-

No encroachment without consent, court order or other authority

- (1) *A person responsible for work must ensure that no part of a building or an incidental structure is placed beyond the boundaries of the works land —*
  - (a) *unless each owner of the land into, onto, or over which the encroaching part is placed consents to the encroaching part being so placed and the encroaching part is placed in accordance with the consent; or*
  - (b) *unless the encroaching part is placed in accordance with an order under section 86(2)(a); or*

- (c) *unless the encroachment is prescribed as a minor encroachment; or*
- (d) *unless the encroachment is into, onto, or over Crown land and the encroachment is authorised under the Land Administration Act 1997; or*
- (e) *except in prescribed circumstances.*

In addition to the above pursuant to section 218(a) of the Planning and Development Act 2005 (“Act”), a person who contravenes the provisions of a planning scheme also commits an offence.

### **OFFICER COMMENT**

In determining the most appropriate manner in which to deal with this matter, consideration needs to be given to the unlawful encroachment. Although the encroachment is minor, the neighbour is aggrieved and states it affects access to the building services box located behind the pier.

The Building Act is clear in that it prohibits a building or incidental structure being placed beyond the boundaries of the works land without the consent of the affected property owners or by the issuing of a court order. Neither has occurred in this instance.

Committee also has the option of pursuing the matter in accordance with the provisions of the Planning and Development Act for non-compliance with the Development approval and approved plans.

In an endeavour to resolve the matter it is the Officers opinion that mediation may be the most suitable option before any other action is considered. Should mediation be unsuccessful then an order for relocation of the pier may need to be considered as a solution.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

### **COMMITTEE RECOMMENDATION ITEM FPOL1906-9** **(Officer’s recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Rachel Pemberton**

**Council approve a third party mediator be engaged, to encourage the property owners of 65 and 67 Wray Avenue Fremantle to agree on an amicable solution.**

**Carried: 7/0**

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

### **ADDITIONAL OFFICER’S COMMENT**

Following the Finance Policy Operations and Legislation committee meeting held on 12 June 2019, officers have provided the following additional information in regards to the encroaching pier at 67 Wray Avenue being considered under the *Dividing Fences Act 1961*.

The Dividing Fences Act (the Act) mostly deals with type, location and costs associated with the placement of a dividing fence. The Act and all other relevant statutory requirements apply when installing a dividing fence. Planning or building approval is not usually required for a standard dividing fence, unless it is associated with a heritage listed property, is positioned in the front setback area and of masonry construction .

In this instance both planning and building approval was required as the fence was located in the front setback area, was of masonry construction, and the property is heritage listed. The approved plans nominated the fence entirely on the property of 65 Wray Avenue and approval was granted on this basis. Had the application for approval nominated the encroachment, then consent would have been required from the adjacent property owner of 67 Wray Avenue. As this did not occur, the encroaching pier has been constructed in contravention of the Planning and Building approval.

Should mediation be successful and the owners of 67 Wray Avenue consent to the encroachment this will be required to be formalised on the certificate of title.

**COUNCIL DECISION ITEM FPOL1906-9**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council approve a third party mediator be engaged, to encourage the property owners of 65 and 67 Wray Avenue Fremantle to agree on an amicable solution.**

**Carried en bloc: 12/0**

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

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## **FPOL1906-10 ADOPTION OF FLYING OF FLAGS POLICY**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Governance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil.

### **SUMMARY**

The City of Fremantle flies flags on property owned by the local government and it is intended that this policy will ensure that the flags displayed in Kings Square are acknowledged with due diligence, dignity and attention to position.

This report recommends that Council Adopt the Flying of Flags Policy included in the recommendation.

### **BACKGROUND**

Council recognises that flags are, by their very nature, a symbol of a nation, state or organisation and it is therefore important for the City of Fremantle to be aware of, and observe the appropriate principles and flag flying hierarchy.

The Flying of Flags Policy aims to convey Councils requirements for the flying of flags within Kings Square, while taking into consideration relevant conditions like flag pole availability, weather conditions and relevant dates.

### **FINANCIAL IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil.

### **CONSULTATION**

Nil.

### **OFFICER COMMENT**

The Flying of Flags Policy provides some guidance to the community regarding the flags that Council will ordinarily fly within Kings Square during the year and offers flag flying protocol direction to employees.

The Flying of Flags Policy includes direction that flags must not be flown when they are damaged, faded or dilapidated and also that flags will not be flown in hazardous conditions.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**AMENDMENT 1**

**Moved: Cr Andrew Sullivan      Seconded: Cr Rachel Pemberton**

**To remove the words *'and will fly the Australian National Flag only'* from part 3 of the Policy, as follows;**

Poles	Flags and the order they are to be flown in
1st	Australian National Flag
2nd	Aboriginal Flag
3rd	City of Fremantle logo Flag or other temporary flags on approved occasions.
The flag pole on top of the Fremantle Town Hall is considered independent for the purposes of this policy. <del>and will fly the Australian National Flag only.</del>	
Where declared by the commonwealth or state government, a special flag or flags may be flown when the City of Fremantle receives advice on such "special declarations" by the government.	

**Amendment carried: 7/0**

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

**Reason for change:**

This amendment is intended to allow more flexibility in the use of the flag pole situated on top of the Town Hall.

**COUNCIL DECISION ITEM FPOL1906-10**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council adopt the Flying of Flags Policy included below:**

## **Flying of Flags**

### **Policy statement**

This policy has been created, as flags are recognised as the symbol of a nation, state or organisation and it is important for the City of Fremantle to be aware of, and observe the appropriate principles and flag flying protocols.

The City of Fremantle will fly flags within Kings Square and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.

### **Policy scope**

#### **1. Principles**

The purpose of this policy is two-fold:

- a. To identify the protocols used for flying flags under the City of Fremantle's care and control; and
- b. To provide operational guidelines for flying flags under the City of Fremantle's care and control.

#### **2. When to display a flag**

Flags may be flown if;

- a. They are a recognised national flag (pursuant to the commonwealth flags act 1953, including subsequent proclamations);
- b. They are;
  - the Western Australian State Flag.
  - the Aboriginal Flag.
  - the City of Fremantle corporate flag.
- c. They are approved by Chief Executive Officer, in consultation with the Mayor.

#### **3. Hierarchy**

The hierarchy for flying flags on City of Fremantle property is as follows: (the following is dependent upon the number of flag poles erected in any one location)

Poles	Flags and the order they are to be flown in
1st	Australian National Flag
2nd	Aboriginal Flag
3rd	City of Fremantle logo Flag or other temporary flags on approved occasions.
The flag pole on top of the Fremantle Town Hall is considered independent for the purposes of this policy. <del>and will fly the Australian National Flag only.</del>	
Where declared by the commonwealth or state government, a special flag or flags may be flown when the City of Fremantle receives advice on such "special declarations" by the government.	

#### 4. Rules for flying flags

- a. The Australian National Flag must only be flown at night if illuminated.
- b. Order of preference to be: Australian National Flag, Aboriginal flag, state and territory flags, other Australian flags ensigns and pennants.
- c. When flying the Australian National Flag and any other flags in a line of flagpoles the Australian National Flag should be flown on the far left of a person facing the flags.
- d. When flying the Australian National Flag with other flags in a line of flagpoles, the order of the flags should follow the rules of precedence e.g. the Australian National Flag should be flown on the far left of a person facing the flags, or in the centre where there are three (3) flag poles and the centre pole is higher. Note: no other flag should be flown above a national flag.
- e. In a semi-circle of flags, the Australian National Flag should be in the centre.
- f. The flag should never be allowed to fall or lie on the ground.
- g. The flag should never be used to cover a statue, monument or plaque for an unveiling ceremony, to cover a table or seat or to mask boxes.
- h. The flag should not be flown when in a damaged, faded or dilapidated condition.
- i. The flag should not normally be flown in a position inferior to that of any other flag or ensign.
- j. The flag should not be smaller than that of any other flag or ensign.

- k. The flag should be raised briskly and lowered ceremoniously.
- l. The flag should be flown aloft and free, as close as possible to the top of the flag mast, with the rope tightly secured.
- m. The flag should be raised no earlier than first light and should be lowered no later than dusk.
- n. Two flags should not be flown from the same flagpole.
- o. The flag should not be flown upside down, not even as a signal of distress.
- p. Flag protocols state that flags must not be flown if they are damaged, faded or dilapidated.
- q. Flags will not be flown in hazardous conditions.

**5. Rules for flying flags at HALF MAST**

- a. Flags are flown in the half-mast position as a sign of mourning.
- b. When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- c. To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the "peak"), then immediately lowered slowly to the half-mast position. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- d. When lowering the flag from a half-mast position, it should first be briefly raised to the peak, and then be lowered ceremoniously.
- e. Under no circumstances should a flag be flown at half-mast at night, even if illuminated.

**6. Special dates when flags are to be flown (including at half-mast)**

Appendix 1 contains a list of approved, special days of commemoration for the flying of flags including when flags should be flown at half-mast.

Other approved occasions are when the Protocol Unit of the Department of Premier and Cabinet provide a notice to the City of Fremantle for when flags are required to be flown at half-mast. Such notices will be received for example, in the event of a death of a member of the royal family or death of the Governor-General.

Appendix 1		
Pre - APPROVED DAYS FOR FLYING FLAGS		
OCCASION	DATE	ADDITIONAL INFORMATION
Anniversary of Australian Federation Day	1 January	
Australia Day	26 January	
Commonwealth Day	Second Monday in March	
Harmony Day	21 March	
Anzac Day	25 April	Flags are flown at half-mast until noon then at the peak until the usual time for closure of business.
National Reconciliation Week	27 May to 3 June	Torres Strait Islander flag and the Aboriginal flag are to be flown.
NAIDOC Week	Nominated week in July	Torres Strait Islander flag and the Aboriginal flag are to be flown.
Anniversary of the bombing of Hiroshima	6 August	International Campaign to Abolish Nuclear Weapons Flag to be flown.
Australian National Flag Day	3 September	
Merchant Navy Day	3 September	Allied Merchant Seaman's flag to be flown.
Citizenship Day	17 September	
Queen's Birthday	Last Monday of the September	
United Nations Day	24 October	
Western Australian LGBT Pridefest	Usually October/November (date may change from year to year)	Rainbow flag may also be flown for other significant events throughout the year with CEO approval.
Remembrance Day	11 November	Flags are flown at half-mast from 10:30am to 11:02am.
Funerals (Applicable to Elected Members/former Elected Members of the district and current employees of the City of Fremantle)	Other - various	At the request and discretion of the Mayor and Chief Executive Officer.

**Note:** Approved requests for flags to be flown on a weekend day may be raised on the preceding Friday and lowered on the following Monday.

**Carried en bloc: 12/0**

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

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**FPOL1906-12 STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS  
PLAN ADOPTION**

<b>Meeting Date:</b>	12 June 2019
<b>Responsible Officer:</b>	Manager Strategic Planning and Manager Economic Development and Marketing
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	1 - Engagement Report - Strategic Community Plan Review 2019 2 - Draft Strategic Community Plan 2015-2025 (revised 2019 including community feedback) 3 – Draft Corporate Business Plan 2019-2023

**SUMMARY**

**In September 2018, Council supported the review of the Strategic Community Plan to inform and feed into the new Corporate Business Plan under preparation. Draft revisions to the Strategic Community Plan were endorsed by Council for the purposes of community consultation on 17 April 2019. Community consultation subsequently occurred, with feedback on the review invited between 26 April and 26 May 2019.**

**At the conclusion of advertising, a total of 9 comments were received which expressed a range of views. Many reinforced existing objectives but sought to increase their priority, have them more clearly articulated, or translate the objectives into more tangible actions/positions. Several expressed concern in relation to specific issues, such as the Kings Square development and the perceived lack of response to crime and safety issues and economic decline. Conflicting views were expressed on the best approach to improving transport and connectivity.**

**This report considers submissions received and recommends that Council formally adopt the revised Strategic Community Plan with some additional minor amendments responding to specific comments made.**

**Other comments received are more useful as background feedback, comment on specific activities and plans, and / or in informing the approach the City takes to the next major review, and should be acknowledged as such.**

**Drafting of the new Corporate Business Plan has occurred concurrently. This has been developed in line with the revised Strategic Community Plan and seeks to translate the goals and aspirations in the Strategic Plan into operations, matching Council priorities with the resources available. This report also recommends the adoption of the Corporate Business Plan 2019-23.**

## **BACKGROUND**

Council endorsed the conduct of a review of the Strategic Community Plan on 26 September 2018 (FPOL1809-14). The agreed focus of the review was on ensuring that the strategic direction of the plan remained current and capacity was more fully considered, noting that the current plan is relatively recent (2016), with a comprehensive review scheduled for 2021/22.

The review was subsequently conducted in accordance with the agreed approach, and recommended revisions were reported to Council on 17 April 2019 (FPOL1904-3).

Council consequently resolved to:

1. *Endorse the revised Strategic Community Plan as provided in Attachment 1 of this item in the Finance, Policy, Operations and Legislation Committee Minutes (10 April 2019), including an amendment to Outcome 1.3, to add the words 'and creative industries', for the purposes of public advertising.*
2. *Note the preparation of the draft Strategic Community Plan Companion Plan as provided in Attachment 2 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (10 April 2019), which provides a non-statutory illustration of the location of some of its key spatial initiatives.*
3. *Note the steps proposed to occur in preparation of next major review of the Strategic Community Plan scheduled for 2021/22.*

## **FINANCIAL IMPLICATIONS**

A budget allocation has been included in the 18/19 budget for the review of the Corporate Plan for \$10,000 and can be used to support the Strategic Community Plan review (including publication).

## **LEGAL IMPLICATIONS**

Review of the Strategic Community Plan is required every 4 years under Regulation 19C (4) the *Local Government (Administration) Regulations 1996*.

Development of the Corporate Business Plan is required under Regulation 19DA (1) the *Local Government (Administration) Regulations 1996*.

Adoption and/or modification of the Strategic Community Plan and Corporate Business Plan is required by absolute majority under Regulation 19C (7) and Regulation 19DA (6) respectively.

## **CONSULTATION**

Consultation is required on any major review of the Strategic Community Plan and has been conducted, as outlined below.

**OFFICER COMMENT****STRATEGIC COMMUNITY PLAN**

The Strategic Community Plan review process has involved the following steps:

1. Inform Precinct Groups of the planned review and invite preliminary input (October 2018)
2. Elected Member workshop #1 (key directions): Strategic Focus Areas and Outcomes (November 2018)
3. Informal stocktake of progress against current plan (November 2018)
4. Elected Member workshop #2 (capacity and priorities) (December 2018)
5. Presentation of draft revisions to Elected Members via informal briefing (March 2019)
6. Council consideration of draft revisions (April 2019)
7. Community consultation (April-May 2019)

Community consultation occurred between 26 April and 26 May and has involved the following:

1. Notice in local newspaper
2. Notice at Council Administration
3. Publication on website (My Say Freo/SCP-review), including survey
4. Notification of all Precinct Groups, Chamber of Commerce, Fremantle Society, Fremantle Inner City Residents Association, and offer to present to these groups
5. Pop up information sessions in community venues:
  - a. Fremantle Oval: 6 May
  - b. North Fremantle Community Centre: 13 May
  - c. Fremantle PCYC (Hilton): 14 May

At the conclusion of advertising, a total of 9 submissions had been received. Feedback received is summarised in the attached Engagement Report (Attachment 1) which includes a Schedule of Submissions.

Submissions represented a range of views both positive and negative. Interest was expressed across all focus areas except 'Capability', with 'Transport and connectivity' having the highest response rate.

A number of submissions focussed on specific issues (e.g. concern with Kings Square) and many sought clearer direction in terms of what actions would be taken to achieve outcomes or how outcomes (such as an efficient, environmentally and socially sustainable freight network) would be interpreted. Several submissions more directly relate to subsidiary planning documents such as the Integrated Transport Strategy and Aged Friendly City Plan and referral of submitters to these is suggested.

Many comments reinforce the importance of existing objectives including supporting urban revitalisation, environmental quality and responsibility, heritage protection and contextually appropriate development, a balanced and functional approach to transport, social connectivity, creating safe, amenable environments and supporting positive aging. A couple challenged the success of the City's efforts to date in achieving the desired outcomes.

The comments received do not prompt major change to the document however the following minor amendments are proposed in response to specific comments:

1. More consistent reference to 'parks, reserves and open space' in lieu of the more technical but inaccessible 'open space'.
2. Amend Outcome 6.2 to include explicit reference to social connectivity.

Only one respondent recalls being involved in the original Fremantle 2029 visioning exercise, but all but two wish to be involved in the next major review of the plan. Their details are proposed to be kept on record to facilitate this.

Final adoption of the revised Strategic Community Plan 2015-2025 incorporating the minor modifications listed above is recommended. The revised document includes an updated Mayor's Message, and an updated framework graphic. Formatting and graphic design of the document will occur post-adoption.

As outlined in the previous report, the following steps are also recommended to occur ahead of the next (major) review:

1. Undertake a review of the measures of success to ensure that these represent the best available in relation to each outcome.
2. Establish best data sources available for each measure of success not currently routinely monitored, and implement data capture.
3. Review biennial Community Perceptions Survey to ensure community priorities are well captured, and to refine any questions which may assist in success measure monitoring. (Note that substantial review of the Perceptions Survey is not recommended).
4. Complete strategic documents audit in 2019 to determine priority gaps / reviews required.
5. Commence planning of the community engagement and review framework in 2020.
6. Maintain currency of Long Term Financial Plan and Corporate Business Plan through annual update and extension (as per September 2018 resolution).
7. Continue annual integrated planning workshop process on annual basis with view to developing this and improving line of sight between strategic documents (as per September 2018 resolution).

Application of 'plain English', simplification of the document, clearer role definition and better explanation of relationship to subsidiary documents can all be incorporated in the next review which may assist in addressing some of the comments received.

#### CORPORATE BUSINESS PLAN

The Corporate Business Plan 2019-23 has been developed in alignment with the revised Strategic Community Plan. It is a dynamic document that outlines the projects and services planned to be delivered over the next four years. Corporate Indicators have been built into the plan and will be reported to Council regularly.

The Corporate Business Plan will be revised annually in accordance with section 19DA (4) *Local Government (Administration) Regulations 1996*. The review will inform the development of the annual budget and extend the Corporate Business Plans horizon so that it maintains a four year outlook. The annual review will also enable the corporate indicators to be revised and ensure internal requirements and community expectations are being met.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **OFFICER'S RECOMMENDATION**

Council:

1. Adopt the revised Strategic Community Plan 2015-2025 provided in Attachment 2 of this item to the Finance, Policy, Operations and Legislation Committee on 12 June 2019.
2. Thank all submitters for their input and advise them and the Department of Local Government of the outcomes of the review.
3. Adopt the Corporate Business Plan 2019-23 provided in Attachment 3 of this item to the Finance, Policy, Operations and Legislation Committee on 12 June 2019.

## **COMMITTEE RECOMMENDATION ITEM FPOL1906-12** **(Amended officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council:**

1. **Adopt the revised Strategic Community Plan 2015-2025 provided in Attachment 2 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (12 June 2019).**
2. **Thank all submitters for their input and advise them and the Department of Local Government of the outcomes of the review.**
3. **Adopt the Corporate Business Plan 2019-23 as amended and provided in the Attachments of the Finance, Policy, Operations and Legislation Committee Minutes (12 June 2019).**

**Carried: 7/0**

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

**Reason for change:**

Following the distribution of the Finance, Policy, Operations and Legislation Committee Agenda, the Corporate Business Plan 2015-23 was amended to include some changes in accordance with feedback received at the Elected Member Budget Workshop held on Monday, 10 June 2019. The updated Corporate Business Plan is provided in the Minutes.

**ADDITIONAL OFFICER COMMENT**

The updated Corporate Business plan as provided in the Attachments of the Finance, Policy, Operations and Legislation Committee minutes 12 June 2019 has been included as Attachment 1 in this agenda.

**COUNCIL DECISION ITEM FPOL1906-12**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council:**

1. **Adopt the revised Strategic Community Plan 2015-2025 provided in Attachment 2 of this item in the Finance, Policy, Operations and Legislation Committee Agenda (12 June 2019).**
2. **Thank all submitters for their input and advise them and the Department of Local Government of the outcomes of the review.**
3. **Adopt the Corporate Business Plan 2019-23 *as amended and provided in the Attachments of the Finance, Policy, Operations and Legislation Committee Minutes (12 June 2019).***

**Carried en bloc: 12/0**

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

## FPOL1906-6 BUDGET AMENDMENTS - MAY 2019

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Finance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

### SUMMARY

To adopt various budget amendments to the 2018/2019 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2018/19 as outlined in the report.

### BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2018/2019 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

### FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

### LEGAL IMPLICATIONS

#### ***Local Government Act 1995:***

#### **Section 6.2 (1)**

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

#### **Section 6.8 (1) and (2)**

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

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

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

Where expenditure has been incurred;

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

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

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

**Regulation 33A**

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

**CONSULTATION**

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

**OFFICER COMMENT**

The following amendments to budget account numbers to the adopted budget for 2018/2019 are submitted to Council for approval as outlined below.

**1. Budget amendments for proposed expenditure for an additional purpose**

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

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decrease	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
1.1	N/A					

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

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

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

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

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.1	Increase budget for Solar panels project by \$25,400 due to additional grant income being received from 1. Sport Australia's Move It AUS for \$20,500 and 2. North Fremantle Associated Clubs (Gil Fraser) for \$4,900					
	300012.1606	P-11806 Program-Solar panels	(\$12,000)		(\$25,400)	(\$37,400)
	300012.4386	P-11806 Program-Solar panels	\$0	\$4,900		\$4,900
	300012.4222	P-11806 Program-Solar panels	\$0	\$20,500		\$20,500
2.2	The original budget was allocated as one operating project, however was subsequently split into 2 - bushfire management plan and tracks and fence works (capital). The budget allocation is now being reallocated between operating and capital project to reflect actual costs. The balance of the Stage 1 track works will be complete in July 2019 and will be included as a carried forward project.					
	200465.6824	P-11707 Plan-Samson Memorial Park management plan - Operating	(\$15,000)		\$7,870	(\$7,130)
	300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial – Capital	(\$50,000)		(\$7,870)	(\$57,870)
2.3	Original capital project was a combination of City of Fremantle, City of Cockburn and Main Roads budget funds. The project is now complete and the cost is being reallocated to reflect the actual costing including allocation of City of Cockburn works component to operating as the works are not a capital asset of the City. The overall project resulted in a savings of municipal funds of \$13,299 which has been allocated to end of year surplus.					
	300017.1606	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Exp	(\$116,598)		\$91,473	(\$25,125)
	300017.4214	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$79,398	(\$79,398)		\$0
	300017.4217	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$24,800	(\$12,300)		\$12,500
	300018.1606	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Exp	(\$41,600)		\$21,157	(\$20,443)
	300018.4217	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Income	\$27,733	(\$20,933)		\$6,800
	100628.4388	Undertake Private Works – Engineering – Operating Income	\$11,000	\$84,000		\$95,000
	100628.6865	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		\$5,000	\$0
	100628.6823	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		(\$75,700)	(\$80,700)
	999999.9999	End of Year Surplus	(\$50,000)	(\$13,299)		(\$63,299)

2.4	Additional budget of \$56,150 required for P-11748 Plan-Depot contamination investigation. Actual cost is over the pre-tender estimate as the preliminary site investigation highlighted the full magnitude of the detailed site investigation and costs required. This project will be part of carried forward. Additional budget of \$20,778 required for P-11079 Monument Hill footpath as budget amount allocated was not sufficient to cover the project objective. Being funded from Bathers Beach project and from end of year surplus.					
	200467.6824	P-11748 Plan-Depot contamination investigation	(\$110,000)		(\$56,150)	(\$166,150)
	300009.1606	P-11017 Design and construct-Bathers Beach boardwalk	(\$30,000)		\$30,000	\$0
	300020.1606	P-11079 Design and construct-Monument Hill footpath	(\$36,000)		(\$20,778)	(\$56,778)
	999999.9999	End of Year Surplus	(\$63,299)	\$46,928		\$16,371
2.5	Additional budget of \$5,663 requested for Project 10212 Install-Gil Fraser Oval shed for additional works which is funded from additional grants income from North Fremantle Associated Clubs.					
	300001.1606	P-10212 Install-Gil Fraser Oval shed	(\$55,455)		(\$5,663)	(\$61,118)
	300001.4222	P-10212 Install-Gil Fraser Oval shed	\$35,455	\$5,663		\$41,118

## 2. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decrease	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
3.1	N/A					

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

**COMMITTEE RECOMMENDATION ITEM FPOL1906-6**  
**(Officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council approves the required budget amendments to the adopted budget for 2018/2019 as outlined below:**

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.1	Increase budget for Solar panels project by \$25,400 due to additional grant income being received from 1. Sport Australia's Move It AUS for \$20,500 and 2. North Fremantle Associated Clubs (Gil Fraser) for \$4,900					
	300012.1606	P-11806 Program-Solar panels	(\$12,000)		(\$25,400)	(\$37,400)
	300012.4386	P-11806 Program-Solar panels	\$0	\$4,900		\$4,900
	300012.4222	P-11806 Program-Solar panels	\$0	\$20,500		\$20,500
2.2	The original budget was allocated as one operating project, however was subsequently split into 2 - bushfire management plan and tracks and fence works (capital). The budget allocation is now being reallocated between operating and capital project to reflect actual costs. The balance of the Stage 1 track works will be complete in July 2019 and will be included as a carried forward project.					
	200465.6824	P-11707 Plan-Samson Memorial Park management plan - Operating	(\$15,000)		\$7,870	(\$7,130)
	300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial – Capital	(\$50,000)		(\$7,870)	(\$57,870)
2.3	Original capital project was a combination of City of Fremantle, City of Cockburn and Main Roads budget funds. The project is now complete and the cost is being reallocated to reflect the actual costing including allocation of City of Cockburn works component to operating as the works are not a capital asset of the City. The overall project resulted in a savings of municipal funds of \$13,299 which has been allocated to end of year surplus.					
	300017.1606	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Exp	(\$116,598)		\$91,473	(\$25,125)
	300017.4214	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$79,398	(\$79,398)		\$0
	300017.4217	P-10819 Resurface MRRG-Hampton/Rockingham South – Capital Income	\$24,800	(\$12,300)		\$12,500
	300018.1606	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Exp	(\$41,600)		\$21,157	(\$20,443)
	300018.4217	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Income	\$27,733	(\$20,933)		\$6,800
	100628.4388	Undertake Private Works – Engineering – Operating Income	\$11,000	\$84,000		\$95,000
	100628.6865	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		\$5,000	\$0

	100628.6823	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		(\$75,700)	(\$80,700)
	999999.9999	End of Year Surplus	(\$50,000)	(\$13,299)		(\$63,299)
2.4	Additional budget of \$56,150 required for P-11748 Plan-Depot contamination investigation. Actual cost is over the pre-tender estimate as the preliminary site investigation highlighted the full magnitude of the detailed site investigation and costs required. This project will be part of carried forward. Additional budget of \$20,778 required for P-11079 Monument Hill footpath as budget amount allocated was not sufficient to cover the project objective. Being funded from Bathers Beach project and from end of year surplus.					
	200467.6824	P-11748 Plan-Depot contamination investigation	(\$110,000)		(\$56,150)	(\$166,150)
	300009.1606	P-11017 Design and construct-Bathers Beach boardwalk	(\$30,000)		\$30,000	\$0
	300020.1606	P-11079 Design and construct-Monument Hill footpath	(\$36,000)		(\$20,778)	(\$56,778)
	999999.9999	End of Year Surplus	(\$63,299)	\$46,928		\$16,371
2.5	Additional budget of \$5,663 requested for Project 10212 Install-Gil Fraser Oval shed for additional works which is funded from additional grants income from North Fremantle Associated Clubs.					
	300001.1606	P-10212 Install-Gil Fraser Oval shed	(\$55,455)		(\$5,663)	(\$61,118)
	300001.4222	P-10212 Install-Gil Fraser Oval shed	\$35,455	\$5,663		\$41,118

**Carried en bloc: 7/0**

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

#### **ADDITIONAL OFFICER'S COMMENT**

Following the Finance Policy Operations and Legislation committee meeting held on 12 June 2019 officers have identified the following additional budget amendment to present for consideration by Council at the June meeting.

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

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

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

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.6	Increase budget for Black Spot Project – Beach St and James St due to additional grant income of \$7,000 being received from State Black Spot.					
	300004.1606	P-11719 Design and construct-B Spot-Beach St and James St – Capital Exp	(\$27,656)		(\$7,000)	(\$34,656)
	300004.4216	P-11719 Design and construct-B Spot-Beach St and James St – Capital Inc.	\$13,000	\$7,000		\$20,000

**COUNCIL DECISION ITEM FPOL1906-6**  
**(Amended officer's recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council approves the required budget amendments to the adopted budget for 2018/2019 as outlined below:**

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2018/19 Amended Budget
2.1	Increase budget for Solar panels project by \$25,400 due to additional grant income being received from 1. Sport Australia's Move It AUS for \$20,500 and 2. North Fremantle Associated Clubs (Gil Fraser) for \$4,900					
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	300012.4386	P-11806 Program-Solar panels	\$0	\$4,900		\$4,900
	300012.4222	P-11806 Program-Solar panels	\$0	\$20,500		\$20,500
2.2	The original budget was allocated as one operating project, however was subsequently split into 2 - bushfire management plan and tracks and fence works (capital). The budget allocation is now being reallocated between operating and capital project to reflect actual costs. The balance of the Stage 1 track works will be complete in July 2019 and will be included as a carried forward project.					
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	300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial – Capital	(\$50,000)		(\$7,870)	(\$57,870)

2.3	Original capital project was a combination of City of Fremantle, City of Cockburn and Main Roads budget funds. The project is now complete and the cost is being reallocated to reflect the actual costing including allocation of City of Cockburn works component to operating as the works are not a capital asset of the City. The overall project resulted in a savings of municipal funds of \$13,299 which has been allocated to end of year surplus.					
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	300018.4217	P-10820 Resurface MRRG-Hampton/Rockingham North – Capital Income	\$27,733	(\$20,933)		\$6,800
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	100628.6823	Undertake Private Works – Engineering – Operating Exp	(\$5,000)		(\$75,700)	(\$80,700)
	999999.9999	End of Year Surplus	(\$50,000)	(\$13,299)		(\$63,299)
2.4	Additional budget of \$56,150 required for P-11748 Plan-Depot contamination investigation. Actual cost is over the pre-tender estimate as the preliminary site investigation highlighted the full magnitude of the detailed site investigation and costs required. This project will be part of carried forward. Additional budget of \$20,778 required for P-11079 Monument Hill footpath as budget amount allocated was not sufficient to cover the project objective. Being funded from Bathers Beach project and from end of year surplus.					
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2.6	<i>Increase budget for Black Spot Project – Beach St and James St due to additional grant income of \$7,000 being received from State Black Spot.</i>					
	300004.1606	<i>P-11719 Design and construct-B Spot-Beach St and James St – Capital Exp</i>	(\$27,656)		(\$7,000)	(\$34,656)
	300004.4216	<i>P-11719 Design and construct-B Spot-Beach St and James St – Capital Inc.</i>	\$13,000	\$7,000		\$20,000

**Carried: 12/0**

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

**FPOL1906-11 PROPOSED DETERMINATION - RELEASE OF GAS FILLED  
BALLOONS - LOCAL GOVERNMENT PROPERTY LOCAL LAW**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Governance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Determination

**SUMMARY**

The City has recently given notice of its intention to make a determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle in accordance with the process outlined in the City's Property Local Law.

The City has not received any unsupportive submissions and can now give notice that the proposed Determination will come into effect on the date of publication.

Council, in accordance with the process outlined in the City's Property Local Law and having considered the submission received during the public notice period:

- 1. Continue with the determination and give local public notice that the Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle will come into effect on the date of its publication.**

**BACKGROUND**

In light of the success of the City's sustainability guideline principal of eliminating the use of balloons at City run events, Council recently amended its Property Local Law to include a provision which enables the City to make determinations relating to the release of gas filled balloons on local government property.

At the Ordinary Council Meeting held on 17 April 2019 Council moved the following motion to begin the process of making a determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle.

*Council, in accordance with the process outlined in the City's Property Local Law, gives local public notice of its intention to make a Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle.*

*Purpose: The purpose of the determination is to prohibit the release of gas filled balloons from local government property within the City of Fremantle.*

*Effect: The effect of the determination is the provision of authority to enforce and administer fines relating to the release of gas filled balloons, reducing balloon litter and preventing injury to marine and wildlife.*

It is anticipated that the amendment to the City's Property local law and subsequent determinations made under that law will help reduce balloon litter being deposited (deliberately or accidentally) in our City and our oceans, offering protection to both marine and wildlife.

Public notice of the proposed determination was given, including publication on the City's notice boards, publication through the City's 'MySay' Portal, and an advertisement in the Fremantle Herald newspaper. A total of 29 submissions were received during the public notice period. All 29 submissions were in support of the proposed determination.

## **FINANCIAL IMPLICATIONS**

Nil.

## **LEGAL IMPLICATIONS**

City of Fremantle Property Local Law:

### 2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
  - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
  - (a) consider those submissions; and
  - (b) decide – (i) whether or not to amend the proposed determination; or (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
  - (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

## CONSULTATION

Public notice of the proposed determination was given in the following way:

- Publication on the City's notice boards 3 – 28 May 2019
- Publication through the City's 'MySay' Portal 3 – 28 May 2019
- Advertisement in the Fremantle Herald newspaper 4 May 2019

A total of 29 submissions, all in support of the determination, were received during the public consultation period:

Determination submissions – Prohibiting the release of gas filled balloons on City of Fremantle property.	
1.	I support this proposal not only on grounds of marine ingestion, but also because helium is a finite resource and has vastly more important uses for Medical and Scientific reasons.
2.	Good. Not only is helium a limited resource we shouldn't be wasting on frivolous balloon releases when we need it for medicine and science, but balloons are a complete disaster environmentally. Can't ban worldwide balloon releases soon enough. Should ban balloons full stop. No helium balloons, no air filled balloons, no water balloons. Nasty stuff. And even the so called biodegradable ones take months and months to breakdown.
3.	Banning balloons is a fantastic and necessary idea! I fully support it. Could it be extended to include those mini-balloons which are filled with water and commonly thrown around at kid's parties in parks? They bust into many pieces and are extremely difficult to pick up.
4.	I agree with this ban. Perhaps encouraging brightly coloured PAPER kites with bamboo frames to celebrate the event.
5.	This is a no brainer! Releasing helium balloons into the atmosphere is tantamount to discarding non-biodegradable waste of any kind into the environment and never minding the consequences! I have thought this for the longest time. It is littering of the worst order because there is no control over where the final resting place of the discarded waste will be. We are a coastal shire and have a responsibility to protect the beach and marine environment, and any environment for that matter. Helium balloons have to be acquired from commercial outlets, or the gas bottles acquired. In each instance they should be sold on the understanding the inflated balloons are for indoor use only, and customers are made aware that to release balloons is in breach of Council laws and fines will be administered.
6.	I am very supportive of a move by the City Of Fremantle to prohibit the release of gas filled balloons from local government property within the City of Fremantle.
7.	no balloons are a totally unnecessary ritual, bunting is just as good for decoration and dead balloons lying on land or in sea are a hazard, kids often cry when they pop, no good reason for this at all, bye bye balloons
8.	Great idea to stop plastic pollution and threats to wildlife and sea life. Fully support.
9.	I would like to support the banning of gas filled balloons in public places. The impact on wildlife, particularly birds, turtles and fish concerns me greatly. They often mistake the balloons as food, similar to them mistaking plastic bags as food. Please ban them, our lives will be none the poorer, and the animals and birds will be safer. Thank you
10.	It's about time this was prohibition was introduced- releasing balloons should be regarded as littering and council should actively discourage use of balloons on any public land
11.	Balloon releases constitute littering. By their very nature, balloons come down in the ocean or in areas where wildlife can be affected or harmed. Regardless of the dangers posed to marine life-- and there are obvious dangers-- it's a basic obvious fact that someone in the Fremantle area who releases a balloon is littering. The fact that it doesn't come DOWN in the council area doesn't mean it won't elsewhere. And if it comes down in the Melville, Bunbury or Ravensthorpe council area. How are authorities able to nail the people who did it? The issue has to be enforced at the place of release.
12.	Having been Campaigning this issue for almost 5 years now I have seen numerous evidences of the continuous impact helium balloons (including non-helium filled balloons) have on wildlife. The most shocking study I have read to date is the front page of The Veterinarian Magazine last month. Article titled The ballooning problem with plastics. Picturing a dead Albatross with a balloon ribbon around it. The study was led by former Institute of Marine and Antarctic studies and CSIRO PhD student Lauren Roman, on 1733 seabirds, 51 species. 557 of the birds had dead from ingestion of marine debris, ranging from 1-40 pieces. ALL birds had ingested BALLOONS. All birds were squid feeding species. The community have really gotten behind my campaign, the people of Fremantle care about the planet and its precious wildlife. They can definitely live without helium balloon releases.
13.	I agree that balloons shouldn't be released into the environment unless they are made from non-plastic, plant based cellulose that will completely biodegrade.
14.	I agree with this as it is detrimental to wildlife and not environmentally friendly. I play tennis in Fremantle and grew up there and hate the litter i see around especially after a fair.

Determination submissions – Prohibiting the release of gas filled balloons on City of Fremantle property.	
15.	I vote for a complete ban on the releasing of any and all single use gas filled balloons with immediate effect.
16.	I fully support the banning of releasing gas filled balloons into the air. They kill wildlife that mistake them for food and pollute our oceans. We need to take responsibility for the litter we create and the impact it has on the planet.
17.	I agree with the submission which proposes to reduce balloon litter & prevent injury to wildlife by prohibiting the release of gas filled balloons from local government property. I would also agree with limiting the sale of such items in Fremantle shops if this was possible.
18.	I fully support this proposal... it's a no brainer
19.	I Agree
20.	I absolutely support this ban and commend the City of Fremantle for being a leader in this respect.
21.	I totally support this initiative. I also suggest that you ban the sale of foil balloons within city of Fremantle. Foil balloons never decompose.
22.	I am making this submission as an absentee home owner (currently residing in Canberra) and a keen diver/snorkeler. I applaud the Council for taking this initiative and strongly support the banning of gas filled balloons - anywhere - period.
23.	I fully support the concept of banning balloons, and any other single use plastic, at Council events. Hopefully, City of Fremantle can set a precedent for other councils and more importantly, every citizen to follow. There are so many alternatives to balloons, there is no excuse for using these pollutants that harm, and sometimes kill, animals.
24.	It's crucial to ban the release of balloons immediately. In a matter of fact there should be no use of balloons in public parks/buildings. The City should invest in second hand fabric bunting for residents to borrow.
25.	I fully support any effort, including fines, to reduce balloon litter, including regular balloon litter left after parties at South Beach and other public places.
26.	I support the City of Fremantle's determination to prohibit the release of gas filled balloons from local government property within the City of Fremantle.
27.	I strongly support the proposed determination. There is a lot of evidence to say that gas-filled balloons are environmentally damaging and I applaud the City of Fremantle for taking action on the issue. (I currently live in New South Wales, but have lived for much of my life in Perth and specifically in Fremantle.)
28.	I 100% support the determination to prohibit the release of gas filled balloons from local government property within the City of Fremantle. I 100% support the provision of authority to enforce and administer fines relating to the release of gas filled balloons, reducing balloon litter (accidental or intentional) and helping prevent injury to wildlife.
29	I think this is proposal is a step in the right direction as the release of gas filled (air and helium) balloons can have devastating impacts on the environment and wildlife. Balloons are frequently mistaken for food by wildlife and ingested, causing the animal to suffer from blockages, starvation and a slow and painful death, in a similar manner to plastic bags. However, I think the proposal could be much stronger and prohibit the release of air and helium filled balloons from ALL property within the City of Fremantle, as I imagine the number of balloons released from local government property is less than the number of balloons release from private property.

## OFFICER COMMENT

The proposed determination will prohibit the release of gas filled balloons (often released in large groups during funerals and other ceremonial occasions). When balloons are released and they burst high in the atmosphere and cause jellyfish shaped pieces of debris to fall, which often end up in our oceans.

Sea turtles and other marine creatures can mistake these brightly coloured pieces of marine debris, which are often shaped like jellyfish, as food. This mistake can often prove fatal to marine creatures.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

**COUNCIL DECISION ITEM FPOL1906-11**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Rachel Pemberton**

**Council, in accordance with the process outlined in the City's Property Local Law and having considered the submission received during the public notice period:**

- 1. Continue with the determination and give local public notice that the Determination prohibiting the release of gas filled balloons on all local government property within the City of Fremantle will come into effect on the date of its publication.**

**Carried: 12/0**

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

**FPOL1906-16 NOTICE OF MOTION BY CR JENNY ARCHIBALD - FLY BY NIGHT  
CLUB REQUEST TO FUND LIQUIDATOR**

**Meeting Date:** FPOL 12 June 2019  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**ELECTED MEMBER SUMMARY**

A Notice of Motion by Cr Sam Wainwright was considered at the Ordinary Meeting of Council held Wednesday, 27 March 2019, to consider the proposal that the City fund the appointment cost of \$7,500 for the Liquidator and allow the Chair of the Fly to be refunded this element of the expense. This motion was Lost 4/5 and no further motion was considered, therefore no decision has been made on this matter. It has been requested that this matter be referred back to Council for further re-consideration.

**BACKGROUND**

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

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

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

Mr Spencer has provided confirmation via email that he would be prepared to refund the Chair these funds if the City agreed to provide for this.

Email correspondence received from Mr Spencer stated the following;

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

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

## **OFFICER COMMENT**

The City has provided in-kind and financial support in the past to the Fly-By-Night Club. At the Ordinary meeting held in March, 2019, the same Notice of Motion was considered by Council with the motion lost at the time. This request for re-consideration is a matter for Council.

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

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

### **COUNCIL DECISION ITEM FPOL1906-16** **(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Jenny Archibald**

- 1. Council approves to contribute the amount of \$7,500 (from the sponsorship budget account 100003.5961) for the security of the Liquidator appointed to the Fly-By-Night Club, on the basis that the Liquidator refunds this value to the original funder.**
- 2. Requests the City enter into a written agreement with the Liquidator, prior to the contribution amount being paid, to require the amount of \$7,500 be paid to the former Director of the Fly-By Night Club.**

**Carried: 7/5**

**For**

**Mayor, Brad Pettitt, Cr Doug Thompson, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton,  
Cr Jenny Archibald, Cr Sam Wainwright,**

**Against**

**Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jeff McDonald,  
Cr Dave Hume, Cr Bryn Jones**

**11.3 STRATEGIC PLANNING AND TRANSPORT COMMITTEE 19 JUNE 2019**

**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:

<b>SPT1906-2</b>	<b>Lot 11 (No. 3) Mouquet Vista, White Gum Valley – Local Development Plan</b>
<b>SPT1906-3</b>	<b>Local Planning Scheme No. 4 Amendment No. 79 – Omnibus Amendment</b>
<b>SPT1906-4</b>	<b>Bushfire Hazrd Assessment (South of River) – Preliminary Consideration</b>

**Carried: 12/0**

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

**SPT1906-2 LOT 11 (NO. 3) MOUQUET VISTA, WHITE GUM VALLEY - LOCAL DEVELOPMENT PLAN**

**Meeting Date:** 19 June 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Schedule of Submissions  
2. Local Development Plan

**SUMMARY**

The City has received an application for a local development plan (LDP) at Lot 11 (No. 3) Mouquet Vista White Gum Valley. The LDP was submitted in response to a condition of subdivision approval issued for the subject site by the Western Australian Planning Commission (WAPC). The LDP requirement was imposed by the WAPC in preference to the 'construct to plate height' condition the City had requested to ensure development of lots in accordance with the development application approved by Planning Committee in December 2018 (PC1812-1).

The plan shows the subject site, located centrally within Landcorp's WGV Estate, being developed into six (6) grouped dwelling lots with a common property vehicle access leg, reflecting the development approval.

Consultation on the plan, in the form of letters to surrounding property owners and occupiers, was undertaken between April and May 2019 to meet statutory requirements. A total of ten (10) submissions were received, mostly expressing concern with the development indicated on the plan and questioning its compliance with sustainability criteria and the WGV Estate design guidelines.

Whilst these concerns reflect some expressed by the City on receipt of the original proposal, given the plan's consistency with the subdivision and development approvals for the site, the LDP is recommended for approval without further modification.

**BACKGROUND**

The subject property is located within the WGV Estate, a Landcorp development site that previously contained the former Kim Beasley School. The site is currently zoned 'Development' under Local Planning Scheme No. 4 for which a structure plan and local planning policy have been adopted to guide development. Lot 11 is an irregularly shaped lot located centrally within the estate with an area of 1690m<sup>2</sup> and an assigned density of R60 under the adopted structure plan. It is bounded by Mouquet Vista and Karak Lane, and has four street frontages; however the primary frontage is to Mouquet Vista.

## Subdivision and Development Approval

The City received a subdivision referral from the WAPC on 23 August 2017 showing a six lot survey-strata subdivision with common property on the subject site (WAPC Ref: 823-17). The City sent a response to the WAPC on 10 October 2017 recommending refusal for the subdivision due to the proposal being inconsistent with the *White Gum Valley former Kim Beazley School Site Structure Plan* in respect to housing density and typology, as well as being detrimental to achieving the City's housing infill targets. This site is noted on the structure plan, and supplementary local planning policy, as supporting a density of 'R60' which is more typically associated with multiple dwelling forms of development (however it does not preclude grouped dwellings).

The WAPC formally responded to the City's recommendation on 16 November 2017, advising that a decision on the subdivision had been deferred pending the approval of a development application on the subject site for the development of dwellings on the proposed lots. An extension to this deferral was granted by the WAPC on 15 October 2018.

A development application for the site was subsequently lodged with the City on 9 May 2018, for six two-storey grouped dwellings (DA0208/18). Subsequent to public advertising, feedback from the City's planning department and design advice from the WGV estate architect, various sets of amended plans were submitted prior to Planning Committee granting development approval for the proposal at its meeting held on 5 December 2018 (PC1812-1). Variations to the density requirements of the structure plan, and design provisions of Local Planning Policy 3.15 (the City's policy for the WGV Estate), were discussed in the officer report.

Following the Planning Committee's approval of the development application, the WAPC issued a subdivision approval for the site on 24 December 2018 for six survey-strata lots and a common property access leg. Condition 2 of this approval required the submission and approval of a Local Development Plan (LDP) addressing the following matters:

- a) the development parameters for (R35 and R40) development as specified under the City of Fremantle Local Planning Policy 3.15.
- b) the provision of adaptable housing options.
- c) a minimum building height.

An advice note on this approval also stated:

*'it is the Western Australian Planning Commission's expectation that the City of Fremantle Development Approval (DA0208/18) would meet the Local Development Plan requirements'.*

The purpose of applying this condition and advice note was to ensure that development can take place in a coordinated fashion, in accordance with Council's planning approval, regardless of whether or not the lots are subdivided and sold off separately. It also ensures the provision of certain key aspects in Council's local planning policy for the WGV Estate (LPP 3.15). It should be noted that the City's preference was for a condition to be imposed requiring the development to be constructed to 'plate height' prior to subdivision clearance being granted, as has been done with other subdivisions in the City, however the WAPC opted to impose the local development plan condition instead.

### Local Development Plan

This local development plan was subsequently submitted to the City on 19 March 2019. As per the abovementioned WAPC condition and advice note, the plan reflects the approved development granted by Planning Committee in December 2018. More specifically, the plan shows the following:

- Development of the site to support six grouped dwelling lots;
- Common property access leg, accessed via Karak Lane from the southern boundary of the site;
- Provision for adaptable housing on Lots 2, 3 and 4;
- Minimum two storey building height with ground and second floor building envelopes indicated;
- Minimum internal and lot boundary setbacks for buildings; and
- Dwelling 'primary frontage' and assigned garage locations.

The only variation proposed to the approved development in the submitted LDP is to the garage location for Lot 2, which is now shown facing the northern boundary of the site (approved location was the eastern boundary). This change is not of concern and is actually considered preferable from a vehicle access/safety and street surveillance point of view. Further discussion on the local development plan is provided below.

## **STATUTORY AND POLICY REQUIREMENTS**

### **State Planning Framework**

#### Planning and Development (Local Planning Schemes) Regulations 2015

The Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') outline the process for preparing local development plans. It specifies that they can be prepared where required by the WAPC through a local structure plan, condition of subdivision approval or otherwise agreed by the Commission, and are to be subject to the approval of the local government. They operate as documents of 'due regard' (i.e. without the statutory weight of the scheme).

The City has followed the relevant processes outlined within the Regulations in the processing of the local development plan. It is noted that following advertising of a local development plan, the City has 60 days to consider submissions and determine the proposal.

The LDP must also be prepared in a format approved by the WAPC. In this regard, the submitted LDP has been assessed against the WAPC's 'Framework for Local Development Plans' and is considered to address the relevant criteria.

Local development plans are valid for a period of 10 years from the date of Local Government approval which in this case would be the date Council approve the plan.

## **Local Planning Framework**

### Structure Plan and Local Planning Policy (LPP 3.15)

As stated, the subject site is located with a Development zone for which a structure plan (*White Gum Valley former Kim Beazley School Site Structure Plan*) has been adopted to guide future development. This structure plan assigns a residential density of R60 to the site as part of the Residential Density Plan for the estate. The development, as previously assessed and approved by Council, achieves a density closer to R40. Further comment on the structure plan is provided in the officer report from December 2018.

A local planning policy (LPP 3.15) supplements the Structure Plan and estate Design Guidelines. Because of the style of development proposed, the development was assessed against the provisions of the local planning policy for R35/40 dwellings which were considered more appropriate than the provisions for higher density development sites. A full assessment of the development's compliance with LPP 3.15 is also provided in the officer report from December 2018.

Further to the above Landcorp, the State-Government estate developer, have developed a set of design guidelines to further control built form and sustainability outcomes within the estate. Assessment of development against these guidelines is undertaken by the estate architect independent of the City. A preliminary assessment of the development application was undertaken by the estate architect, feedback from which was provided to the proponent during the planning application. The proponent will be required to seek detailed design endorsement of the working drawings prior to construction of the development.

## **FINANCIAL IMPLICATIONS**

Nil.

## **LEGAL IMPLICATIONS**

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify the process for the advertising, assessment and approval of local development plans.

## **CONSULTATION**

Consultation on the LDP was undertaken from 4 April to 2 May 2019 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3. Letters were sent to owners and occupiers of properties within 100 metres of the subject site notifying of the submitted LDP.

At the completion of the comment period, the City had received 10 submissions (refer Attachment 1 – Schedule of Submissions), which included the following comments:

- The development should abide by One Planet living principles.
- Verge plantings should be considered which include fruit trees suitable to the climate to encourage community interaction.
- Disappointment that this style of development will take place on the site; a more innovative project such as a Baugruppen would have been preferable.
- Concern expressed that the plan submitted will be different to the buildings actually completed.
- Concern that the development will not satisfy the WGV Estate design guidelines.
- The development is contrary to the vision of the estate, and does not provide for affordable living options.
- The development should be higher density to facilitate housing choice and affordability.
- The development should strictly comply with Freo Alternative principles.
- The proposal fits in with the existing built form surrounding the site.
- The development will facilitate a housing alternative aside from apartments which are most prevalent within the area.

Many of the comments received were similar in nature to those made for the development application, addressed in the Council report from December 2018. Further discussion on some of the key points raised above is provided in the following officer comment section.

## **OFFICER COMMENT**

It is acknowledged that provision of an LDP in this situation, where a development and subdivision approval has already been granted for a site, is unusual: LDPs are usually prepared in advance to guide future development of a site and to control specific built form outcomes prior to approval of developments and/or subdivisions.

However, the WAPC has the ability under the *Regulations* to require the preparation of an LDP as part of a subdivision approval and has preferred this to stipulating construction of a specific design. The plan will ensure that key aspects of the approved development, such as maintaining a minimum building height of two storeys, vehicle access and garage location, building envelopes to facilitate solar access to internal courtyards and provision of adaptable housing, are provided. It will also mean that these key design aspects are provided for even if the development is constructed in stages. Any future revisions to the approved development will also need to be in accordance with the LDP, providing an additional design safeguard. In addition, an LDP is typically valid for a period of 10 years (according to the *Regulations*) whereas the development approval is only valid for 4 years.

A number of submissions raised points concerning how the development will satisfy the sustainability and building design requirements of the WGV Estate design guidelines. These design guidelines are not administered by the City, and are assessed independently by Landcorp's Estate Architect (Arcadia Design Studio). A similar process has been established for other Landcorp projects across Perth. It is noted that feedback on the design and compliance with the guidelines was provided to the City by the estate

architect during assessment of the development application, resulting in design changes being made to address concerns raised. The proponent is also required to obtain detailed design endorsement from the estate architect prior to the issue of a building permit, which will ensure that the various criteria in the design guidelines checklist are satisfied on the construction drawings.

Further comment was made in submissions concerning the style of development proposed, with concern regarding its relatively low-scale and grouped dwelling form. Similar comments were submitted for the development application and were shared by the City (hence the recommendation of refusal of subdivision). However, the absence of any specific minimum density requirement or requirement for a multiple dwelling form on the site in the structure plan resulted in its approval.

Some submissions were received in support of the local development plan.

Some comments were made expressing concern that the development does not comply with Freo Alternative or satisfy the specific One Planet principles. As mentioned, the WGV estate has its own set of design guidelines (assessed independently by Landcorp's appointed architect) which have been developed to facilitate desired built form and sustainability outcomes. Monitoring of the estate's overall performance against the One Planet Living Principles is also undertaken independently, by environmental consultancy Bioregional, and not the City of Fremantle. One Planet criteria do not form part of the City's statutory planning assessment framework for individual developments within WGV, which comprises of the local planning policy (LPP 3.15). Furthermore, the site is not located within the Freo Alternative special control area and as such those specific provisions do not apply here. Further commentary on the development's compliance with the City's planning provisions (LPP 3.15) is provided in the officer report on the development application from December 2018.

Overall, given that this LDP is required (through the subdivision approval) and reflects the development approval already granted for this site, there is little scope for the City to change design parameters as part of this assessment. Prior to submission, the proponent made some changes to the LDP to ensure consistency with the WAPC's local development plan framework, as well as the approved grouped dwelling development from December 2018. As such, given that the LDP is consistent with both the framework and the approved development from 2018 as required by the subdivision condition, approval for the plan is recommended. As stated, the plan is valid for a period of 10 years from the date of Council's approval.



**SPT1906-3 LOCAL PLANNING SCHEME NO. 4 AMENDMENT NO. 79 - OMNIBUS AMENDMENT**

**Meeting Date:** 19 June 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1: Proposed Scheme Map Amendments

**SUMMARY**

The purpose of this report is to consider minor and administrative amendments to the City of Fremantle Local Planning Scheme No. 4 (LPS4) to maintain its currency.

The proposed changes can be sorted into four broad categories:

1. Updates to amend references to the Residential Design Codes (R-Codes) in order to reflect changes introduced via State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments (Design WA).
2. Administrative fixes to correct minor errors and reflect current legislation.
3. Minor changes to amend some land use permissibility.
4. Minor Scheme map changes to align with changes to the region scheme and correct unzoned land and misaligned zones.

The changes are administrative and / or minor in nature and so have been bundled into an omnibus amendment for the sake of efficiency. Council is recommended to resolve to initiate these amendments as a 'standard' category scheme amendment.

**BACKGROUND**

The *Planning and Development Act 2005* provides for local governments to prepare local planning schemes to guide the use and development of land in their area. These are to be maintained through periodic review and amendment.

Whilst formal review of the City's planning scheme has been deferred pending clarification on the direction of the green paper on planning reform, the City continues to maintain the scheme through periodic amendment.

As part of this maintenance program, a series of minor issues were identified as in need of update. These include: references to obsolete legislation, typographical errors, updates to the scheme map to reflect minor changes in the regional reserve along Stirling Highway and several other minor zoning anomalies. Changes arising from gazettal of State Planning Policy 7.3 - Residential Design Codes Volume 2 (SPP 7.3) have also been identified (refer item SPT1905-4). Finally, some changes to correct historical land use definitions and update minor items within the land use zoning table have been suggested. These have been compiled into an omnibus amendment.

To streamline the process, the amendment compilation process has focussed on predominantly minor and administrative changes: items with more significant implications or complexity (such as fuller review of land use definitions and permissibility) have been reserved for separate exercises.

The purpose of this report is to outline the minor updates recommended to be initiated in an omnibus amendment to the scheme.

## **OFFICER COMMENT**

The changes proposed within the amendment are intended to reflect current land use and zoning expectations, and anticipate implementation of SPP 7.3.

The changes proposed can be sorted into four broad categories, which are discussed below.

### **1. Updates to amend references to the Residential Design Codes (R-Codes) in order to reflect changes introduced via State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.**

Item SPT1905-4 of the Strategic Planning Committee agenda on 15 May 2019 confirmed the impending gazettal of the new Apartment volume of the R-Codes and outlined implications for the City's planning framework. Briefly, the new 'Design WA'-led Apartment code will operate as part of the R-Codes (Volume 2), replacing the previous Part 6 provisions, with the single house and grouped dwelling provisions applicable under the current codes continuing to act, as a re-adopted Volume 1. As a consequence, any reference to the R-Codes in the scheme will automatically incorporate the Apartment code. References to specific clauses of the now-redundant Part 6 of the R-Codes within the scheme do, however, need to be updated or deleted. Council consequently resolved inter alia on 22 May to:

- 2. Request preparation of an amendment to Local Planning Scheme No. 4 to:**
  - a. Delete the specific reference to clause 6.2.3 of the R-Codes in Clause 4.3.3.2 of the Scheme by deleting the words 'clause 6.2.3 of the' from this Clause.**
  - b. Replace the reference to Parts 5 and 6 of the R-Codes in Clause 4.5.1 with reference to 'Volumes 1 and 2 of the R-Codes'**
  - c. correct discrepancies and anomalies within Schedule 8 relating to the introduction of Volume 2 – Apartment Design Codes, as follows:**
    - Sub Area 1.3.2 – delete references to Table 4 of the R-Codes for R-AC3 density.**

- **Sub Area 2.3.1 – delete reference to Table 4 of the R-Codes for R-AC3 density, and clause referencing the parking requirements for R-AC3 specifically.**
- **Sub Area 2.3.4 – remove ‘Sub Area 4’ clause 1 reference to Category C height requirements of the R-Codes.**
- **Sub Area 4.3.5 – delete Area 1 ‘Additional Development Standards’ reference to lot boundary setback requirements of the R-Codes for R-AC3 which no longer apply under the A-Codes.**
- **Sub Area 4.3.6 – South Street/Hampton Sub Area**
  - **Clause 5 – re-word clause stating that setbacks can be ‘reduced’ to 1 metre however otherwise must be in accordance with the R-Codes**
  - **Clause 11 – re-word statement that ‘open space can be reduced up to 30%...’.**
  - **Clause 13 – re-word solar access provision that makes reference to Parts 5 & 6 of the R-Codes.**
- **Sub Area 5.3.1 –**
  - **Delete ‘Additional Development Standards’ part (c) reference to Table 4 and Part 6.1.2 of the R-Codes, which no longer exist.**
  - **Re-word ‘Criteria to be met’ part (h) stating that ‘open space can be reduced up to 30%...’.**
- **Sub Area 6.3.1 -**
  - **Delete ‘Additional Development Standards’ part (c) reference to Table 4 and Part 6.1.2 of the R-Codes, which no longer exist.**
  - **Remove reference to ‘Sub Area A’ for clarity.**
- **Sub Area 7.3.1**
  - **Remove reference to Part 6.3.1 of the R-Codes in part (i), relating to bonus density of R160.**

These changes (albeit with a minor refinement to retain clause 5 of sub-area 4.3.6) are incorporated in the Amendment to remove references to obsolete sections of the Codes. These changes are included in the Officer’s Recommendation as 1a).

## **2. Administrative fixes to correct typographical errors and reflect current legislation.**

A number of minor errors have been identified that require correction. These changes have minimal or no statutory impact and are primarily administrative; they include:

- typographical errors, missing words, and an incorrectly numbered sub-area;
- replacement of outdated definitions including ‘Family Day Care’ and ‘Land’ which are proposed to be updated using the definition within the Model Scheme Text and to refer to the *Planning and Development Act 2005*, respectively;
- clarification that properties listed on the MHI as ‘Historic Record Only’ do not form part of the Heritage List;
- deletion of the ‘Small Secondary Dwelling’ requirements as the clause has expired and extension was rejected by the WA Planning Commission (WAPC).

The above changes are included in the Officer's Recommendation as 1b) through 1k).

### **3. Minor changes to amend or add some land use permissibility.**

#### *Land Use Permissibility*

The current zoning table is missing 'Single bedroom dwellings' and 'Ancillary dwellings', both of which are defined under the Residential Design Codes. The City has previously received advice that these uses should be land uses in and of themselves. These uses are defined in the R-Codes (and so through the scheme) so only require inclusion in the land use table.

Since an Ancillary dwelling can only be associated with a Single house, it is proposed that it be permissible (P or D) in the zones in which a Single House might be approved (all except the Industrial zone).

A 'Single bedroom dwelling' is defined in the Codes because these can receive a density bonus in certain circumstances. It has similar requirements in relation to plot ratio, setbacks, etc. to an 'Aged or dependent person's dwelling' which are discretionary ('D' or 'A') in all zones except the Industrial zone (in which it is not permitted). Extension of this approach through application of a 'D' permissibility for Single bedroom dwelling is recommended.

It is also proposed to change the land use permissibility of Fast Food Outlet in the City Centre from a 'P' use to a 'D' use. This assists in responding to Council and community concern regarding the proliferation of take away food in particular locations by making the approval of this land use discretionary, and therefore more able to take into account the characteristics of its location, the proposal and Council's land use and other objectives. This change would implement an action endorsed by Council in a resolution in February 2019 (item SPT1902-5) in relation to a report addressing a range of issues and actions concerning land use mix in the city centre.

#### *Additional uses*

The City has previously received correspondence expressing concern that the existing mixed use development at Nos. 42-52 (Lot 4) Paget Street, Hilton is not reflected in or supported by its current zoning. The existing mixed use development comprises two grouped dwellings, one single bedroom dwelling and three small, single storey commercial units containing shops and offices. The approval was issued in 2005 under the previous planning scheme, Town Planning Scheme No. 3, when the land was zoned Local Centre. In 2007, the land was re-zoned to Residential through the gazettal of Local Planning Scheme No. 4, with the result being that the shops and offices became non-conforming uses. The Local Planning Strategy notes the land as vacant and suggests its rezoning to Residential to accommodate more diverse housing close to the services offered by the centre, hence the zoning change. The development of the site occurred after the Strategy's preparation but before the new scheme was put in place, hence the anomaly.

The units have been purpose built for as commercial units (see figure 1 below). The current uses are either non-conforming uses or, by virtue of being vacant for six months, have had to revert back to Residential. To better reflect their built purpose and the low scale nature of their operation as an adjunct to (but not full extension of) the adjoining Local Centre, inclusion of Shop and Office is proposed as an additional use.

The additional uses are proposed to only be applied to the existing built form development; any substantial redevelopment will revert the land back to the base Residential uses, better providing for the continued operation of the current development but also maintaining the long term objective underpinning its rezoning in the current scheme, in the event of redevelopment.



**Figure 1:** Streetscape of 42-52 Paget Street, Hilton

#### **4. Minor Scheme map changes to correct unzoned land and misaligned boundaries.**

The Metropolitan Region Scheme (MRS) is the overall town planning scheme for land use in the Perth metropolitan area. The MRS divides land into broad zones and reservations.

It requires local government local planning schemes to provide detailed plans for their part of the region. These schemes must be consistent with the MRS. MRS Amendment 1210/41 realigning and modifying the Stirling Highway Primary Regional Road reserve was gazetted in 2017 and made minor changes to Stirling Highway reserve to reflect Main Roads' current (long term) design. In some areas, the reserve width and boundary reduced, leaving a small area of unzoned land. The City is required to update the scheme to incorporate these changes and apply an appropriate zoning to the unzoned land. In reviewing the scheme map, a number of other minor anomalies have been identified which are also proposed to be rectified. The proposed changes are summarised as follows (refer to Attachment 1 for scheme maps) and discussed in further detail below:

Map No.	Proposed Amendments	Reasons
1	a) Zone unzoned portion of No. 140 (Lot 2) Stirling Highway, North Fremantle to Development Zone (DA18)	a) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent property.
2	b) Align the Tyrone and Westmeath Open Space reserves (Lots 8002 and 8003 DP 401245, North Fremantle) to their respective lot boundaries c) Remove Residential zoning from the road reserves	b) Correct lot boundary errors so that the Reserve zoning matches the Reserve boundary. c) Update scheme map to reflect approved subdivision and road reserve locations.
3	d) Zone unzoned portion of No. 130 (Lot 220) Stirling Highway, North Fremantle Development Zone (DA18)	d) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent property.
4	e) Zone unzoned portions of Nos. 100 and 106 (SP 31685, 14798 & 14797) Stirling Highway, North Fremantle to Mixed Use Zone R25 f) Realign R25 boundary along No. 111 (Lot 172) Stirling Highway, North Fremantle	e) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent properties. f) Align road boundaries to match MRS reserve boundaries
5	g) Zone unzoned land at No. 101 (Lot 511) Stirling Highway, North Fremantle to Mixed Use R25 h) Zone unzoned portion of No. 92A (Lot 12) Stirling Highway, North Fremantle to Community (CF) Reserve R25 i) Replace Development Zone DA15 (Rose Hotel site) j) Rezone No. 78-80 (Lots 1-27 SP51329) Stirling Highway, No. 2 (Lots 1-3), No. 4 (Lot 3) Siska Lane, No. 1A (Lot 2 SP 60487) White Street and No. 72 (Lot 3) Stirling Highway, North Fremantle to Mixed Use R35	g) Add zoning to unzoned land resulting from MRS amendment. Zoning to match existing use and adjoining pattern of zones. h) Add zoning to unzoned land resulting from MRS amendment. Zoning to match the existing parent property. i) Reflect approved development and remove superseded requirement for a structure plan. j) Reflect approved development and remove superseded requirement for a structure plan.

6	k) Rezone No. 25 (Lot 1001) Amherst Street, Fremantle from Public Utilities Reserve to include as part of Development Zone (DA4)	k) The lot is no longer used for public utilities and is being disposed of. Rezoning to Development Zone will allow its planning and development in conjunction with the structure plan for DA4 (Swanbourne Street).
7	l) Amend R25 and R20 R-Code boundaries to align with the strata lot boundaries of No. 15, 15A, 17 and 17A (Lots 8, 5, 10, and 6 SP 45668) Simper Court, White Gum Valley	l) As a result of subdivision, the current residential density boundaries do not align with current lot boundaries, leaving some lots having multiple density codes applicable.
8	m) Rezone Nos. 11-23 (Lot 221) Moran Court, Beaconsfield (Salentina Ridge Reserve 48211) from Residential Zone R20 to Open Space Reserve	m) Update zoning to reflect approved subdivision and the existing location of the associated open space reserve.

*Unzoned land*

Changes a), d), e), f), g) and h) above all arise from MRS Amendment 1210/41. Changes a), d), e) and h) all simply extend the zone and density of the affected lot back into the now unreserved area.

In the case of g) No. 101 Stirling Highway, the whole of the lot is unzoned for the same reasons as stated above with no balance zoning of the site to extend out. The site abuts a Mixed Use R25 zone and is currently occupied by a Child Care Premises. Additionally, the site is occupied by a place that is on the State Heritage Register, meaning that substantial redevelopment is unlikely to be supported. It is recommended that the unzoned land be zoned to match the adjoining Mixed Use R25 zone to be consistent with the existing land use and the immediate locality.

*Subdivision normalisation*

Changes b), c) and m) above apply to previously large residential 'super-lots' which have been subdivided to incorporate new road reserve areas and public open space. These proposed changes reflect the subdivision which has occurred.

*Development Zone (DA15) Rose Hotel site*

In regards to parts i) and j) in the above table, it is proposed to delete the Development Area designation and replace it with a density and zoning that matches the existing approved developments.

Schedule 7 of LPS4 details development areas within the scheme. These areas have generally been identified for redevelopment via a structure plans or specific development controls. In the case of DA15, the scheme provisions state:

- 1. A local development plan is to be prepared and adopted in order to provide specific and detailed guidance for future development, including site and development standards and/or specific exemptions from the requirement to obtain development approval.*
- 2. Investigations of potential site contamination to the satisfaction of the DEC.*

The site has been zoned as a development area since prior to the adoption of the most recent planning scheme in 2007. Before that, it was part of a larger development area that includes what is now the Local Centre zone directly to the north. A local development plan was never adopted. Nonetheless, the entire site has been fully developed, with the exception of No. 72 Stirling Highway, which has an approval for development that is still valid.

Given the above, the Development Area designation performs little useful function, and normalisation under the scheme is recommended.

Based on a history of the development approvals granted for all lots within the site since circa 2004 (the date of the major redevelopment of the Rose Hotel, which included the provision of a Mixed use development with Multiple dwellings and Grouped dwellings at the rear), Council has approved development across the site consistent with a Mixed Use R60 zone.

The adjoining sites have residential density of R35, while those across the road have a density of R35/R40. Clause 4.2.5 of the City's Scheme allows development within Mixed use and centres zones to increase density up to R60 subject to meeting certain requirements, including that the development contain a minimum 25% non-residential uses. Establishing a mix of uses along Stirling Highway would be consistent with the pattern of uses currently extant and integrate well with the adjoining Local Centre zone. Application of either a Mixed Use or Local Centre zone would reflect current usage and function with Local Centre marginally preferred, to promote integrated function with the adjoining lots. Application of a base R35 code is recommended, reflective of that applicable to the existing Local Centre site and surrounding area, with the understanding that development may make use of the clause within the City's scheme to increase density to R60.

#### *Lot boundary realignments*

In regards to l), recent subdivisions have resulted in a residential property that partially straddles the boundary of two separate land density zones. This has the effect of making a small part of the lot a higher density than the remainder of the lot. The proposal is to align the density boundaries to the current lot boundaries.

#### *Other changes*

Western Power announced its intention to dispose of surplus land at 25 Amherst Street in 2017. The City has since been approached by several potential purchasers wishing to discuss development potential under the current 'Public Purposes' reserve. Replacement of the reservation is consequently recommended to guide its future redevelopment.

The site abuts the Swanbourne Street local structure plan area to the north and faces the Knutsford Street structure plan to the east. Rezoning to Development zone to align it with the adjoining Swanbourne Street redevelopment is recommended (modification k) above). This will require update to the local structure plan which can occur in due course.

### **Amendment Classification**

Under the Regulations, Scheme amendments are to be categorised as basic, standard or complex. Different timeframes and processes apply to each.

The majority of changes correspond with the definition of a ‘basic’ amendment which is as follows:

.....

**basic amendment** means any of the following amendments to a local planning scheme —

- (a) an amendment to correct an administrative error;
- (b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
- (c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
- (d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
- (e) an amendment to the scheme so that it is consistent with a State planning policy;
- (f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
- (g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
- (h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
- (i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area

if the amendment will have minimal effect on the scheme or landowners in the scheme area;

.....

Some changes don’t, however, reflect this description and so, whilst largely innocuous, would be more appropriately classified as a ‘standard’ scheme amendment which is defined as:

*standard amendment* means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if
  - the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.

A 'standard' scheme amendment requires public consultation for a period of not less than 42 days. This commences following EPA confirmation that environmental review is not required.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

Amendments to update the scheme as part of a regular review process are required by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The process for amending the scheme is governed by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## CONSULTATION

42 days public consultation is required for a standard scheme amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

### **COUNCIL DECISION ITEM SPT 1906-3** (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jon Strachan

#### **Council:**

1. Pursuant to s 75 of the *Planning and Development Act 2005* resolve to amend Local Planning Scheme No. 4 by:-

a) Updating references to superseded Residential Design Codes terminology and provisions, as follows:

- i. Clause 4.3.3.2: Delete the words ‘...clause 6.2.3...’ and replace with “...clause 5.2.3...”.
- ii. Clause 4.5.1: delete “...the provisions Part 5 and Part 6...” and replace with “...the provisions of Volumes 1 and 2...”.
- iii. Correct discrepancies and anomalies within Schedule 8 relating to the introduction of Volume 2 – Apartment Design Codes, as follows:
  - Sub Area 1.3.2 (j) – insert “...of Volume 1 and Table 2.1 of Volume 2 of the...” after “Table 4”.
  - Sub Area 2.3.1 –
    - Subclause i) - insert after “Table 4” the following “...of Volume 1 and Table 2.1 of Volume 2 of the...”.
    - Subclause m) – delete “...R-AC code...”.
  - Sub Area 2.3.4 (1.) – insert “...Volume 1 of...” after “...Table 3 of...”
  - Sub Area 4.3.6 – South Street/Hampton Road Sub Area
    - Clause 11 – Insert at beginning: “Where buildings are assessed under Volume 1 of the R-Codes,...”
    - Clause 13 – delete and replace with:
      - In assessing development against design elements 5.4.2 (Solar access for adjoining sites) of Volume 1 or Acceptable Outcomes 3.2.3 (Orientation) of Volume 2 of the Residential Design Codes and irrespective of the dwelling or lot type on adjoining southern boundary, development shall not be assessed against C2.1 and C2.2 of the Deemed-to-comply requirements of Volume 1, or A 3.2.3 and A 3.2.4 of Volume 2, but shall only be assessed against the design principles of clause 5.4.2 or Element Objective O3.2.2, respectively.

- **Sub Area 5.3.1 –**
    - **Additional development standards c) - Delete “...Table 4 and part 6.1.2...” Replace with “...Table 2.1 and Clause 2.2 of Volume 2...”**
    - **‘Criteria to be met’ part (h) – insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”**
  - **Sub Area 6.3.1 -**
    - **‘Additional Development Standards’ part (c) - Delete “...Table 4 and part 6.1.2...” replace with “...Table 2.1 and Clause 2.2 of Volume 2...”**
    - **Criteria to be met h) - insert at start “Where buildings are assessed under Volume 1 of the R-Codes,...”**
  - **Sub Area 7.3.1**
    - **Subclause i) – delete “...the Deemed-to-comply standard of clause 6.3.1...” replace with “part 4.4 of Volume 2...”**
- b) Delete all references to Small Secondary Dwellings, specifically:**
- i. Delete Small Secondary Dwelling from Table 1 – Zoning, and the note at the bottom of the page**
  - ii. Delete clauses 4.3.5.1 through 4.3.5.7**
  - iii. Amend clause number 4.3.5.8 to be number 4.3.5.**
  - iv. Amend the Note under clause 4.3.5.7 to read:**

**As of 6 December 2016 Clause 4.3.5 applies and the Small Secondary Dwelling provisions have been deleted from the Scheme.**
  - v. Delete Clause 4.4.1(b)**
  - vi. Delete Small Secondary Dwelling from Table 2 – Vehicle Parking**
  - vii. Delete clause 5.7.5**
  - viii. Delete Schedule A, Clause 61 (m)**
  - ix. Delete Schedule A, Clause 78E**
- c) Amend the definition of ‘Building Envelope’ to insert the word ‘authority’ after the word ‘responsible’.**
  - d) Amend the definition of Family Day Care to read: *means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.***
  - e) Amend the definition of Land by replacing reference to “Town Planning Regulations 1967” with “Planning and Development Act 2005”.**
  - f) Renumber Burt Street Sub Area in Schedule 8 to Sub Area 5 (2.3.5)**
  - g) Delete all references to Area A within sub area 6.3.1 of Schedule 8.**
  - h) Amend the note under clause 1.7.1 to refer to clause 4.2 instead of 3.2.**
  - i) Fix the bike racks typo of Table 2 – Tertiary School by changing the second instance of “Class 2” to “Class 3”.**

- j) Schedule A, clause 8 – Replace with “The places included in the Fremantle Municipal Heritage Inventory are deemed to be included on the Heritage List, excepting those classified as ‘Heritage Record Only’.**
- k) Add the following land uses and permissibility to Table 1:**
  - i. Ancillary dwelling: P in Residential zone and D in City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.**
  - ii. Single bedroom dwelling: D in Residential zone, City Centre, Local Centre, Neighbourhood Centre, Mixed Use and Commercial zones.**
- l) Add the following Additional Uses to Schedule 2 clause 6.2:**

No.	Description of Land	Additional Use	Conditions
2	Nos 42-52 (Lots 1-4 SP4901) Paget Street, Hilton	Shop, Office	1. The additional uses are ‘A’ uses. 2. These additional uses only apply to the built form approved as part of DA190/05. The additional uses hereby permitted will not apply to any increase in floor area or substantial redevelopment.

- m) Amend Table 1 to make Fast Food Outlet a ‘D’ use in the City Centre.**
- n) Amend Schedule 7 of the Scheme to delete DA15 and the associated area description and provisions.**
- o) Amend the Scheme map as follows:**
  - i. Nos. 100, 106, and 108 (Lots 50-52) Stirling Highway, North Fremantle: Extend Mixed use zone to street boundary.**
  - ii. Nos. 111A (Lot 82), 111F (Lot 701), 111 (Lot 172) Stirling Highway, North Fremantle: Extend Mixed Use zone to street boundary.**
  - iii. No. 101 (Lot 511) Stirling Highway, North Fremantle: Zone Mixed Use.**
  - iv. Nos. 1-27/78-80 (Lot 700), No. 2 (Lot 4 SSP 60487), and No. 72 (Lot 3) Stirling Highway, and No. 1A (Lot 2 SSP 60487) White Street, North Fremantle: Change from Development zone to Mixed Use zone with a density of R35 and remove from Development Area DA15.**
  - v. No. 25 (Lot 1001) Amherst Street, Fremantle: Change from Public Utilities Reserve to Development zone and include as part of Development Area DA4.**

- vi. Sallentina Ridge Public Open Space Reserve 48211, No. 11-23 Moran Court, Beaconsfield: Change from Residential zone to Open Space Reserve.
- vii. Minim Cove road reserves: Change all land within road reservations from Residential to unzoned.
- viii. Reserve 2 Tyrone Street (Lot 8002), North Fremantle: Align Parks and Reserve to cadastral boundaries
- ix. No. 4 (Lot 218) Tyrone Street, North Fremantle: Remove Parks and Reserve reservation from lot and make entirety of lot Residential R25.
- x. Align R20 density to follow the lot boundaries of No. 15 (Lot 8 SSP 45668) and No. 15A (Lot 5 SSP 45668) Simper Crescent, White Gum Valley.

(Amendment No. 79)

2. Pursuant to reg 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 79 is a standard amendment for the following reasons:-
  - a. The amendments include correction of administrative errors (basic).
  - b. The amendments are consistent with the model provisions in Schedule 1 (basic).
  - c. The amendments are consistent with a region planning scheme that applies to the scheme area (basic and standard).
  - d. The amendments include minor changes to zones and reserves that are consistent with the objectives identified in the scheme for that zone or reserve (standard).
  - e. The amendments will have minimal effect on the scheme or landowners within the scheme area (standard).
  - f. The amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area (standard).
3. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.
4. Pursuant to s 81 of the *Planning and Development Act 2005* submit Amendment No. 79 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 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* advertise Amendment No. 79 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.

Carried en bloc: 12/0

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**SPT1906-4 BUSHFIRE HAZARD ASSESSMENT (SOUTH OF RIVER) -  
PRELIMINARY CONSIDERATION**

<b>Meeting Date:</b>	19 June 2019
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	1. City of Fremantle Bushfire Prone Areas – Bushfire Risk Hazard Assessment (Strategen, Feb 2019, Rev 0)

**SUMMARY**

State Planning Policy 3.7 specifies the approach to considering bushfire risk in new planning proposals. Whilst it does not apply retrospectively, new proposals (including rezonings and subdivision) require assessment in accordance with it. Single House development of lots less than 1,100m<sup>2</sup> are exempt from planning assessment, though may still require a higher construction standard through the Building Permit process.

The City has 9 areas which have been designated ‘Bushfire Prone’ by the Office of Bushfire Risk Management (OBRM), and within which assessment of bushfire risk is consequently necessary in new planning proposals. To better gauge the implications of this, the level of hazard posed and opportunities to respond, the City commissioned an assessment of those areas not previously assessed. The purpose of this report is to advise Council of the conclusions of the assessment and establish direction on what preliminary response is appropriate.

In summary, this report recommends that Council:

- note the conclusions and Bushfire Attack Levels (BAL) identified in the report,
- liaise with Landcorp in relation to risk mitigation at Swanbourne Street,
- liaise with the MRWA and the Housing Authority in relation management options at Clontarf Hill,
- continue vegetation slashing around the perimeter of Hollis Park acknowledging the restrictions that its contaminated status place on establishing formal fire breaks,
- liaise with MRWA in relation to management options along Stock Road,
- refer a copy of the assessment to the City of Cockburn and OBRM for information (and feedback should they so wish).

**BACKGROUND**

State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ was introduced in 2015 in conjunction with associated changes to the planning and building regulations, and a set of implementation guidelines. The policy seeks to protect life and property against the risk of bushfire, and provides a framework for the assessment and proper management of bushfire through the planning and building approval processes. The framework includes mapping published by the Office of Bushfire Risk Management (OBRM) which identifies areas designated as ‘bushfire prone’ which generally encompass land within 100m of unmanaged or substantial vegetation. It currently includes 9 areas within the City of Fremantle (refer Figure 1 below), namely:

1. Leighton Foreshore
2. North Fremantle River Foreshore
3. Stirling Highway (immediately north of Swan River)
4. Booyeembara Park and Fremantle Golf Course
5. Swanbourne Street/Knutsford Street
6. Clontarf Hill, South Fremantle
7. Hollis Park (west of Cockburn Road/Hampton Road, south of Douro Road).
8. Sir Frederick Samson Park, Hilton
9. Stock Road between Winterfold and South Streets.

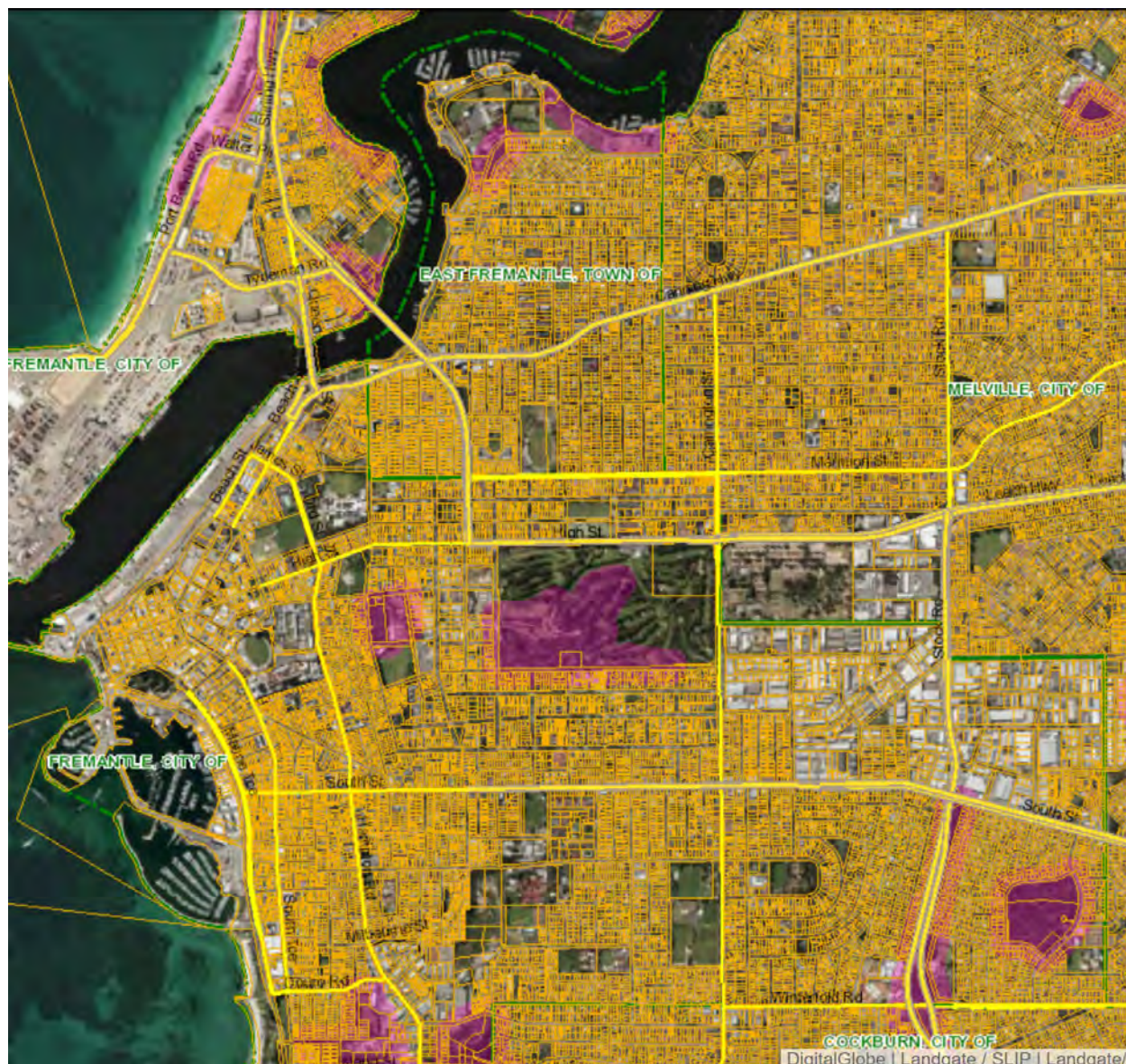


Figure 1 - Designated Bushfire Prone Areas in City of Fremantle

(Source: <https://maps.slip.wa.gov.au/landgate/bushfireprone/>)

Development within any area designated as bushfire prone (or otherwise identified as potentially bushfire prone) requires assessment under the policy and associated guidelines unless specifically exempt. These outline the steps required to be taken in assessing and mitigating risk during various phases of the planning process including strategic planning, rezoning, structure planning, subdivision and development.

Single House development on lots less than 1,100m<sup>2</sup> are exempt from the planning requirements, though construction standard requirements still apply under parallel changes to the Building Regulations, meaning that single house development can proceed but may be required to incorporate additional features to mitigate risk.

Whilst the policy requirements are varied and sometimes complicated, in essence they require that most applications in bushfire prone areas be assessed against criteria in the policy and only be permitted to proceed if risk can be removed, managed or mitigated to achieve a Bushfire Attack Level (BAL) of 29 or below. Any BAL risk of above 'Low' is required to be mitigated through higher construction standards. (BAL ratings comprise Low, 12.5, 19, 29, 40 and FZ).

In established areas such as Fremantle, the policy has immediate effect on land designated as bushfire prone around reserves and remnant vegetation, which are required to submit BAL assessments with new development applications and employ mitigation measures such as BAL construction standards. However, where a very high (40+) BAL rating applied and could not be reduced, more intensive development and / or subdivision would usually be refused.

The policy is also a factor to be considered in review of the management of the bushfire prone areas themselves, and in the planning for the future of these and surrounding areas. Reserve Management Plans typically now include a bushfire management component and in some areas, separate bushfire risk management plans are developed. The policy specifically states that removal of environmentally valuable vegetation to reduce bushfire risk will not be deemed an acceptable response to achieve planning compliance, but the City can and does consider bushfire risk (as one of multiple considerations) in its management plans and practices.

In 2018, the City commissioned a preliminary bushfire hazard risk assessment of its bushfire prone areas south of the river with a view to scoping the existing risk and determining potential management, mitigation or planning actions which might be appropriate in response. The review did not consider the bushfire prone areas north of the river because the North Fremantle river foreshore has been subject to its own specific assessment and management plan, and the coastal foreshore has relatively little residential development within its vicinity, and that which exists has been subject to recent assessment and approval. This area is also likely to be subject to further planning arising from the coastal risk management plan recommendations.

The purpose of this report is to advise Council of the assessment and to recommend further steps to address this matter.

## **OFFICER COMMENT**

The Bushfire Hazard Risk Assessment (BHRA) which is provided at Attachment 1, was undertaken by Strategen Consulting, and assessed the following 6 areas (refer Figure 2):

1. Booyeembara Park and Fremantle Golf Course, White Gum Valley
2. Swanbourne Street / Knutsford Street, Fremantle
3. Clontarf Hill, South Fremantle
4. Hollis Park, South Fremantle
5. Sir Frederick Samson Park, Hilton

6. Stock Road, between Winterfold Road and South Street, Hilton.

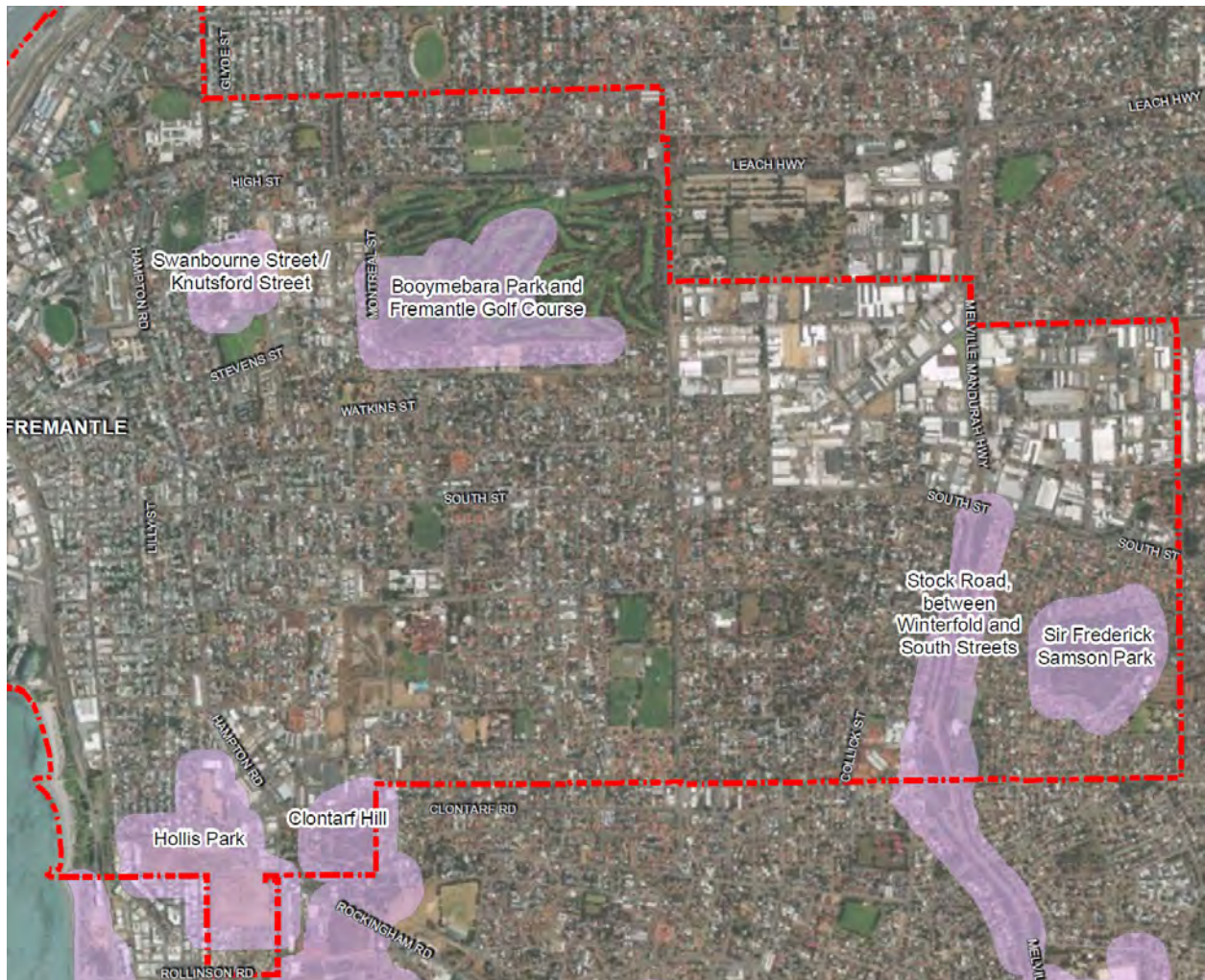


Figure 2: Areas covered in City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment 2018 (Source: Strategen 2018)

The assessment was undertaken in accordance with the Guidelines for the Planning for Bushfire Prone Areas (WAPC 2017). It includes a technical assessment of each bushfire prone area, comment on its context, designation of BAL rating on adjoining lots and commentary on potential responses the City might consider in future planning for the area. It does not provide formal recommendations, but provides a point of reference for the City in its future planning and management of these areas, and its assessment of applications within adjoining lots. It could also form the basis of a city-wide bushfire risk management plan.

A summary of the assessment’s conclusions with proposed interim position recommendations is provided below. Whilst the discussion focusses on mitigating risk, it should be noted that an underpinning principle of the SPP is that removal of vegetation of environmental value is not an acceptable response to remove risk. A more holistic approach, taking into account bushfire risk as one factor, is preferred. Challenges to this can arise, particularly where landowners are restricted from undertaking development, or experience higher costs as a result. Concerns about safety risks also arise. Misconceptions that the policy applies retrospectively and that the City is required to remove existing risk are common.

The City certainly has a duty to thoughtfully and responsibly manage land under its care and control, however this needs to be balanced against other considerations including the allocation of resources. Establishment of a pro-active position is therefore advisable, which considers all options and takes into account the environmental value (or not) of the vegetation, as well as the risk it poses.

**1. Booyeembara Park and Fremantle Golf Course, White Gum Valley**

Bushfire risk in this area stems from the contiguous vegetation in Booyeembara Park and on the Golf Course. In its managed state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below. Whilst it affects a number of lots along Stevens Street and a couple in Montreal Street, the level is generally BAL 29 or below which can be mitigated through application of higher construction standards on new development. The small sliver of BAL 40 and FZ (Flame Zone) affecting the fronts of a few properties on Stevens Street is likely to be accommodated within front setback areas. Given this, pro-active reduction of fuel zones in the park (or, conversely, reduction in development potential of abutting properties) is not recommended however the risk should be noted, considered in the management of the reserve, and planting regimes seek to avoid changes to the vegetation which might alter its classification and increase risk.

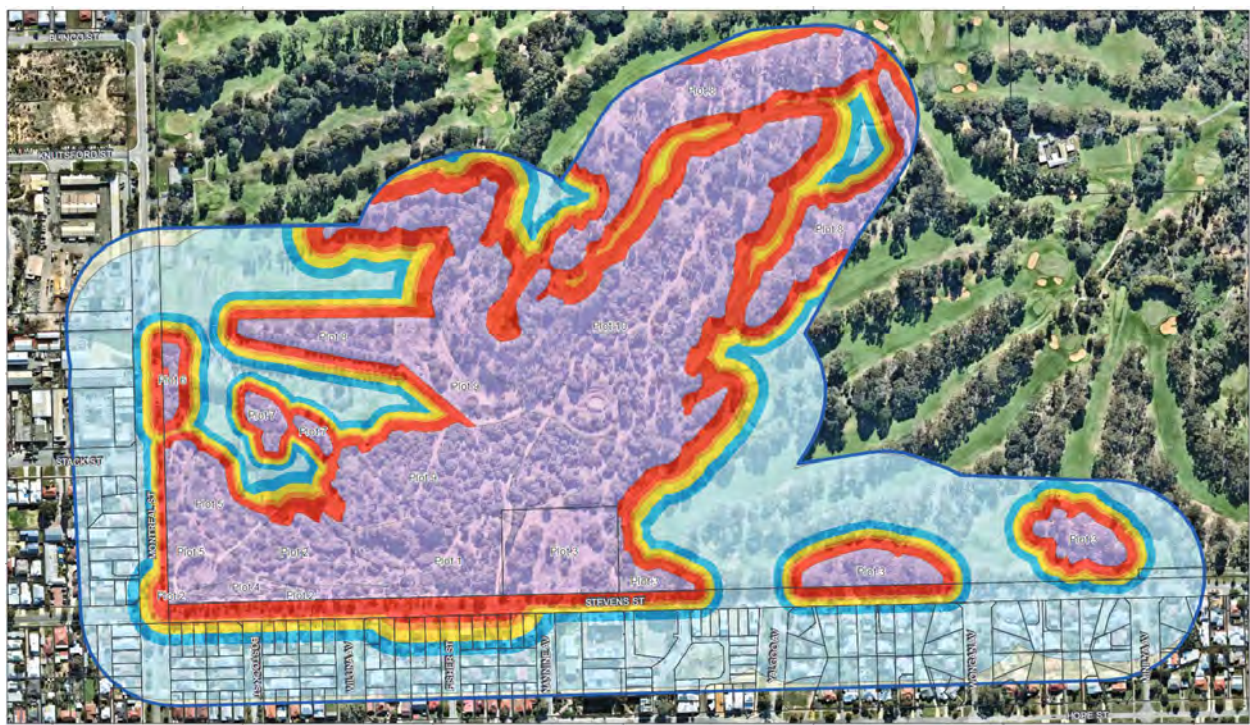
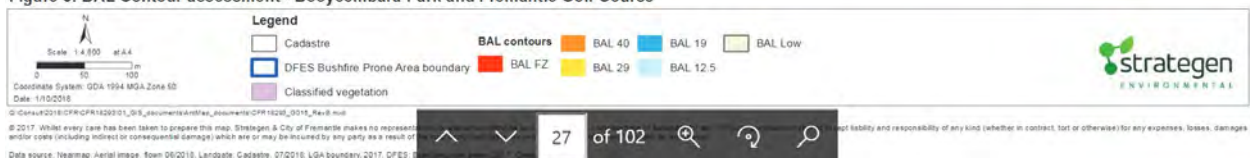


Figure 5: BAL Contour assessment - Booyeembara Park and Fremantle Golf Course

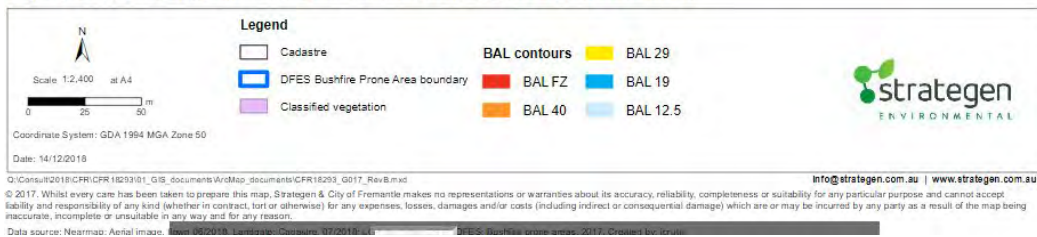


**2. Swanbourne Street / Knutsford Street, Fremantle**

Bushfire risk on Swanbourne Street stems from the undeveloped Knutsford Street (West) Development Area / Swanbourne Street Local Structure Plan area controlled by Landcorp. In its unmanaged state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below. Whilst it affects a number of lots along Swanbourne Street, the level is BAL 29 or below which can be mitigated through application of higher construction standards on new development. A higher risk is posed to Lot 2070 on Knutsford Street. Whilst the planned redevelopment of the Swanbourne Street site will address this matter and be required to mitigate risk comprehensively, in the interim, it is recommended that the assessment be communicated to Landcorp with a request that vegetation management be undertaken to reduce the risk to Lot 2070, in particular. Consideration of weed removal to reduce risk along Swanbourne Street is also desirable.



Figure 9: BAL Contour assessment - Swanbourne Street / Knutsford Street



### **3. Clontarf Hill, South Fremantle**

Vegetation on Clontarf Hill is of considerable value environmentally and to the community but creates a bushfire risk for adjoining properties. In its current state, the Bushfire Attack Level (BAL) affecting surrounding properties is shown below and includes a high rating to a number of properties along Newmarket Street which might possibly inhibit their subdivision or further development in accordance with their zoned potential. Options to address this might include reduction in zoning of abutting properties, installation of a firebreak within the reserve along the property boundary and / or establishment of a formal Bushfire Risk Management Plan establishing requirements and implementation responsibilities to mitigate risk and manage fuel load. It is recommended that management options be discussed with the reserve landowners (Main Roads WA and Housing Authority) and the Friends of Clontarf Hill to determine whether risk can be adequately mitigated, or the zoning of the adjoining land should be reviewed.

It is further recommended that the report be referred to the City of Cockburn for its consideration given the location of the reserve on its boundary.

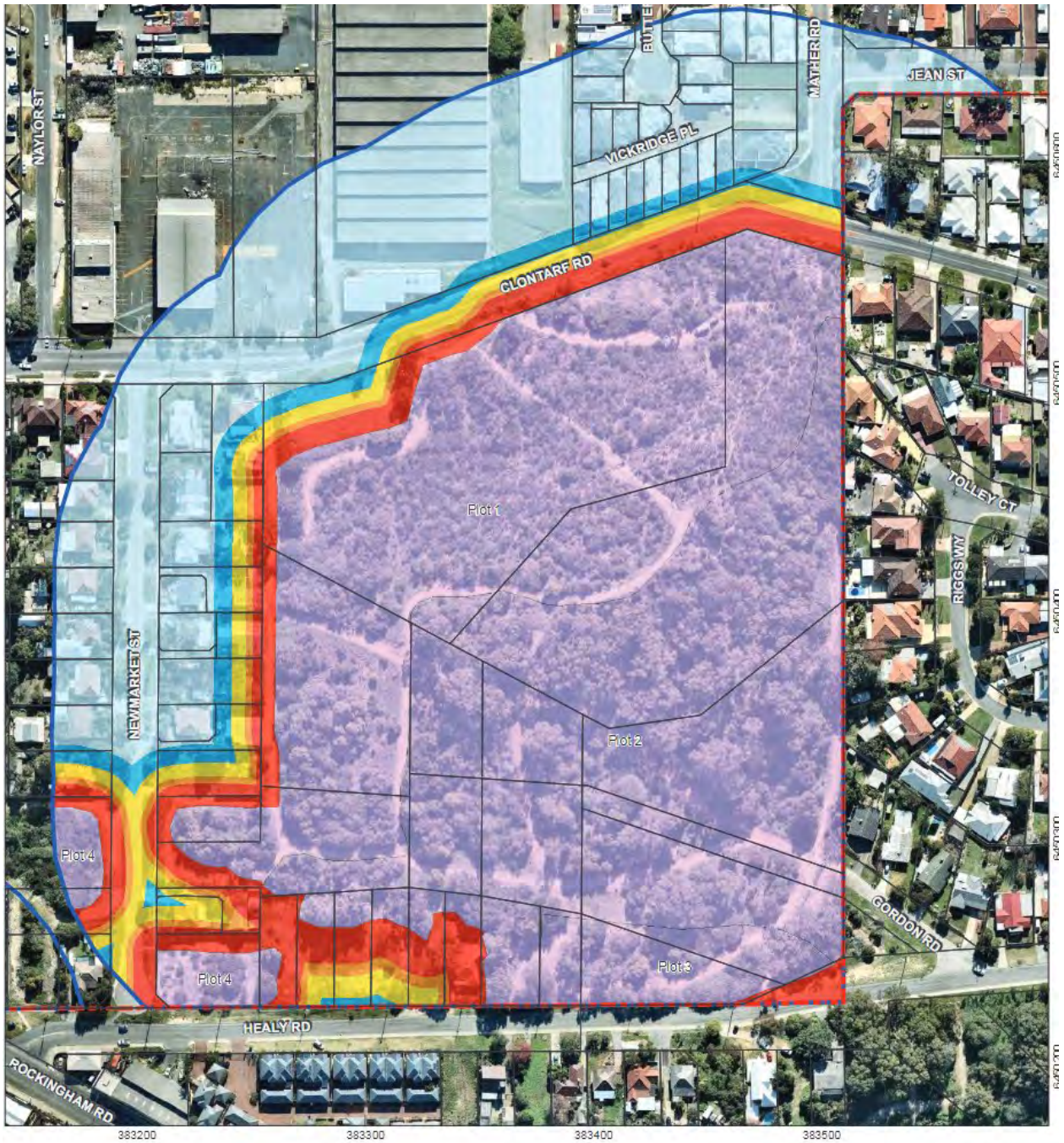


Figure 13: BAL Contour assessment - Clontarf Hill



#### **4. Hollis Park, South Fremantle**

Hollis Park, as a former landfill site subject to natural and periodic volunteer revegetation, poses some particular challenges from a bushfire management perspective. The risks posed to most lots are within the BAL 29 threshold (refer below BAL mapping) however lots at the end of Daly Street, Thomas Street, Walker Street, Hickory Street and along Keeling Way (as well as, no doubt, those at the northern boundary of the South Beach development) experience BAL40 and FZ (Flame Zone) classification. Additionally, the industrial use of lots in Brockman Place may exacerbate risk. Installation of firebreaks would represent the obvious response but the contaminated nature of the site and conditions associated with its management limit opportunities to do this. In locations where this option is unfeasible (most of the site), a regular slashing and / or mowing regime represents the most suitable alternative (and is the current management response). Notification of landowners within the Brockman Place industrial area with a suggestion that they prepare bushfire management plans is also recommended, whilst noting that this cannot be enforced in the absence of any current development proposal.

Communication of the assessment and its findings to the City of Cockburn is again also recommended given the interface of the bushfire risk source with properties within the City of Cockburn.

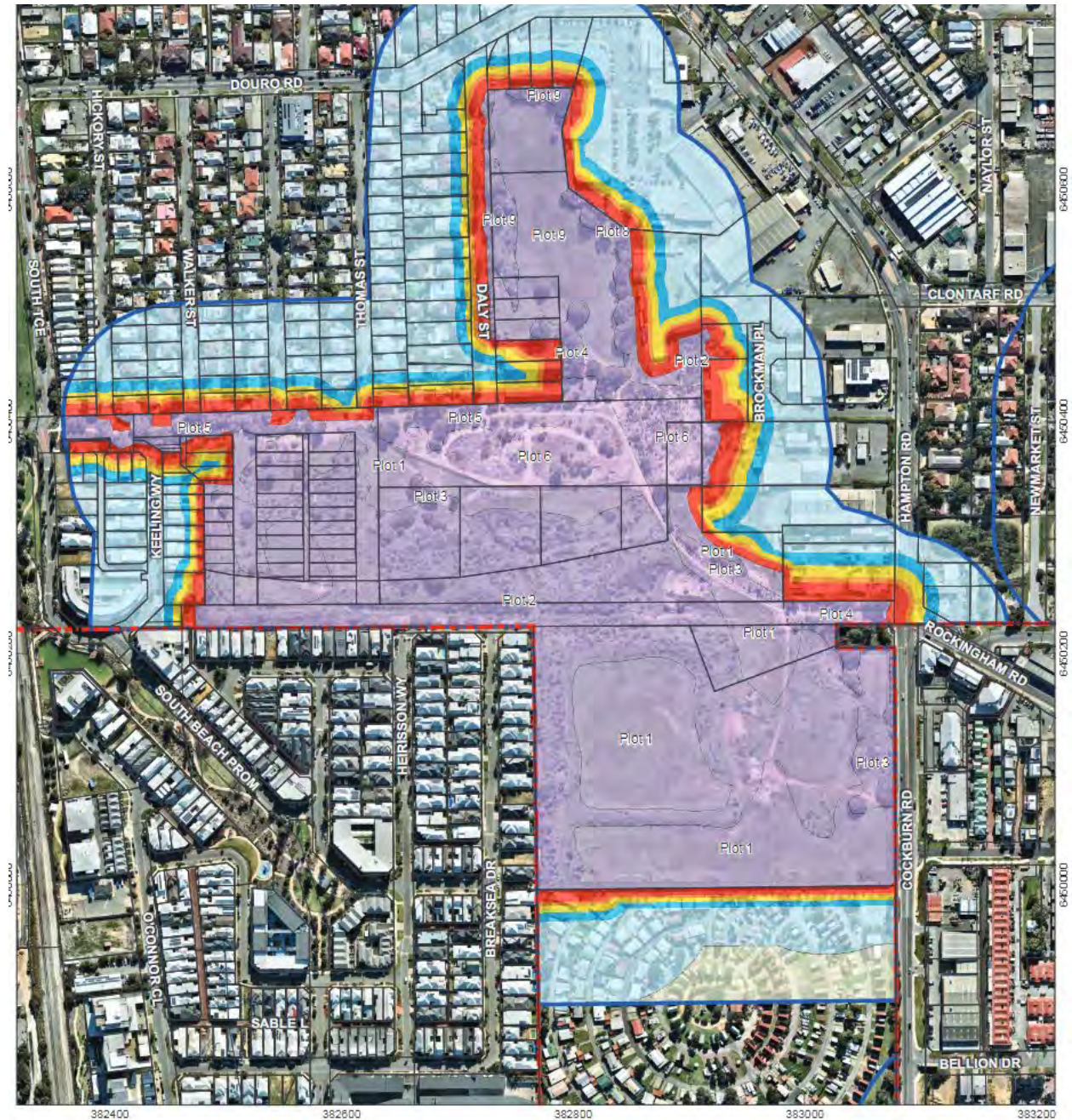
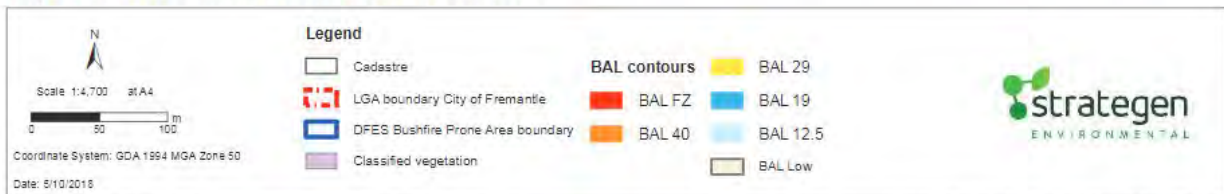


Figure 17: BAL Contour assessment - Hollis Park



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Data source: Nearmap; Aerial image, flown 06/2016; Landgate; Cadastre, 07/2016; LGA boundary, 2017; DFES; Bushfire prone areas, 2017. Created by: jprvite

**5. Sir Frederick Samson Park, Hilton**

Sir Frederick Samson Park is a designated Bush Forever site. Given the established status of the suburb and the absence of further development potential in adjoining lots, the bushfire risk it presents to adjoining lots is largely capable of being addressed through application of BAL construction standards however it would be preferable to locate dwellings or future additions outside the areas of highest risk. The City may also be subject to pressure to reduce bushfire risk given the additional costs which come with high construction standards. The environmental significance of the reserve precludes clearing of Asset Protection Zones / fire breaks or any significant fuel load reduction however the bushfire risk is taken into account in the management plan for the reserve which is reviewed annually by the City in conjunction with DFES.

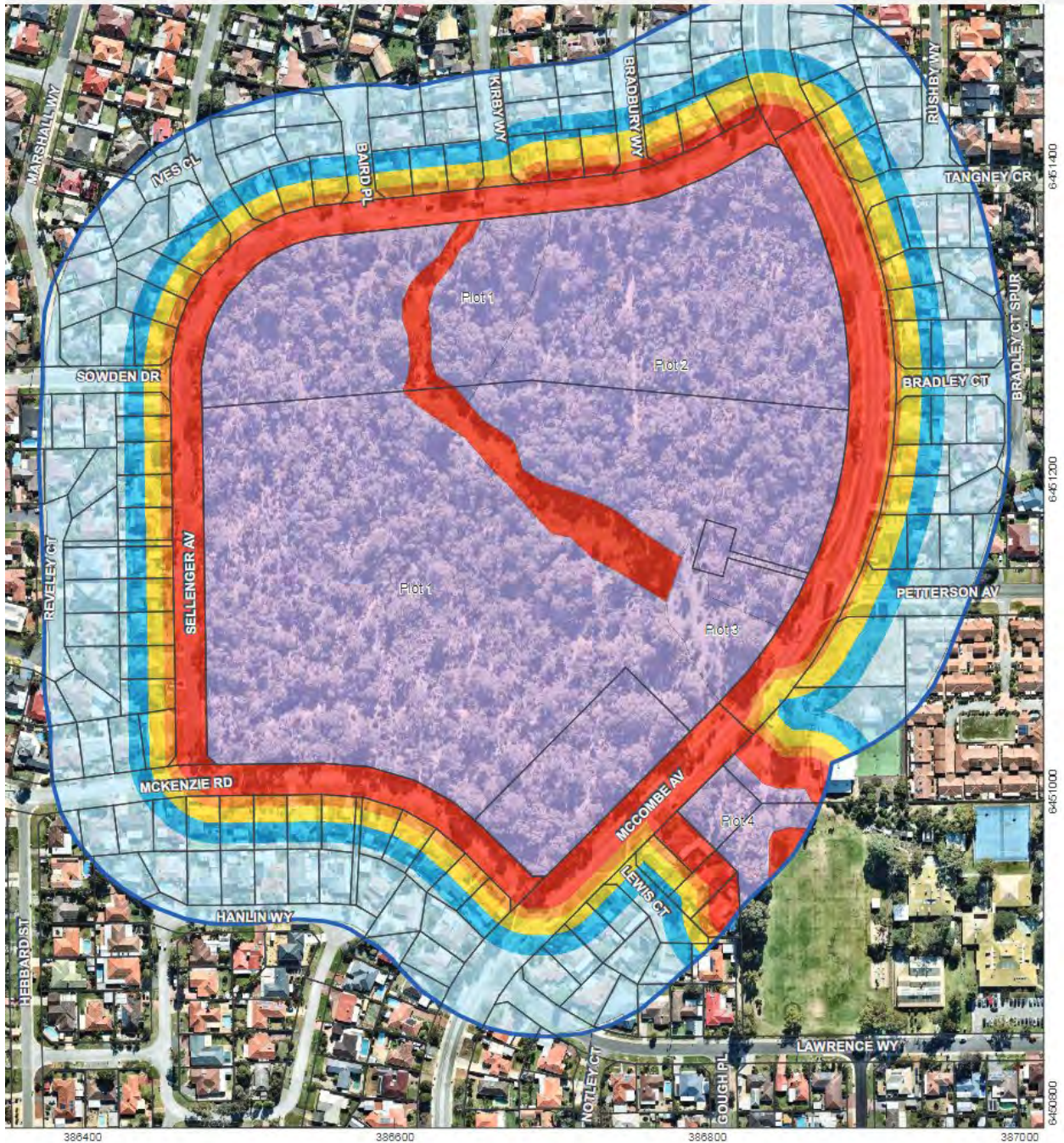
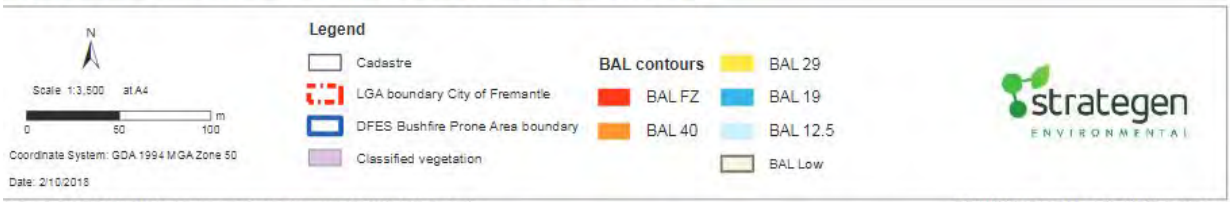


Figure 21: BAL Contour assessment - Sir Frederick Samson Park



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 Data source: Neimap; Aerial Image, flown 06/2018; Landgate; Cadastre, 07/2018; LGA boundary, 2017; DFES; Bushfire prone areas, 2017. Created by: Jorute  
 info@strategen.com.au | www.strategen.com.au

**6. Stock Road, between Winterfold Road and South Street, Hilton.**

Vegetation within the Stock Road primary regional road reserve presents a bushfire risk because of its size, density and contiguous nature. The impact on adjoining lots in terms of Bushfire Attack Level (BAL) rating is illustrated below. The high BAL applicable to many lots does not preclude their continued use and habitation but does represent a potential conflict with the development potential available under their density coding, and may preclude subdivision and further development. Any application for further subdivision or more intensive development (including any further development of Aegis and Foley retirement villages and Seton Catholic College) would trigger an assessment under SPP 3.7 at which point the risks and potential mitigation would need to be fully considered as part of the development application process (as has been occurring in relation to Foley Village).

As the City does not have care and control of the Stock Road road reserve, it has no direct role to play in the management of this bush. Referral of the assessment to Main Roads WA for discussion of potential management options to determine whether risk can be adequately mitigated or the zoning of the adjoining land should be reviewed is recommended, noting that the City would not support removal of significant trees and vegetation along Stock Road.

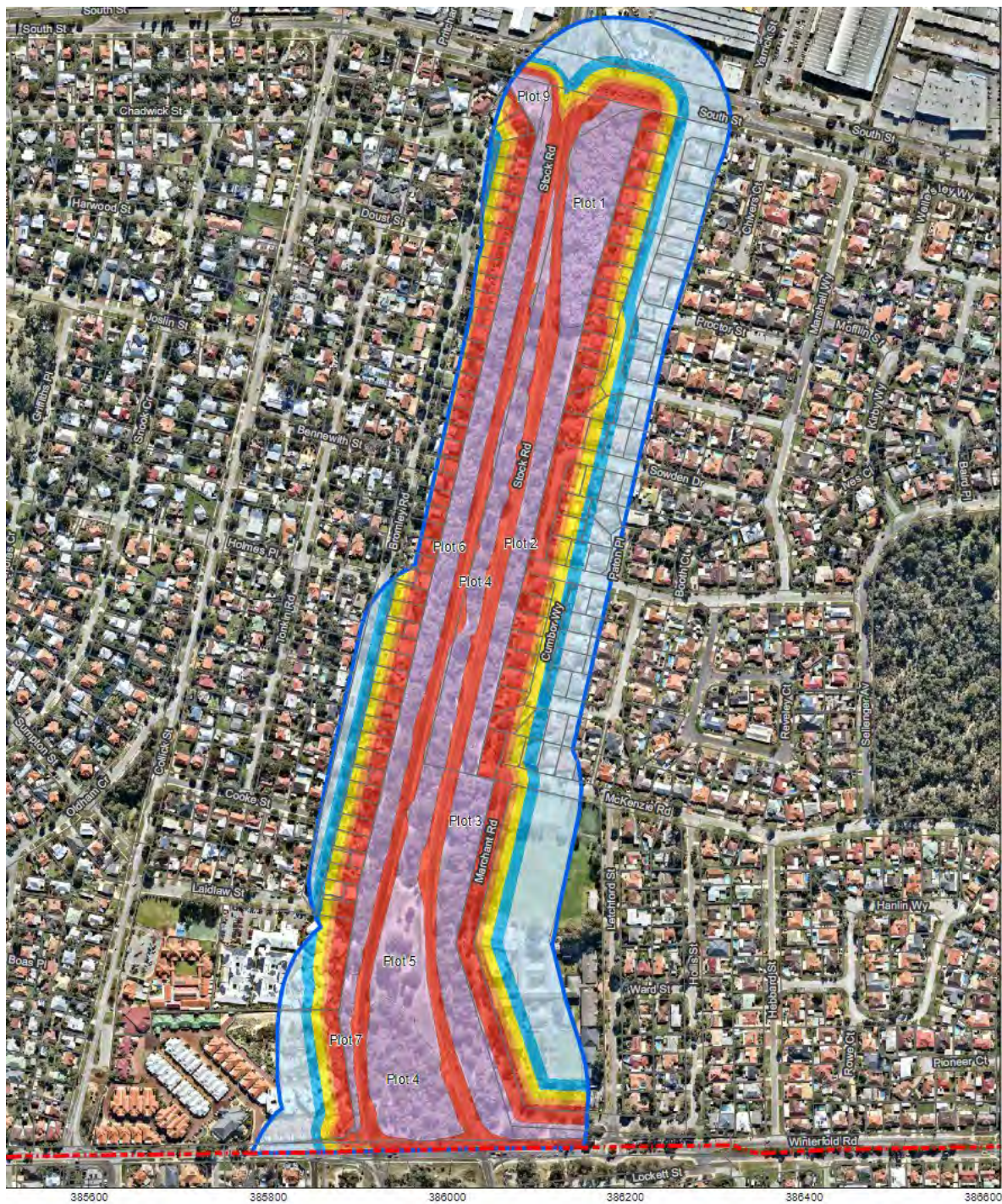


Figure 25: BAL Contour assessment - Stock Road, between Winterfold and South Streets

Scale 1:6,000 A4

Coordinate System: GDA 1984 MGA Zone 50  
14/12/2018

**Legend**

	Cadastral		BAL FZ		BAL 29
	LGA boundary City of Fremantle		BAL 40		BAL 19
	DFES Bushfire Prone Area boundary		BAL 12.5		BAL Low
	Classified vegetation				

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7. Whilst every care has been taken to prepare this map, Strategen & City of Fremantle makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being false, incomplete or unsuitable in any way and for any reason.

Overall, the report demonstrates the need to factor in bushfire management in future planning, and in the management of the reserves, and two potential conflict areas, but also the relatively restricted areas affected by this factor (at least as defined by the policy) within the City.

The interim positions recommended are proposed to guide the City in pro-actively addressing the matter, and allow it to develop a more complete response in consultation with managing bodies. This consultation will also aid the City in assessing the merit of preparing either individual site management plans or a whole of City bushfire risk management plan to more fully guide its management of bushfire prone areas subject to its care and control.

### **FINANCIAL IMPLICATIONS**

Management of bushfire risk within the City's reserves is an operational cost but could increase if formal fuel load limits were introduced for any sites. Preparation of formal Bushfire Risk Management Plan(s) for the City's reserves will require future budget consideration if this action is pursued.

### **LEGAL IMPLICATIONS**

State Planning Policy 3.7 outlines the criteria against which the City should consider any planning proposals relating to bushfire prone areas.

The City has previously received advice in relation to its bushfire risk mitigation responsibilities.

### **CONSULTATION**

Consultation on the assessment findings with management bodies of bushfire risk sources and the City of Cockburn is recommended to occur prior to confirming a firm position on each risk area and notifying affected residents and landowners.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COUNCIL DECISION ITEM SPT 1906-4**  
**(Committee recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Jon Strachan**

**Council:**

- 1. Note the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) provided as attachment 1 of this item to the Strategic Planning and Transport Committee.**
- 2. Endorse the following preliminary positions in response to the findings of the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0):**
  - a. Booyeembara Park / Golf Course: Note report conclusions and continue to manage reserves in accordance with the current Management Plan (pending any future review). Ensure that planting regimes seek to avoid changes to the vegetation classification which exacerbate assessed risk.**
  - b. Swanbourne Street / Knutsford Street: Note the report conclusions and refer it to Landcorp for its information and consideration, with a request that Landcorp consider options to reduce the risk to Lot 2070 and liaise with the owners of that site accordingly. Refer a copy of the report to the owners of Lot 2070 also.**
  - c. Clontarf Hill: Note the potential conflict which currently exists between the attributes and management of the reserve and the zoning of adjoining properties and the need to address this either through rezoning or the proactive management of the reserve to mitigate the risk. Refer a copy of the assessment to the management bodies in charge of the reserve (Main Roads WA and the Housing Authority) and consult with them and the Friends of Clontarf Hill regarding management options.**
  - d. Hollis Plan: Continue to maintain slashed / mown fire breaks along site boundaries. Notify the landowners of industrial lots within the bushfire prone area along Brockman Place and suggest that the preparation of bushfire management plans for these properties (as well as for the bushfire source itself) would be desirable.**
  - e. Sir Frederick Samson Park: Note report conclusions and continue to manage the reserve in accordance with the current Management Plan (pending any future review). Ensure that planting regimes seek to avoid changes to the vegetation classification which exacerbate assessed risk.**
  - f. Stock Road: Note the conflict which currently exists between the attributes and management of the reserve and the zoning of adjoining properties and the need to address this either through rezoning or the proactive management of the reserve to mitigate the risk. Refer a copy of the assessment to Main Roads WA for its information and consideration, noting that the City would not support removal of significant trees and vegetation along Stock Road.**

- 3. Refer the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) to the City of Cockburn for its consideration in relation to reserves (and associated bushfire risk) located on or straddling its boundaries.**
- 4. Utilise the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) as a reference point in the assessment of applications affected by the Bushfire Prone Areas the subject of the assessment for a period of 5 years or until otherwise replaced or superseded by a change in condition or subsequent assessment. Use of the report will not, however, be deemed to automatically meet the assessment requirements of individual landowners and site specific assessments may continue to be required.**
- 5. Refer the City of Fremantle Bushfire Prone Areas Bushfire Hazard Risk Assessment Report by Strategen Environmental dated February 2019 (Rev 0) to the Office of Bushfire Risk Management for information.**

**Carried en bloc: 12/0**

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

**11.4 AUDIT AND RISK MANAGEMENT COMMITTEE**

**Nil**

**11.5 LIBRARY ADVISORY COMMITTEE**

**Nil**

## 12. REPORTS AND RECOMMENDATIONS FROM OFFICERS

### C1906-2 ADOPTION OF THE ANNUAL BUDGET 2019/2020

**Meeting Date:** 26 June 2019  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Annual Budget 2019/2020

#### SUMMARY

This report is to consider the adoption of the 2019/20 Budget. This budget continues the investment in the renewal of Fremantle, planned by Council in 2012. It provides for the implementation of the Kings Square Project, continuation of the implementation of the three bin waste management system for residential properties and service improvements for the Fremantle community.

This budget maintains the commitment of council in keeping rate increases in line with cost indexation whilst the Kings Square redevelopment is in progress. The Local Government Cost Index published by the Western Australian Municipal Association predicts an increase of 1.8% over the coming financial year. This budget proposes a 1.8% rate increase across all differential rates.

The budget includes the Municipal, Trust and Reserve Fund budget for the 2019/2020 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers. It includes just over \$130 million in operating and capital expenditure over the coming financial year.

The budget document has been prepared in accordance with the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

This report recommends that Council adopt the 2019/2020 Budget which comprises the Statutory Financial Statements, setting of rates and associated rate charges, annual fees and charges, use of reserve funds and Elected Member fees and allowances.

## **BACKGROUND**

The draft 2019/2020 budget has been compiled based on principles contained in the Strategic Community Plan and Corporate Business Plan. The 2019/2020 draft budget has been prepared in accordance with the various sessions held with elected members at long term financial planning workshops and budget workshops between March and June 2019. The proposed budget for 2019/2020 includes a small cash budget surplus of \$30,000.

The proposed differential general rates and minimum payments were approved by the Council at its meeting of the 17 April 2019 and advertised for public comment. One submission was received by 4 June 2019 when the public comment period closed. A register of the submission received with comments is included in this report for Council consideration.

## **FINANCIAL IMPLICATIONS**

This report sets the 2019/2020 City of Fremantle budget.

## **LEGAL IMPLICATIONS**

The draft budget 2019/2020 has been prepared in accordance with the *Local Government Act 1995*, the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (by Absolute Majority) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2019/2020 budget as presented is considered to meet statutory requirements.

Section 6.11 of the *Local Government Act 1995* requires the City establish and maintain a reserve account for the purpose of setting aside money for a specific purpose to be used in a future period. Any change to the purpose or proposed use of reserve funds is to be disclosed in the annual budget.

## **CONSULTATION**

While no specific consultation has occurred on the draft 2019/2020 budget, community consultation and engagement has previously occurred during development of the Strategic Community Plan from which the Corporate Business Plan was developed. In addition, the proposed differential rates were advertised in local news media from Saturday 11 May 2019. One submission was received.

## OFFICER COMMENT

The main features of the draft budget include:

- The budget has been prepared with a 1.8% average general rate increase guided by financial plans contained in Plan for the Future. This increase applies to all differential general rate categories. The rate increase of 1.8% aligns with the forecasted Local Government cost index for 2019/2020. A further detail analysis on the proposed rates is below.
- The City will generate \$47m in general rate income, an increase of \$1.1m on last year. The rate income generated by the City for this budget comprises 61% of total revenue sources.
- Total budget income is \$109.9m, comprised of \$4.1m in capital grants, \$7.5m in proceeds from sale of assets, \$20m in new loan borrowings and \$78.3m in operating income (including rate income and carried forward surplus).
- Total budget expenditure is \$130.1m, comprised of \$56.6m in capital expenditure, \$71.8m in operating expenditure and \$1.7m in loan repayments.
- The capital works programme (inclusive of carried forward projects) totals \$56.6m, which is being funded by;
  - \$4.1m from grants and contributions,
  - \$27.6m transferred from reserves,
  - \$20m in new loan borrowings
  - \$4.9m from municipal funds and carried forward funds

A highlight of key capital projects to be undertaken is reported on below. The full capital works programme is contained within attached budget document.
- A new loan borrowing of \$20m is proposed for next financial year for the Construction of Civic and Library Building at Kings Square.
- Reserve funds are expected to decrease by \$20.3m during 2019/20. Significant transfers to and from reserves are:

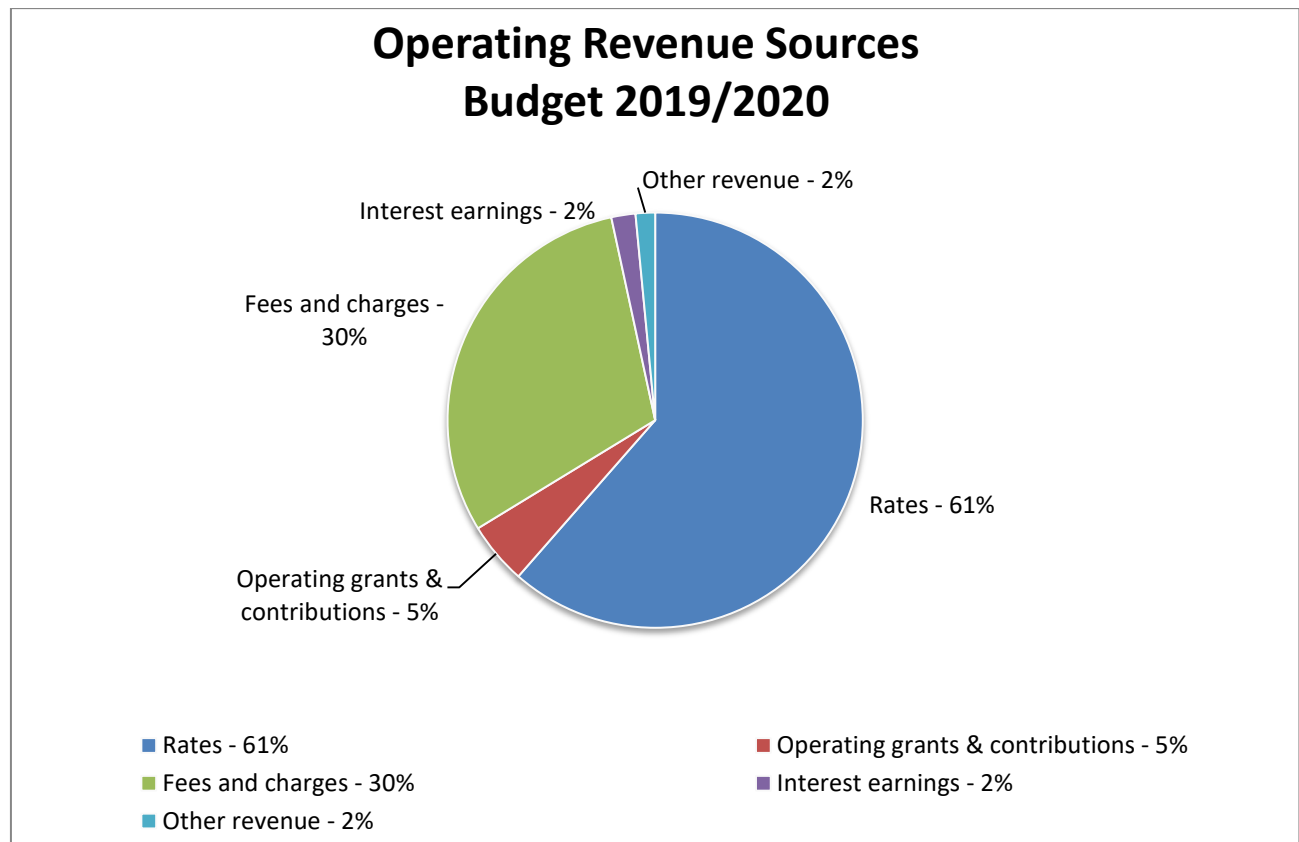
- \$7.4m to Investment Reserve from Proceeds from Sale of Land

Significant transfers from reserve are:

- \$24m from Investment Reserve and Renewable Energy Investment Reserve for the construction of Civic Building and Library at Kings Square
- \$2.6m from Investment Reserve for construction of other Kings Square projects including Public Realm – Newman Court
- \$600k from Parking Dividend Equalisation Reserve for construction of a carpark and Fremantle Park and installation of electronic parking signs
- \$230k from Fremantle Markets Conservation Reserve for capital works at the Fremantle Markets

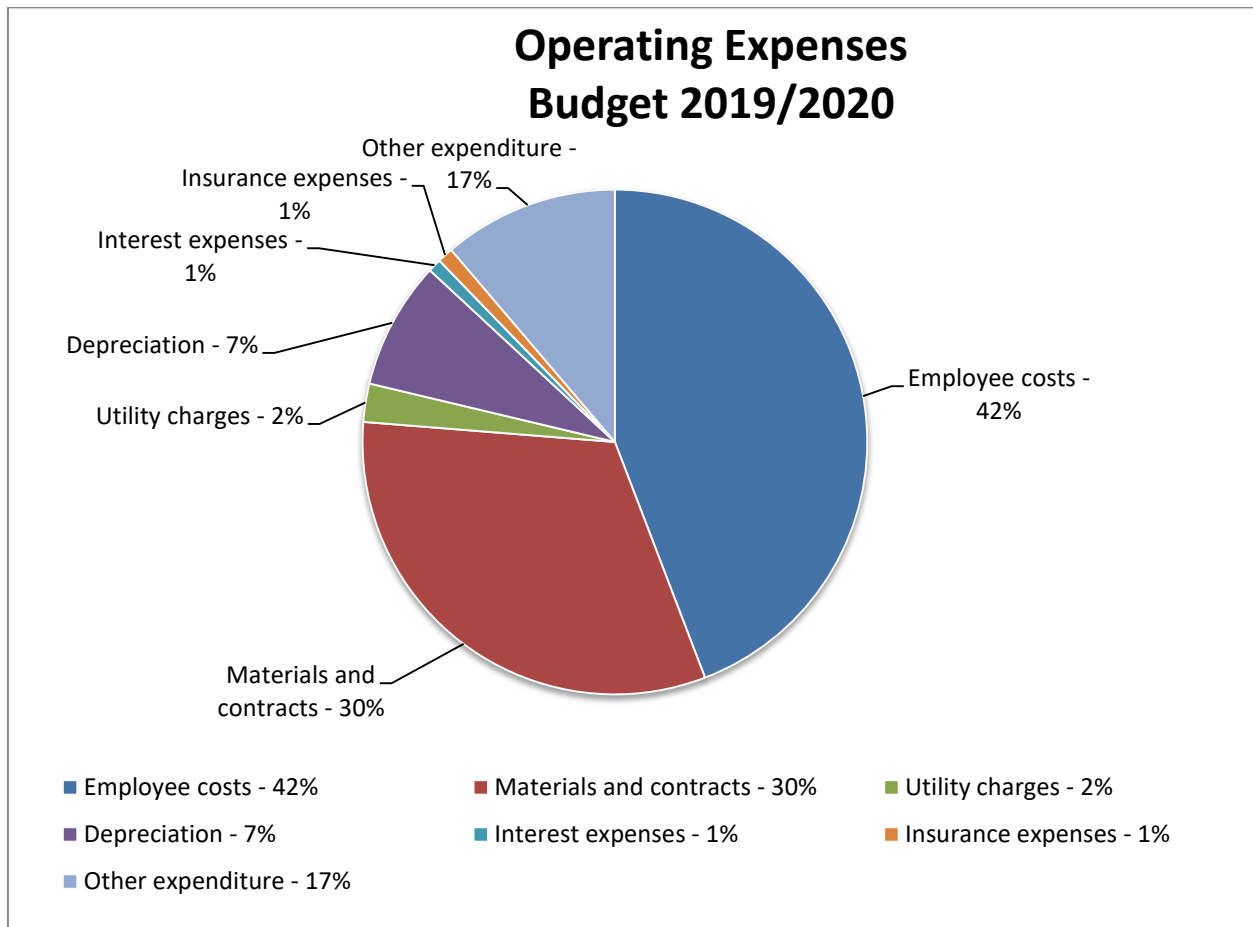
## Operating Budget

The total operating revenue budget totals \$76.5m and is comprised of:



- *Rates – 61%*  
Total revenue from rates (general and specified area rates) will increase by \$1.1m (from \$45.9m in 2018/19 to \$47m in 2019/20)
- *Operating grants, subsidies and contributions – 5%*  
Total revenue from operating grants, subsidies and contributions will increase by \$300k (from \$3.4m in 2018/19 to \$3.7m in 2019/20)
- *Fees and charges – 30%*  
Fees and charges have generally been increased by 1.5%. Total revenue from fees and charges will increase by \$400k (from \$22.8m in 2018/19 to \$23.2m in 2019/20).  
Details on each individual fee and charge proposed are provided in the Fees and Charges schedule that forms part of the Annual Budget document.
- *Interest Earnings – 2%*  
Total revenue from interest earnings will decrease by \$200k (from \$1.6m in 2018/19 to \$1.4m in 2019/20).
- *Other revenue including Profit on sale of assets – 2%*  
Total revenue from other revenue will decrease by \$500k (from \$1.7m in 2018/19 to \$1.2m in 2019/20).

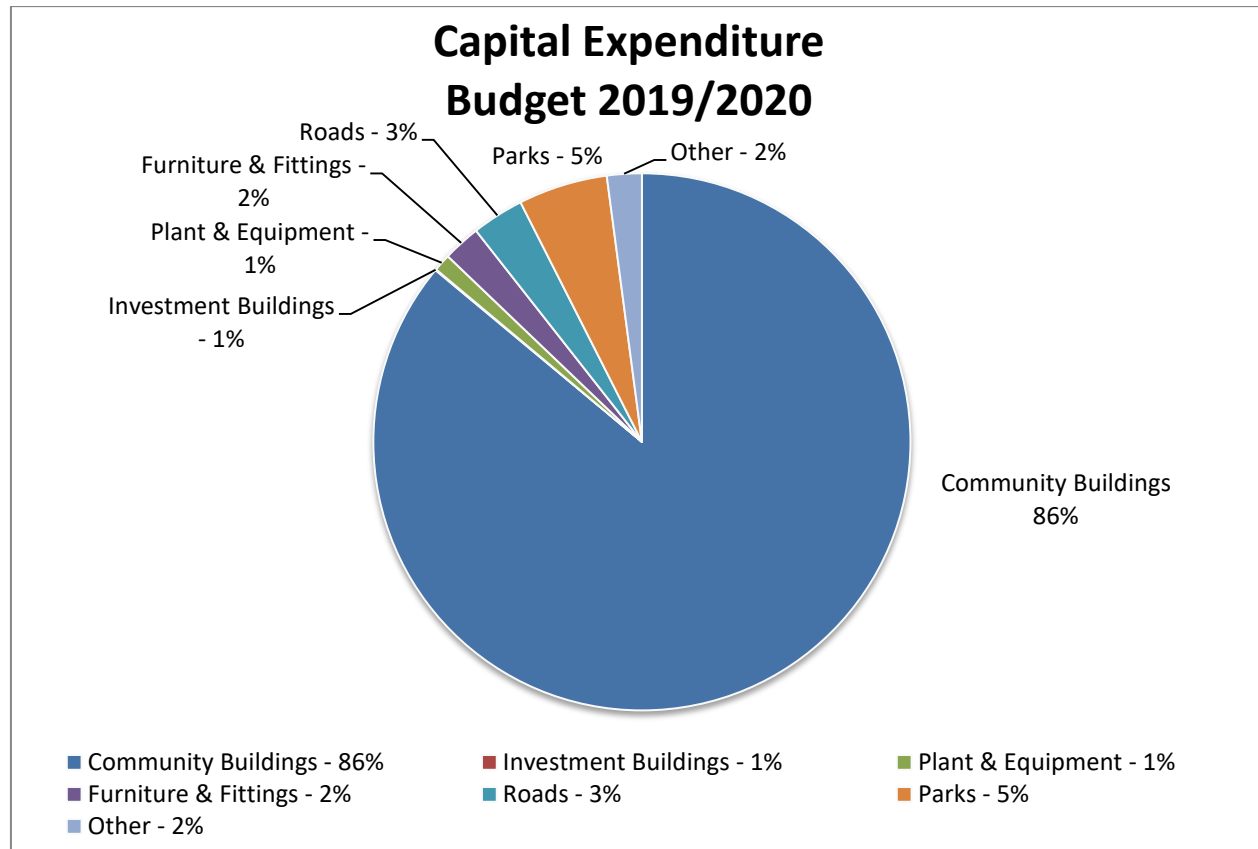
The total operating expenses budget totals \$86.1m and is comprised of:



- *Employee costs – 42%*  
Total expenses from employee costs will increase by \$200k (from \$37.8m in 2018/19 to \$38m in 2019/20)
- *Materials and contracts – 30%*  
Total expenses from materials and contracts will increase by \$0.5m (from \$27.1m in 2018/19 to \$27.6m in 2019/20)
- *Utility Charges – 2%*  
Total expenses from Utility charges will increase by \$30k (from \$2.07m in 2018/19 to \$2.1m in 2019/20).
- *Depreciation – 7%*  
Total expenses from depreciation remained the as last year (from \$7m in 2018/19 to \$7m in 2019/20).
- *Interest expenses -1%*  
Total expenses from interest expense will increase by \$347 (from \$390k in 2018/19 to \$737k in 2019/20).
- *Insurance expenses – 1%*  
Total expenses from insurance expense will increase by \$115k (from \$752k in 2018/19 to \$867k in 2019/20).
- *Other expenses including loss on sale of assets – 17%*  
Total expenses from other expenses will decrease by \$6m (from \$15.6m in 2018/19 to \$9.6m in 2019/20).

## Capital Projects

The capital budget 2019/2020 includes \$56.6m in capital expenditure in these key areas:



Below are some of the major projects included in the capital budget:

### *Building works:*

- Construction of the new Civic & Library building combined budget of \$44m
- Construction of the joint community and sports facility at Fremantle Park budget of \$3.2m.
- Progress payment towards the purchase of Fremantle Oval building \$505k, being the final stage in 19/20
- Various building works at the Fremantle Markets totally \$230k

### *Road works:*

- Road Improvement works to the value of \$1.75m

### *Parks:*

- Upgrade of the public realm at Newman Court, Kings Square \$2m
- Play equipment installation \$120k at Frank Gibson Park
- Installation of lighting at Hilton Park \$200k
- Design of play space at Kings Square \$110k

*Other:*

- Fremantle Safe City 2020 CCTV project \$691k with a final stage to be delivered in 19/20
- Purchase of FOGO bins \$300k
- Construct Fremantle Park carpark \$350k

The capital budget includes provision for one new loan borrowing of \$20m for the construction of new Civic Building and Library at Kings Square. Council has a \$20 million Short Term Loan Facility with Western Australian Treasury Corporation (WATC) which expires on 31 December 2021. As at the 30 June 2019 it is estimated the facility will not be drawn upon resulting in a remaining balance of \$20 million. During budget 2019-20 the City intends to draw down on the short term funds as required during the construction on the Civic & Library building. Depending on the progress of construction it is anticipated by the 30 June 2020 the City will re-pay the short term funds and establish a 20 year loan for the construction on the Civic & Library building for the total adopted loan borrowing of \$20,000,000.

The anticipated opening loan principal balance at 1 July 19 is \$7.5m, taking into account the proposed new loan and principal repayments throughout 19/20 the estimated closing balance at 30 June 20 is \$25.8m.

The capital budget contains the following land asset disposals with all proceeds being transferred to reserve:

7 Quarry Street	\$ 2,750,000
9 Quarry Street	\$ 2,250,000
8 Josephson Street	\$ 1,150,000
10 Holdsworth Street	<u>\$ 1,134,188</u>
<b>TOTAL</b>	<u><b>\$ 7,284,188</b></u>

### **Proposed Rates**

The valuation of GRV rate properties is undertaken by the State Government's Landgate Valuation Services on a three yearly cycle. As this was undertaken for budget 2017/2018 rate valuations remained unchanged for all GRV rated properties for 2019/20. The valuations are based on gross rental values as at 1 August 2015.

FPOL Committee endorsed at its meeting held on 10 April 2019 and Council endorsed at its meeting held on 17 April 2019 the advertising of the Statement of Objects and Reasons and the proposed differential rates and minimum payments for 2019/2020. The rate modelling has been progressed based upon an average general increase of 1.8%. This increase applies to all differential general rate categories and aligns with the forecasted Local Government cost index for 2019/2020.

An advertisement calling for public submissions was placed in local media from Saturday 11 May 2019. The deadline for submissions was 4 June 2019. 1 submission was received detailed below:

Property #	Rating Category	Submission from Property Owner	Officer Recommended Response to Submission
14492	Vacant Commercial and Industrial	This is a formal notification to your office that we object to the rating applied to our vacant property for the 2018-2019 financial year and we request a re-imbusement for the differential amount. Our reasons for this are as follows:	.
		1. The change in rating was never communicated to us prior to being adopted. We were never given the opportunity to provide an input or objection on the matter.	<p>1. The city advertised its intention to levy differential rates and the rating categories on 11 May 2019.</p> <p>The city advised the ratepayer by letter on 15 December 2016 that at OCM on November 2016 Council approved a rating concession in the form of a change in differential rate from "Commercial Vacant" to "General Vacant Commercial" or an equivalent differential rate. This concession was effective 1<sup>st</sup> July 2013 to the 30<sup>th</sup> June 2018 and is granted to allow time for the development of the property. After the 30<sup>th</sup> June 2018 the "Commercial Vacant" or an equivalent differential rate will apply if the property remains vacant land.</p> <p>This was confirmed by email on 2 October 2018.</p>
		2. The change in rating is unfair as it puts an additional impost on property owners for no other reason to raise revenue. Your statement that it was implemented in the interests of the community is a fallacy. I don't think the community is going to be affected by an empty 604 square metre block tucked away in an industrial area	2. The city considers the development of vacant commercial and industrial rateable land in the best interests of the community therefore has set a differential higher than that which applies to developed commercial and industrial properties

		virtually hidden from view.	
		3. We find it extremely objectionable that you are extorting these rates from us while other property owners such as the Notre Dame University get away with not paying anything at all in the way of rates. It is even more preposterous that they are owned by one of the richest corporations on this planet.	3. The city is required under 6.26(2)(g) of the Local Government Act 1995 to grant an exemption to land that is used exclusively for charitable purposes and is thereby non-rateable land.

The proposed 2019/2020 rating structure, nominated Rates in the Dollar and minimum payments which are recommended for consideration is outlined in the schedule:

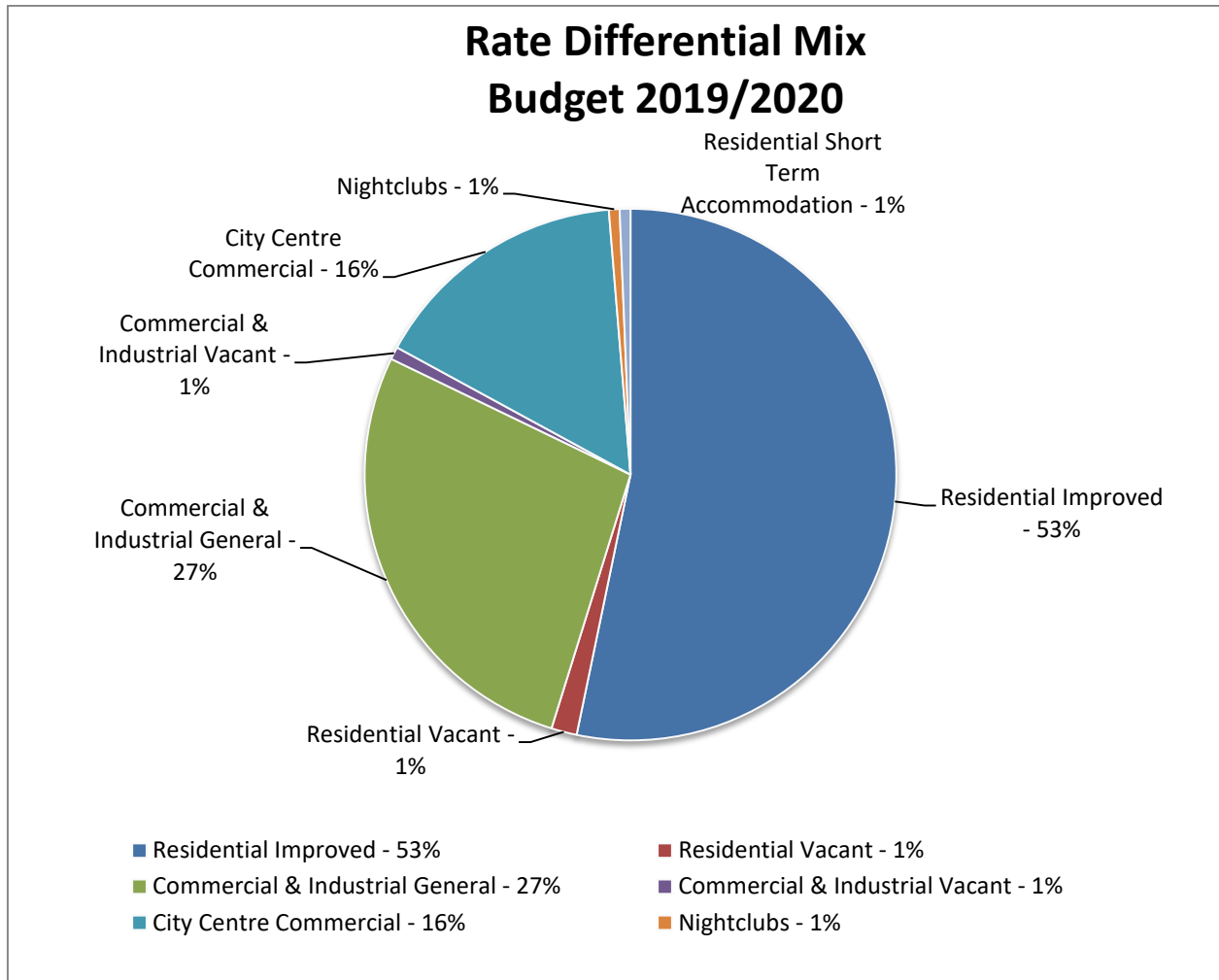
Differential Rating Category	PROPOSED 1.8%		ADVERTISED 1.5%	
	Minimum Payment	Rate in the Dollar	Minimum Payment	Rate in the Dollar
Residential Improved	\$1,344	0.073327	\$1,340	0.073110
Residential Vacant	\$1,302	0.117364	\$1,298	0.117018
Commercial and Industrial General	\$1,344	0.081596	\$1,340	0.081355
Commercial and Industrial Vacant	\$1,344	0.146651	\$1,340	0.146219
City Centre Commercial	\$1,344	0.086286	\$1,340	0.086031
Nightclubs	\$1,344	0.146652	\$1,340	0.146220
Residential short term accommodation	\$1,344	0.081586	\$1,340	0.081345

The minimum payments were re-evaluated in accordance with section 6.35(3) of the Local Government Act 1995 to ensure the general minimum is imposed on not less than 50% of the number of properties in each category.

The proposed 2019/2020 specified area rates to be applied are:

Specified area rate	Purpose of the rate	Rate in \$
CBD Security Levy	A safety and security strategy for a specified area of the Fremantle CBD.	0.001070
Leighton Maintenance	To fund the above normal costs associated with maintaining the higher standard of landscaping of the Leighton residential area.	0.005022

The rate revenue generated from each rating differential is represented in the graph below.



### Alternative Rate Payment Options

This year the City will provide an option of fortnightly direct debit payment for rates to allow ratepayers to spread payments over the year to ease their financial burden.

This is the first time the City will offer this service generally, rather than for specifically approved needs.

### **Reserves**

#### **Former Stan Reilly Property Site Redevelopment Reserve**

The City currently has a reserve fund named Former Stan Reilly Property Site Redevelopment Reserve with a closing balance of \$1,042,967 at 30 June 2019. This reserve was set up for the purpose to fund capital works for the development of the Stan Reilly site. As this project was completed during the 2017-18 financial year it is proposed the balance of funds in this reserve be repurposed as at the 30 June 2019 as follows:

1. Transfer \$792,967 to Investment Fund Reserve to fund future investments in income producing assets and
2. Transfer \$250,000 to a new reserve for Fremantle Oval to be established for budget 19/20. The details are the proposed new reserve is:

### New Reserve - Fremantle Oval Reserve

Purpose of Reserve - To fund capital and business planning costs associated with the redevelopment of the Fremantle Oval precinct.

Source of Income - Transfer from Former Stan Reilly Property Site Redevelopment Reserve as approved by Council. Transfer from Municipal Fund amounts determined by Council through the annual budget, budget review and budget amendments.

### **Cantonment Hill Master Plan Reserve**

The City currently has a reserve fund named Cantonment Hill Master Plan Reserve with an estimated closing balance of \$676,933 at 30 June 2019. This reserve was set up for the purpose to fund capital works at Cantonment Hill in accordance with the Cantonment Hill Master Plan. As major improvement works have been undertaken at Cantonment Hill and the draft 10 year long term financial plan has no significant works planned for Cantonment Hill it is suggested \$500,000 of this reserve repurposed. It is proposed to transfer \$500,000 at 30 June 2019 to the Investment Fund Reserve to fund future investments in income producing assets. Approximately \$50,000 of the Cantonment Reserve will be used in the proposed budget leaving an estimated balance of \$116,933 at year end 30 June 20.

Budgeted reserve balances and purposes of reserves are incorporated in the attached budget document, refer to Note 7.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COUNCIL DECISION ITEM C1906-2**  
**(Officer recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Doug Thompson**

**Council:**

**1. Adopt the 2019/2020 budget;**

**Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the council adopt the Municipal Fund Budget as contained in Attachment 1 for the City of Fremantle for 2019/2020 financial year which includes the following:**

- **Statement of Comprehensive Income by Nature and Type showing a net result for that year of (\$5,457,179)**
- **Statement of Comprehensive Income by Program showing a net result for that year of (\$5,457,179)**
- **Statement of Cash Flows**
- **Rate Setting Statement showing an amount required to be raised from rates of \$46,811,313**
- **Notes to and Forming Part of the Budget**
- **Capital Budget Program**
- **Transfers to/from Reserve Accounts**

**2. Differential Rates;**

**Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 council impose the following differential general rates and minimum payments on Gross Rental Values for 2019/2020 financial year:**

<b>Differential Rating Category</b>	<b>Minimum Payment</b>	<b>Rate in the Dollar</b>
Residential Improved	\$1,344	0.073327
Residential Vacant	\$1,302	0.117364
Commercial and Industrial General	\$1,344	0.081596
Commercial and Industrial Vacant	\$1,344	0.146651
City Centre Commercial	\$1,344	0.086286
Nightclubs	\$1,344	0.146652
Residential short term accommodation	\$1,344	0.081586

**3. Concessions;**

**Pursuant to Section 6.47 of the Local Government Act 1995 council adopts to grant rate concessions of \$233,162 to the properties identified and as prescribed in Note 1(d) of the draft 2019/2020 Budget.**

#### **4. Instalments;**

**Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment by instalments:**

- a) Full payment :  
Due date - Friday 30<sup>th</sup> August 2019**
- b) Two (2) instalment option:  
1<sup>st</sup> instalment due date - Friday 30<sup>th</sup> August 2019  
2<sup>nd</sup> instalment due date – Friday 8<sup>th</sup> November 2019**
- c) Four (4) instalment option :  
1<sup>st</sup> instalment due date - Friday 30<sup>th</sup> August 2019  
2<sup>nd</sup> instalment due date – Friday 8<sup>th</sup> November 2019  
3<sup>rd</sup> instalment due date – Friday 10<sup>th</sup> January 2020  
4<sup>th</sup> instalment due date – Friday 13<sup>th</sup> March 2020**
- d) Twenty (20) fortnightly instalments (for direct debits only) option:  
Commencing direct debit date – Friday 30<sup>th</sup> August 2019  
Final payment direct debit date - Friday 22<sup>nd</sup> May 2020**
- e) Forty (40) weekly instalments (for direct debits only) option:  
Commencing direct debit date – Friday 30<sup>th</sup> August 2019  
Final payment direct debit date - Friday 29<sup>th</sup> May 2020**

#### **5. Administration Charge;**

**Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge of \$40.20 fixed for the 4 instalment plan and an instalment administration charge of \$13.40 fixed for the 2 instalment plan where the owner has elected to pay rates and charges through the instalment options; being \$13.40 for each instalment after the initial instalment is paid.**

#### **6. Instalment Interest;**

**Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.**

#### **7. Penalty Interest;**

**Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for rates, charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**

## 8. Fees and Charges;

Pursuant to Section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included within Fees and Charges schedule of the draft 2019/2020 Budget.

## 9. Elected Members' Fees and Allowances for 2019/2020;

Council note that the review of fees has been released by the Salaries and Allowances Tribunal on 10 April 2019 and adopt the following:

a) Pursuant to Section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Financial Management) Regulations 1996, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

• Mayor	\$47,516
• Deputy Mayor	\$31,678
• Councillors	\$31,678

b) Pursuant to Section 5.99A of the Local Government Act 1995 and regulation 34A and 34AA of the Local Government (Financial Management) Regulations 1996, council adopts the following annual allowances for elected members:

• ICT Allowance	\$3,535
• Mayor Vehicle Lease	\$6,500

c) Pursuant to Section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Financial Management) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• Mayor	\$89,753
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d) Pursuant to Section 5.98A of the Local Government Act 1995 and regulation 33A of the Local Government (Financial Management) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

• Deputy Mayor	\$22,438
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## 10. Reserve Funds;

Repurpose the funds held in the Former Stan Reilly Property Site Redevelopment Reserve as at 30 June 2019 with \$250,000 transferred to the newly created Fremantle Oval Reserve and the balance of funds transferred to the Investment Fund Reserve.

Repurpose \$500,000 of the funds held in the Cantonment Hill Master Plan Reserve at 30 June 2019 by transferring these funds to the Investment Fund Reserve.

## **11. Material Variance**

**In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/2020 for reporting material variances shall be 10% or \$100,000, whichever is greater.**

**Carried: 11/1**

**For**

**Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Dave Hume**

**Against**

**Cr Jeff McDonald**

**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 Jenny Archibald

The following items be adopted en bloc as recommended:

C1906-3	Information Report – June 2019
C1906-4	Monthly Financial Report – May 2019

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

**C1906-3 INFORMATION REPORT - JUNE 2019**

**AWARD OF TENDERS UNDER CHIEF EXECUTIVE OFFICER DELEGATION – MAY 2019**

**Responsible Officer:** Director City Business  
**Agenda Attachments:** Nil

**Acceptance of Contract Extension for Tender FCC496/17 – Natural Areas Weed Control**

The Chief Executive Officer (CEO) accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award a one year contract extension tender FCC496/17 Natural Areas Weed Control to South East Regional Centre Urban Landcare Inc, for the estimated price of \$105,000 excluding GST for the period of 3 years. The contract extension period commenced on: 1 May 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 FCC914/19 – Granite Supply and Delivery to Kings Square and CBD Public Realm**

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award tender FCC914/19 – Granite Supply and Delivery to Kings Square and CBD Public Realm to Taj Palace Stone Pty Ltd. The contract is for a 3 year period and provides future supply provisions for the supply and delivery of Granite stone pavers for the various stages of the Kings Square Public Realm Project. Works are proposed to be delivered in stages; the overall contract value is estimated at \$277,000 (ex GST). Council have approved budget to progress with stages 1A and 1B with an option for 1C, progression of any further stage is subject to Council budget approval. The contract is due to commence late May 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 FCC915/19 – Natural Limestone, Sandstone and Porphyry Supply and Delivery to Kings Square and CBD Public Realm**

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award tender FCC915/19 – Natural Limestone, Sandstone and Porphyry Supply and Delivery to Kings Square and CBD Public Realm to Taj Palace Stone Pty Ltd. The contract is for a 3 year period and provides future supply provisions for the supply and delivery of stone pavers for the various stages of the Kings Square Public Realm Project. Works are proposed to be delivered in stages; the overall contract value is estimated at \$180,000 (ex GST). Council have approved budget to progress with stages 1A and 1B with an option for 1C, progression of any further stage is subject to Council budget approval. The contract is due to 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 C1906-3**  
**(Officer recommendation)****Moved: Mayor, Brad Pettitt****Seconded: Cr Jenny Archibald****Council acknowledge the following information report for June 2019:****1. Award of Tenders under Chief Executive Officer Delegation – May 2019****Carried en bloc: 12/0****Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

**C1906-4 MONTHLY FINANCIAL REPORT - MAY 2019**

**Meeting Date:** 26 June 2019  
**Responsible Officer:** Manager Finance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Monthly Financial Report – 31 May 2019

**SUMMARY**

The Monthly Financial Report for the period ending 31 May 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 May 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 31 May 2019.

Description	2018/19 YTD Budget	2018/19 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)-(A)	(D) =(C)/(A)	
<b>OPERATING</b>					
Revenue	\$73.76M	\$74.17M	\$0.41M	0.55%	●
Expenses	(\$71.33M)	(\$69.31M)	\$2.02M	(2.83%)	●
<b>Operating Surplus/Deficit</b>	\$2.43M	\$4.86M	\$2.43M	99.68%	●
<b>CAPITAL</b>					
Revenue	\$8.09M	\$9.45M	\$1.36M	16.93%	●
Expenses	(\$11.14M)	(\$9.98M)	\$1.16M	(10.37%)	●
<b>Overall Surplus/Deficit</b>	\$4.29M	\$9.82M	\$5.53M	128.69%	●

**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	
<b>Rates (including Annual Levy)</b>	\$137,750	●
<b>Operating Grants, Subsidies and Contributions</b>	\$125,837	●

Expenses	Variance	
Interest Income	142,302	●
Reimbursement Income	(\$150,672)	●
Materials and Contracts	\$1,513,374	●
Employee Costs-Agency Labour	(\$251,206)	●
Other Expenditure	251,637	●
Utility Expense	\$130,008	●

## MAJOR VARIANCE ANALYSIS

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2018/2019 for reporting material variances as 10% or \$100,000, whichever is greater (Item C1806-3 refers Council meeting on 27 June 2018).

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

### Operating Revenue

#### *Profit on Disposal*

YTD Budget	YTD Actual	Variance Amount \$	Variance %
417,000	62,630	(354,370)	(85%)

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

#### *Reimbursement Income*

YTD Budget	YTD Actual	Variance Amount \$	Variance %
921,568	770,896	(150,672)	(16%)

The variance is mainly due to the following activities:

- \$70,000 for P-11821 Demolition - 26 Montreal Street. This is a carry forward project to 19/20. Main Roads project delayed due to EPA approvals. This project will commence in line with Main Roads upgrade project schedule.
- \$36,249 for 100599 - Operate recycling facility – outstanding invoice to be raised in June 2019
- \$17,704 for 100530 - Lease Evan Davies Building 13 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.

## Operating Expenditure

### ***Employee Cost – Agency Labour***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(829,121)	(1,080,327)	(251,206)	30%

The variance is mainly due to hiring of agency labour more than budgeted in Waste Collection Team (\$121k), Parks and Landscapes Team (\$20k), Infrastructure and Strategic Projects Leadership (\$20k), People and Culture (\$25k) and Business Services and System Team (\$21k). Agency staff has been utilised to replace vacant positions or cover a lost time injury or for the traineeship.

### ***Other Expenditure***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(2,309,010)	(2,057,373)	(251,637)	11%

The variance is mainly due to the following activities:

- \$55,000 for 100034 - Coordinate debt recovery of rates and accounts receivable bad debt expense is underspent. The reconciliation for provision of bad debt will be processed at year end.
- \$35,122 for 100092 - Conduct place activation activities. 2nd payment to Fremantle Football Club is delayed. Negotiations are ongoing.
- \$25,082 for 100528 - Allocate arts development funding. 2nd round of Art funding approved. Purchase orders issued in June.
- \$18,063 for 100463 - Support kidsport program. COF no longer administering Kidsport Program. No further expenditure, which is offset by reduced income.
- \$16,600 for 100093 - Conduct business attraction activities. This is capacity building program and purchase orders have been issued.

## Capital Revenue

### ***Capital Grants and Subsidies***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
1,035,665	2,391,972	1,356,307	131%

The variance is mainly due to the following capital grants being received earlier than budgeted for the following projects:

- \$371,356 for P-11796 Install-CCTV. This project will be carried forward to 2019/20 along with any unspent grant funds received.
- \$747,500 for P-10350 Design and construct-Fremantle Park Sport and Community. This project will be carried forward to 2019/20 along with any unspent grant funds received.

## Capital Expenditure

### ***Purchase Infrastructure – Roads***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(1,691,948)	(1,503,822)	188,125	(11%)

The variance is mainly due to the following projects:

- \$41,600 for P-10820 Resurface MRRG-Hampton/Rockingham North. This Project work is a combination of works for City of Cockburn and City of Fremantle plus a combination of projects of Hampton/Rockingham North and South. Awaiting final budget amendment included in Council agenda 26 June and journal of expenditure reflective of this budget amendment.
- \$85,729 for P-11421 Resurface MRRG-Marine Tce. Marine Terrace is completed. All commitments to complete this project will be are raised and we await receipt of final invoices. Project is anticipated to come in under budget. This will reduce the grant funding that will be paid and will result in a municipal saving.
- \$94,136 for P11824 -Hampton Rd and Lloyd St Intersection. This project is partially complete. We await receipt of final invoices. The project acquittal process is being finalised to claim 100% of the grant funding.

### ***Purchase Infrastructure – Other***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(210,000)	(57,509)	152,491	(73%)

The variance is mainly due to \$165,000 for P-11793 Install-Electronic parking signs. This project is unlikely to be completed this financial year and is expected to be carried forward to 2019/20. Project is funded from reserve.

### ***Purchase Furniture and Fittings***

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(548,356)	(142,949)	405,407	(74%)

The variance is mainly due to the following projects:

- \$264,676 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. This project will be carried forward to 2019/20.
- \$50,000 for P- 10498 Program-Network infrastructure. Holding off purchasing until new model available. This project will be carried forward to 2019/20.
- \$43,798 for P-11818 Purchase-Document Management System. Project has started and expects a carry-over of \$42,000 into next financial year. This project will be carried forward to 2019/20.
- \$30,000 for P-10037 Program-Telecommunications equipment. Purchase of telecommunications equipment commenced but project will continue into 2019/20.

- **Transfer from Reserve (Restricted) – Capital**

YTD Budget	YTD Actual	Variance Amount \$	Variance %
4,744,502	5,370,129	625,627	(13%)

The variance is mainly due to the following projects:

- \$650,429 more funds transferred from reserve for P-10297 Construct Council Admin Officers (Kings Square Redevelopment). This project is progressed well ahead of budget. This project will be carried forward to 2019/20 with any unspent reserve funds.
- \$165,000 less funds transferred from reserve for P-11793 Install electronic parking signs. This project is unlikely to be completed this financial year and is expected to be carried forward to 2019/20.

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

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

## CONSULTATION

Nil

## OFFICER COMMENT

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

The overall performance for the City of Fremantle for the period ended 31 May 2019 resulted in an additional \$5,528,086 surplus being identified than anticipated, which is mainly as a result of :-

*Reduction in anticipated surplus*

- Reduced operating revenue (excluding general rates) of \$82,818;

*Increase in anticipated surplus*

- Increased capital revenue of \$1,368,832;
- Underspensing of capital expenditure to date of \$1,155,534;
- Underspensing of operating expenditure to date of \$2,015,801;
- Reduced net transfer from reserve of \$591,667;
- Increased general rates income of \$129,233.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

### **COUNCIL DECISION ITEM C1906-4** **(Officer recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Jenny Archibald**

**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 31 May 2019.**

**Carried en bloc: 12/0**

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

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**C1906-5 STATEMENT OF INVESTMENTS AS AT 31 MAY 2019**

**Meeting Date:** 26 June 2019  
**Responsible Officer:** Manager Finance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Investment Report – 31 May 2019

**SUMMARY**

**This report outlines the investment of surplus funds for the month ending 31 May 2019 and provides information on these investments for Councils consideration.**

**This report recommends that Council receives the Investment Report for the month ending 31 May 2019.**

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

- **Portfolio details as at May 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 \$1,386,688 against a year to date budget of \$1,251,410 which represents a positive variance of \$135,278. This variance will be continued to be monitored throughout the year. Future interest earnings will be determined by the cash flows of the City's surplus cash and movements in interest rates on term deposits.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.55 % (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 2.04% (refer to Report 8 - 0.51% for 3 month) on an annualised basis as at the end of May 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 31 May 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 31 May 2019

At month end the City's investment portfolio totalled \$51.15m. The market value was \$51.67m; this value takes into account accrued interest.

The investment portfolio is made up:

At call account	\$ 8.85m
Term Deposits	\$42.30m
<b>TOTAL</b>	<b>\$51.15m</b>

Of which:

Unrestricted cash	\$16.05m
Restricted cash (Reserve Funds)	\$32.09m
Restricted cash (Trust Funds)	\$ 3.01m
<b>TOTAL</b>	<b>\$51.15m</b>

The current amount of \$16.05m held as unrestricted cash represents 20.56% of the total adopted budget for operating revenue (\$78.06m).

**2. Portfolio counterparty credit framework (as at 31 May 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:

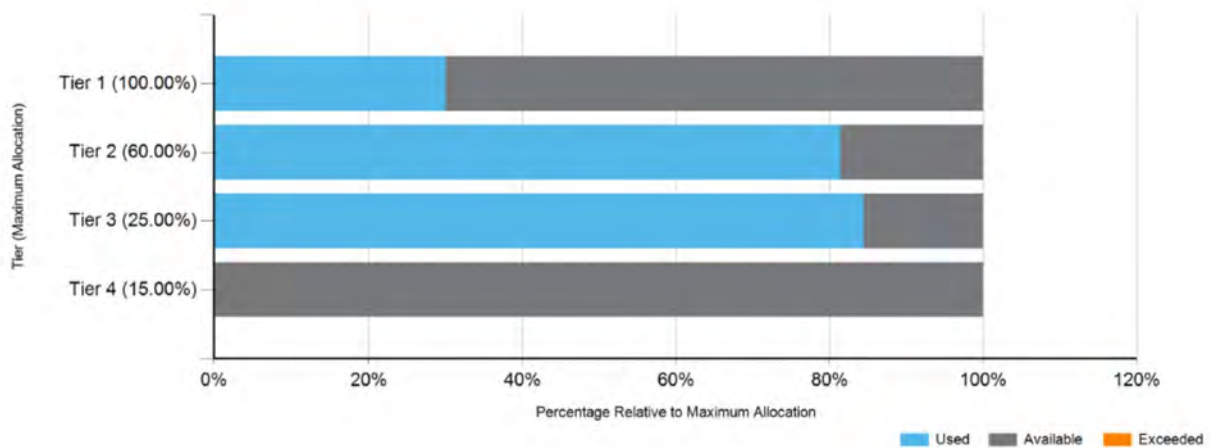
**Counterparty credit framework**

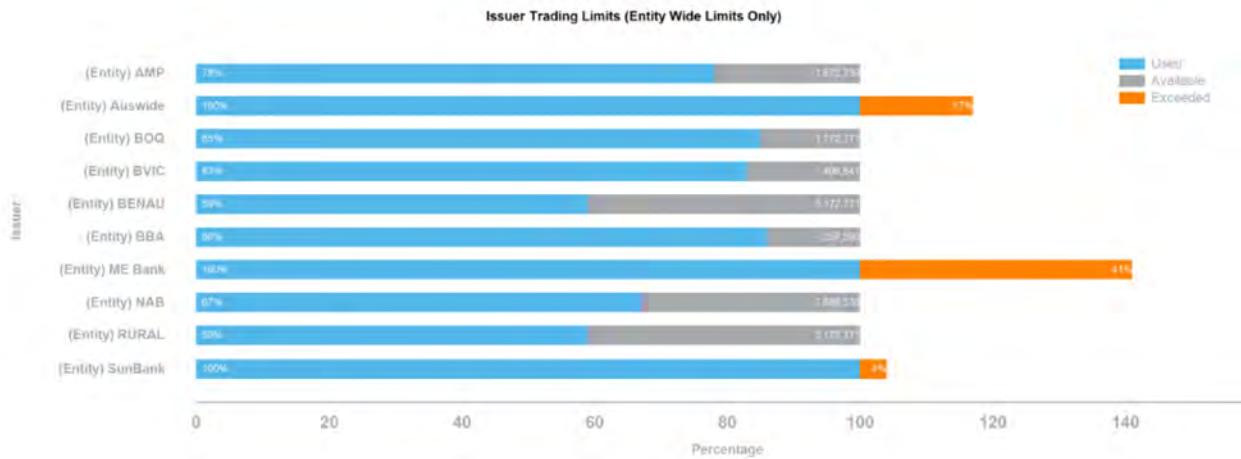
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

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, Auswide 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 4% or \$327,229 and Auswide bank exceeded the trading limit by 17% or \$442,410 at the end of month.

For these banks at the time of investing the funds with Suncorp and Auswide the investment was compliant with the investment portfolio thresholds. However as the total amount of the investment portfolio reduced it has resulted with Suncorp and Audwide being outside of the threshold.

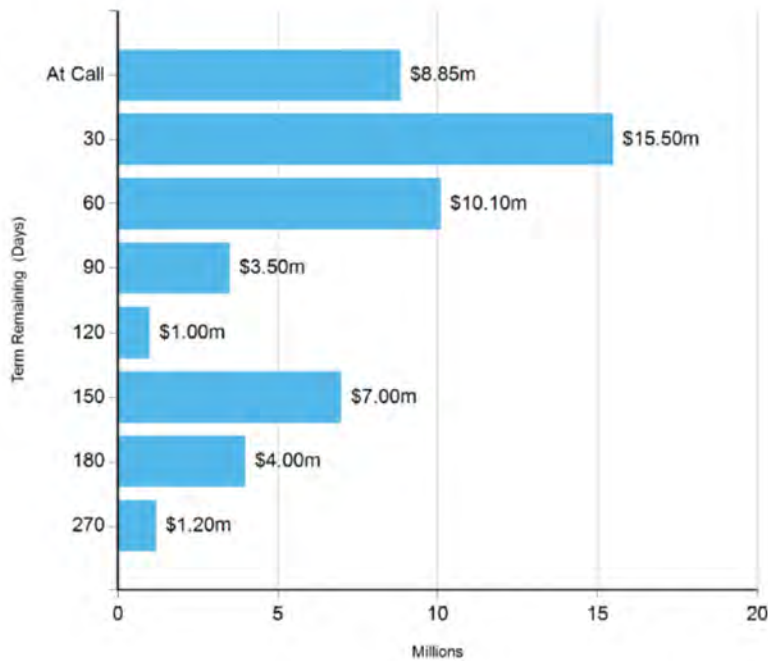
It is expected that cash outflow will be more than cash inflow for the remainder of this financial year. As a result, the total portfolio balance will gradually reduce to meet the anticipated cash requirements. Therefore investments in individual banks may exceed the adopted trading limits even though the deposits were compliant at the time of making the investment.

### 3. Portfolio Liquidity Indicator (as at 31 May 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.

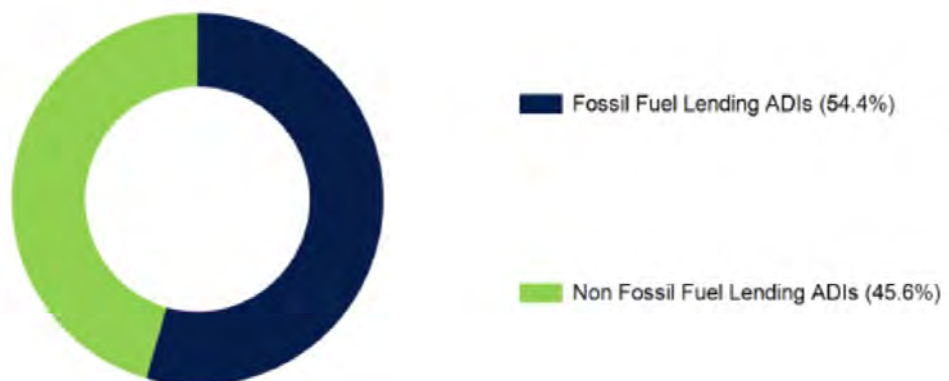
Face Value by Term Remaining



**4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 31 May 2019)**

At the end of this month \$23.3m (45.6%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non Fossil Fuel lending ADI’s).

Fossil Fuel vs Non Fossil Fuel Lending ADI



**5. Interest Income for Matured Investments (For 1 May 2019 to 31 May 2019)**

For this month \$218,266.84 in interest was earned from 6 matured term deposits.

**6. Investing Activities (For 1 May 2019 to 31 May 2019)**

During this month 3 term deposits were acquisitioned with a total value of \$4.2m 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 C1906-5** **(Officer recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Dave Hume**

**Council receive the Investment Report for the month ending 31 May 2019.**

**Carried: 12/0**

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

**C1906-6 SCHEDULE OF PAYMENTS MAY 2019**

**Meeting Date:** 26 June 2019  
**Responsible Officer:** Manager Finance  
**Decision Making Authority:** Council  
**Agenda Attachments:** Schedule of payments and listing  
 Purchase Card Transactions  
***Attachments viewed electronically***

**SUMMARY**

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending May 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 May 2019, is provided within Attachment 1 and 2.

**FINANCIAL IMPLICATIONS**

A total of \$9,067,308.61 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 May 2019 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$6,415,716.76
Purchase card transactions	\$47,887.27
Salary / Wages / Superannuation	\$2,551,017.38
Other payments (as outlined in Attachment 1)	\$52,687.20
<b>Total</b>	<b>\$9,067,308.61</b>

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

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

### **COUNCIL DECISION ITEM C1906-6** **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

#### **Council:**

1. **Accept the list of payments made under delegated authority, totalling \$9,067,308.61 for the month ending May 2019, as contained within Attachment 1.**
2. **Accept the detailed transaction listing of credit card expenditure, for the month ending May 2019, as contained within Attachment 2.**

**Carried: 12/0**

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

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**14. URGENT BUSINESS**

Nil.

**15. LATE ITEMS**

Nil.

**16. CONFIDENTIAL BUSINESS**

**PROCEDURAL MOTION**

At 8.06 pm the following procedural motion was moved:

**COUNCIL DECISION ITEM**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Doug Thompson**

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

**Carried: 12/0**

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

**At 8.06 pm members of the public were requested to vacate the meeting.**

**FPOL1906-13 CONFIDENTIAL REPORT - PROPOSED LICENSE AGREEMENT  
BETWEEN SOUTH FREMANTLE FOOTBALL CLUB AND CITY OF  
FREMANTLE**

**Meeting Date:** Committee 12 June, 2019  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Draft License (31 August 2018)  
 Legal Opinions  
 SFFC Response (5 April 2019)

**REASON FOR CONFIDENTIALITY**

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

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

**COUNCIL DECISION ITEM FPOL1906-13**  
**(Amended officer recommendation)**

**Moved:** Mayor, Brad Pettitt

**Seconded:** Cr Jenny Archibald

**Council:**

- 1. Agree to amend clause 3.2 and clause 8 of the proposed license agreement of 31 August 2018, between South Fremantle Football Club and the City of Fremantle, to the following:**

**3.2** ~~H~~olding Over

If after the expiry of the Term or Option Term or the earlier termination of the Licence to use the Licensed Areas pursuant to clause 8.1 (d) (as the case may be) the ~~SFFC~~ continues to use and occupy the Licensed Areas with the consent of the City, the ~~SFFC~~ shall do so as a monthly licensee and:

- ~~(a)~~ the SFFC's right to continue to use and remain in occupation of the Licensed Areas shall be subject to the continued performance of the SFFC's obligations under this Deed and any other condition reasonably imposed by the City;
- ~~(a)(b)~~ any obligations of the City imposed by this Licence come to an end, other than the obligation to permit SFFC to continue to use and remain in occupation of the Licensed Areas; and
- ~~(b)(c)~~ the monthly licence granted by this clause shall terminate by either party giving the other party three (3) months' notice of termination which notice may be given at any time except during a Football Season (once a Football Season has commenced).

**8. REDEVELOPMENT OF LICENSED AREAS**

**8.1 Redevelopment**

- (a) The parties acknowledge that:
- (i) the Land is subject to the Crown Grant, which currently requires the City to use the Land for recreational purposes;
  - (ii) it is the intention of the City to amend, revoke or alter the Crown Grant to allow a redevelopment of a portion of the Licensed Areas during the Term; and
  - (iii) if the Crown Grant is altered or revoked during the Term, the City is required to administer the Land in a manner which may change from time to time to suit the changing requirements of the community served by the Land.
- (b) Notwithstanding anything to the contrary contained or implied in this Deed the City and the SFFC agree that at any time after three (3) years has elapsed since the Commencement Date, if:
- (i) the City wishes to alter or extend or redevelop all or any part of the Land or the Licensed Areas in its sole and unfettered discretion;
  - (ii) the State of Western Australia wishes to resume the Land or any part of the Land comprising any part of the Licensed Areas; or
  - (iii) the Crown Grant is revoked altered or amended,

(17)

in a manner which does or may affect the SEFC's use of the Licensed Area or which does or may interfere with safe access to them (**Proposed Redevelopment**), the City is entitled to terminate this Licence on giving the SEFC not less than six (6) months' written notice (**Redevelopment Notice**) expiring at any time whether or not at the end of a month or other fee period but provided such notice does not expire during a current Football Season (in which case, the notice period is extended until twenty-eight (28) days following the end of the Football season).

- (c) The Redevelopment Notice must contain the following:
- (i) an outline of the Proposed Redevelopment (as proposed as at the date of the Redevelopment Notice); and
  - (ii) the date on which the Licence is terminated in accordance with the operation of this clause (**Termination Date**).
- (d) On the Termination Date, save and except for the provisions of clauses 8, this Licence will come to an end and the SEFC must deliver vacant possession of the Licensed Areas to the City (unless the City permits SEFC to hold over pursuant to the provisions of clause 3.2).
- (e) Nothing in this clause 8 shall derogate from the SEFC's liability, up until the Termination Date, to:
- (i) pay the Licence Fee and all other payments due under this Deed; and
  - (ii) perform or observe the terms of this Deed on the SEFC's part to be performed up to the Termination Date,
- except that the SEFC will not be required, under any other term of this Licence, to make good the Licensed Areas that are otherwise required to be moved demolished or refurbished by the Proposed Redevelopment.
- (f) The City will not be liable in any way for loss or injury (including economic loss or loss of profit) sustained by the SEFC or arising from anything referred to in this clause. In particular the exercise by the City of the rights conferred on the City by this clause will not constitute a breach of the City's covenant of quiet enjoyment.

## 8.2 Negotiation of Possible New Licence ~~after completion of Redevelopment~~

- (a) Following the service of a Redevelopment Notice, the City and SEFC will negotiate in good faith to determine whether agreement can be reached on the terms of a new licence with a term matching the end date of the Term (or Option Term) for:
- ~~(a)(i)~~ the use of the Oval; and/or
  - (ii) any other areas of the Grounds open to be licensed by the City to the SEFC and as negotiated between the parties.
- (b) The negotiations referred to in 8.2(a) may include:
- (i) considering whether a new licence may permit the use of new or different facilities, including facilities that may form part of the Proposed Redevelopment, and the scope of such permitted use;

(ii) the consideration by the parties of means by which the SEFC may earn revenues to enable it to become financially self-sufficient during the term of any new licence, however the City has no obligation to grant rights with a view to ensuring that this is achievable (whether for all or any part of the term of any new licence); and

(iii) the terms upon which the Licensed Areas under this Licence may be continued to be used during the Redevelopment, and the terms upon which any new licence may itself be terminated amended or replaced if any further redevelopment of the Oval is contemplated.

however nothing in this clause 8 requires the City to reach any concluded agreement for a new licenced (nor any interim licence pursuant to clause 8.3) and in particular the City is entitled to have regard to and give priority to its commercial interests in determining whether any agreement can be reached.

(c) If the parties reach no agreement as to the terms of any new licence prior to the commencement of the Proposed Redevelopment then subject to the City's right to require SEFC to cease all use of the Licenced Areas and deliver vacant possession to the City, the terms of clause 8.3 shall apply either for the duration of the Redevelopment, or until a new licence is negotiated, or until negotiations for an interim licence pursuant to clause 8.3 (b) cease with no agreement being reached.

(d) Notwithstanding that:

(i) no agreement for a new licence is able to be reached pursuant to clause 8.2; or

(ii) no interim licence is able to be agreed pursuant to clause 8.3.

the provisions of this clause 8 do not prevent SEFC holding over pursuant to the terms of clause 3.2 if the City permits this to occur, whether before, during, or after any Redevelopment; however be permitting any continued occupation by SEFC of any Licensed Areas on any basis the City is granting no rights to SEFC nor making any representation express or implied that any new licence agreement will be reached at some future time nor waiving any rights of the City to require the delivery up of vacant possession of the Licensed Areas.

(e) Nothing in this clause 8 (including without limitation any obligation on the part of the City to engage in negotiations for a new licence or an interim licence) gives the SEFC any right or entitlement to seek to prevent or delay or object to the Proposed Redevelopment in any way, and SEFC must take no steps to do so, nor assist any third party (directly or indirectly) to do so.

### **8.3 Use of Licensed Areas during Redevelopment**

(a) The City will use commercially reasonable efforts (having regard to the requirements for the Proposed Redevelopment) to:

(i) ~~conduct~~ the Proposed Redevelopment in a manner (for example, in stages) that does not require the whole of the Licensed Areas to be used for the Redevelopment at the same time;

- (ii) retain the Oval at a size sufficiently large to be used for the playing of Australian Rules Football, subject to this not affecting proper planning of recreation on the Land to deliver an outcome of any Proposed Redevelopment that benefits the greater community of residents of the City;
  - (iii) ~~keep~~ the Oval (if retained) available for Match Day use by the ~~SEFC~~ during any Proposed Redevelopment; or
  - (iv) ~~facilitate~~ the ~~SEFC~~ to locate and move to an alternative location from which the ~~SEFC~~ can conduct the Football Activities, excluding however being liable to pay any compensation for any loss of revenues or expenses incurred, or the payment of relocation expenses incurred in moving to an alternative facility.
- (b) If clause ~~8.3(a)(i)~~~~8.2(a)(i)~~ or ~~8.3(a)(ii)~~~~8.2(a)(ii)~~ applies such that it is open to continue using the Land in a manner that can incorporate the recreational use of ~~SEFC~~ for Football Activities, and no new licence has been negotiated pursuant to clause 8.2, the City will negotiate in good faith with the ~~SEFC~~ in respect of granting an replacement-interim licence for the use of that part of the Licensed Areas and/or the Oval that may operate during the works for the Redevelopment, ~~as~~ the City in its discretion determines, on terms that:
- (i) do not require the ~~SEFC~~ to pay more in overall expenses than it incurred in the year immediately prior to the issuing of the Redevelopment Notice (but thereafter subject to normal increases to reflect increased costs on the part of the City from time to time); and
  - (ii) ~~for~~ a term that reflects the anticipated period of the Redevelopment works.
- ~~(c)~~

**Carried: 12/0**

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

Council requested the following item be made public, as it is no longer considered the information is confidential.

**FPOL1906-14 CONFIDENTIAL REPORT - SUMMER EVENT SERIES - PORT BEACH NORTH**

**Meeting Date:** 12 June 2019  
**Responsible Officer:** Manager Communications and Events  
**Decision Making Authority:** Council  
**Agenda Attachments:** Site plans

**REASON FOR CONFIDENTIALITY**

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

- (e) a matter that if disclosed, would reveal -
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person

**SUMMARY**

Coast is a bar and restaurant venue located at Port Beach, North Fremantle.

The proprietor of Coast has requested use of Port Beach car park north of the Coast venue and adjacent beach frontage for a Summer Event Series.

1. **The Summer Event Series – Port Beach North will consist of the following events:**
  - a. **Three Coast Summer concert events at Port Beach (northern car park and adjacent beach frontage) from 4.00pm to 10.00pm. Full fees are applicable.**
    - i. **Concert 1 - November 2019 or 26 December 2019 – exact date TBC**
    - ii. **Concert 2 - 26 January 2020**
    - iii. **Concert 3 - February 2020 or March 2020 – exact date TBC**
  - b. **Coast Cuban Club New Year’s Day event at Port Beach (northern car park and adjacent beach frontage) on 1 January 2020, from 1.00pm to 9.00pm. Full fees are applicable.**
  - c. **Another edition of Fish & Sips Seafood Festival at Port Beach (northern car park and adjacent beach frontage) on Friday 27 March 2020 from 4.00pm to 10pm, Saturday 28 March 2020 from 11.00am – 10.00pm and Sunday 29 March 2020 from 11.00am to 9.00pm.**
  - d. **The 50% subsidy on hire fees for the Fish and Sips Seafood Festival only, will be as determined at the Ordinary Council Meeting held on 23 May 2018 is applicable.**

**This report recommends that Council:**

- 1. Approve the events included in the Summer Event Series – Port Beach North Events 2019-2020 as outlined in this report.**
- 2. Require the approval be subject to a site assessment for usability and environmental impact, to the satisfaction of the Chief Executive Officer.**

**BACKGROUND**

Coast is a prominent North Fremantle restaurant, bar and function space located on the Port Beach coastline and is seeking to augment its existing hospitality and entertainment offering via an external events program.

Coast has a strong focus on sustainability and all events delivered by the venue are single-use plastic-free.

Coast has previously held concerts, including a New Year's Day event and the Fish & Sips Festival, utilising beach frontage and limited car park space within the northern car park.

Council approval was first given in 2014, for a New Year's Day concert.

**Summer concerts**

The proposed Summer concerts are to be held within a fenced area and cater for a capacity of up to 1,500 attendees.

These events would utilise 8 car park bays north of Coast as well as an area of beach frontage.

Bump in and bump out for each of the Summer concerts would be restricted to the day of the event. Please refer to Attachment 1 for the proposed site plan.

**Cuban Club**

Cuban Club is a DJ-based New Year's Day event that was previously held by Coast at Port Beach in 2019. This licensed, ticketed event attracts a demographic of 18 to 35 year olds and caters for a capacity of up to 2,500 attendees.

This event utilises the existing venue and adjacent beach frontage and car park area. Conditions of approval would include a requirement for public access to be maintained between the water line and the event perimeter, allowing the public to walk unimpeded from Leighton Beach to south of Coast.

Bump in for these events would begin on 31 December 2019 and bump out would be completed by 2 January 2020. Please refer to Attachment 2 for the 2019 event site plan. The proposed site plan for 2020 would need to be reviewed and approved by the City if in-principle support is given to the event proposal.

## **The Fish & Sips Festival**

The Fish & Sips Festival was first held in February 2018. Fish & Sips Festival is a food and wine-based event that attracts a broad demographic of 18 to 65 year olds. The event is a showcase of WA seafood with local chefs and businesses such as Young George, Sweetwater, Cook and Mason and Helm all participating in previous versions of the event.

This event is ticketed, fenced and licensed, and caters for a capacity of up to 1,300 attendees at any one time.

This event would utilise 8 car park bays north of Coast and beach frontage area. Any approval would require public access to be maintained between the water line and the event perimeter, allowing the public to walk unimpeded from Leighton to south of Coast.

Bump in for this event would begin Thursday 26 March 2020 and bump out would be completed on Monday 30 March 2020. Please refer to Attachment 3 for the proposed site map.

As with any event application, the Coast series 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 map approval
- Temporary food permit approval
- Traffic management plan approval and
- Road closure approval
- Capacity approval
- City-approved communications/notifications with all affected residents, organisations and businesses.

Approval by the City would also be subject to conditions including a requirement for public access to be maintained between the water line and the event perimeter, allowing the public to walk unimpeded from Leighton Beach to south of Coast at all times during any event.

Coast would be required to comply at all times with applicable statutes, submit relevant applications, and abide by conditions listed in any statutory approvals.

## FINANCIAL IMPLICATIONS

- 1. Three summer concert events with beach access and carpark use**  
Venue hire fees will be charged in line with the City's published Fees and Charges schedule at 2 sectors per day, at the high impact rate.
- 2. Cuban Club New Year's Day event with beach access and carpark use**  
Venue hire fees will be charged in line with the City's published Fees and Charges schedule at 2 sectors per day, at the high impact rate.
- 3. Fish & Sips Festival event with beach access and carpark use**  
Venue hire fees will be charged in line with the City's published Fees and Charges schedule at 2 sectors per day, at the high impact rate. The 50% subsidy on hire fees for the Fish and Sips Seafood Festival only, will be as determined at the Ordinary Council Meeting held on 23 May 2018 is applicable.

Bonds will be calculated by City of Fremantle officers once the final site plan and event plans are received and evaluated.

## LEGAL IMPLICATIONS

This in-principle approval is further subject to the mutual execution of a contractual agreement between Coast and City of Fremantle which will outline full terms and conditions for staging the event at the proposed location.

## CONSULTATION

City staff have met with the proprietor of Coast on several occasions. Approval of any/all event applications would include further conditions regarding communications/notification to affected residents, businesses and organisations.

## 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. Increase the number of businesses taking an active role in festivals.

Previous events in this location have attracted some criticism from the general public regarding environmental impact and use of car parks and beach frontage for events. It is noted that the number of complaints received is comparable to other, similar scale events held in Fremantle such as Falls Festival, Winter World and the Fremantle International Street Arts Festival.

The City cannot guarantee usability of the Port Beach site and agreement by Council to permit the events does not guarantee that the site will meet the event organiser's needs due to the extreme risk of coastal erosion. City officers will address site usability and requirements within any contractual agreement between Coast and City of Fremantle.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

### **COMMITTEE RECOMMENDATION ITEM FPOL1906-14** **(Officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council:**

- 1. Approve the events included in the Summer Event Series – Port Beach North Events 2019-2020 as outlined in this report.**
- 2. Require the approval be subject to a site assessment for usability and environmental impact, to the satisfaction of the Chief Executive Officer.**

**Carried: 7/0**

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

## **ADDITIONAL OFFICER COMMENT**

Following the Finance Policy Operations and Legislation meeting, further investigation of feedback received by the City in relation to the Coast-specific events held at Port Beach resulted in the following:

The City has previously received some general complaints from the public about environmental impact and closure of car parks at Port Beach to enable events, however the actual events held at this location by Coast have not generated any specific complaints to the City.

While the overall number of complaints received by the City in relation to events of a similar or even larger scale is quite small, the absence of any complaints relating to events held at Coast is considered to be an endorsement of the professional manner in which these events are organised and delivered.

**COUNCIL DECISION ITEM FPOL1906-14**  
**(Officer recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Dave Hume**

**Council:**

- 1. Approve the events included in the Summer Event Series – Port Beach North Events 2019-2020 as outlined in this report.**
- 2. Require the approval be subject to a site assessment for usability and environmental impact, to the satisfaction of the Chief Executive Officer.**

**Carried: 12/0**

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

At 8.16 pm the Presiding Member asked that all staff members except the Director People and Culture vacate the meeting.

**C1906-7 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE REPORT**

**Meeting Date:** 26 June 2019  
**Responsible Officer:** Director People and Culture  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**REASON FOR CONFIDENTIALITY**

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

- (a) a matter affecting an employee or employees

**COUNCIL DECISION ITEM C1906-7**  
**(Officer's recommendation)**

**Moved: Mayor, Brad Pettitt**

**Seconded: Cr Hannah Fitzhardinge**

**Council:**

1. **Note the Chief Executive Officer Performance Review Committee has conducted an annual performance review of the Chief Executive Officer on behalf of Council.**
2. **Approve to offer the Chief Executive Officer a further 4 year contract, under the same terms and condition as the Chief Executive Officer's current contract of employment.**

**Carried: 12/0**

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

At 8.50 pm the Presiding Member invited staff to return to the meeting.

**PROCEDURAL MOTION**

At 8.50 pm the following procedural motion was moved:

**COUNCIL DECISION**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

**That the meeting come out from behind closed doors.**

**Carried: 12/0**

Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Jon Strachan,  
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,  
Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume

The Presiding Member invited members of the public to return to the meeting and read aloud the councils decisions on the confidential items on the agenda.

**17. CLOSURE**

The Presiding Member declared the meeting closed at 8.54 pm.



# MINUTES ATTACHMENTS

## Ordinary Meeting of Council

Wednesday, 26 June 2019, 6.00 pm

**Nil**