



Minutes

Ordinary Meeting of Council

Wednesday, 27 February 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 **27 February 2019** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.02 pm and welcomed members of the public to the meeting.

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Ingrid Waltham	Deputy Mayor / East Ward
Cr Jenny Archibald	East Ward
Cr Doug Thompson	North Ward (<i>entered 6.16 pm</i>)
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
Ms Fiona Hodges	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Charlie Clarke	Manager Governance
Mr Paul Dunlop	Manager Communications and Media
Ms Julia Kingsbury	Manager Development Approvals
Ms Phillida Rodic	Manager Strategic Planning
Mr David Janssens	Manager Infrastructure Engineering
Mr Sri Sriranjana	Principal Engineer
Ms Tanya Toon-Poynton	Meeting Support Officer

There were approximately 9 members of the public and 1 member of the press in attendance.

2.2 Apologies

Nil

2.3 Leave of absence

Nil

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Cr Jon Strachan's leave of absence request from 23 March 2019 to 30 March 2019 inclusive is approved.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 Ingrid Waltham

Cr Jenny Archibald's leave of absence request from 23 March 2019 to 31 March 2019 inclusive is approved.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 Hannah Fitzhardinge

Cr Andrew Sullivan's leave of absence request from 15 March 2019 to 31 March 2019 inclusive is approved.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 Jeff McDonald's leave of absence request from 30 April 2019 to 9 May 2019 inclusive is approved.

Carried: 12/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 member of the public spoke against the recommendation for item PC1902-3:

Richard Hammond

Charles Nicholson asked the following question related to FPOL1902-5

Question:

What was the consideration given to that part of McCabe Street as an important commuter cycle route into the western suburbs and Perth?

Response:

The focus of the McCabe Street traffic calming proposal was to reduce vehicle speeds along McCabe Street. Particular consideration was given to the safety concerns that this has created when accessing/egressing Taskers Place.

The device that we have proposed on McCabe Street is a similar plateau to that of the device recently installed on South Terrace at Little Lefroy Lane and Sydney Street. Following its installation, our Bike User Group (BUG) have recently provided feedback to the City that they consider this device to be cycle friendly.

The following member of the public spoke in relation to a petition being presented at the meeting by Cr Adin Lang:

Tania Douthwaite

Cr Doug Thompson arrived at 6.16 pm.

The following member of the public spoke in relation to item FPOL1902-10.

Lisa Hills

The following member of the public spoke against the recommendation for item PC1902-1:

David Tucker

7. Petitions

Cr Adin Lang presented a petition with 4690 signatures requesting the Council ban disposable plastic straws from retail places in the City of Fremantle.

8. Deputations

1. Cr Dave Hume attended a memorial service for the 77th anniversary of the WWII battle off Indonesia, in which the HMAS Perth and USS Houston were sunk, and over 300 Australian servicemen lost their lives.
2. Cr Jon Strachan presented the following gifts, given to the City from international visitors who recently visited the City of Fremantle:
 - a. Handmade crystal vase presented to the Mayor from the Consulate General of Japan on board the Shirase on the 28 November 2018.
 - b. Souvenir plaque presented to the Mayor from the East Java delegation on the 13 December 2018.
 - c. History of Funchal book presented to the Mayor from the Portuguese delegation on 1 February 2019.
 - d. Gold Chinese zodiac pigs and soap presented to the Mayor from the Chinese exchange student delegation on the 19 February 2019.
3. Cr Doug Thompson acknowledged his late arrival at the meeting and explained one of the reasons he is late for council and committee meetings is due to being a member representative of committees and boards related to his role as an elected member. Some of these include:
 - Executive Committee of State Council
 - WALGA Municipal Waste Advisory Committee
 - South Metropolitan Regional Council
 - Container deposit scheme policy forum
 - Container deposit scheme communication group
 - Container deposit scheme logistics and technical advisory group

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

That the minutes of the Ordinary Meeting of Council dated 30 January 2019 be confirmed as a true and accurate record.

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 announced that he and Cr Jenny Archibald recently attended the funeral of Ted Hobson, husband of Jean Hobson, who is a former councillor of the City of Fremantle. Mayor Pettitt acknowledged the contribution Mr Hobson has made to the Fremantle community.

11. Reports and recommendations from committees

11.1 Planning Committee 6 February 2019

PC1902-1 DEFERRED ITEM - SOUTH TERRACE, NO. 318-320 (LOT 505), SOUTH FREMANTLE - UNAUTHORISED PARTIAL CHANGE OF USE TO RESTAURANT AND ADDITIONS TO EXISTING BUILDING - (CJ DA0421/18)

Meeting Date: 6 February 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Revised development plans
2: Previous development plans
3: Site photos

SUMMARY

Approval is sought for an unauthorised partial change of use to Restaurant at No. 318-320 South Terrace, South Fremantle. The site has approval as a Shop, with the unauthorised Restaurant currently the subject of a compliance investigation. The application is presented to Planning Committee (PC) due to the nature of the discretions sought and due to a submission being received that cannot be addressed through a condition of development approval.

The application seeks discretion against car parking and land use. A proposal to alter the existing structures on site and obtain approval for the Restaurant use was deferred by PC at its meeting held on 5 December 2018, for the applicant to make amendments.

The applicant has explored additional options for parking both on site and within the road reservation; however an assessment of these options has concluded that none of these options are viable. The preferred option for the applicant is for no parking to be provided on this section of the site. For the reasons previously detailed, the application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for an unauthorised partial change of use to Restaurant and the associated removal of car parking from an existing Shop at No. 318- 320 South Terrace, South Fremantle.

The front setback area, currently approved for car parking has been converted to a dining area. The conversion has resulted in a loss of car parking for the existing on site Shop as well as this new component of the business not having any parking.

The proposal included the following when originally presented to PC:

- Seating for casual dining (30 Seats) on the forecourt of the building.
- Indoor seating (16 Seats) for Restaurant.
- The Shop will remain the primary use of the indoor space.
- Removal of two on-site parking bays for the existing Shop – i.e. two of the existing car bays are now part of the outdoor dining space.

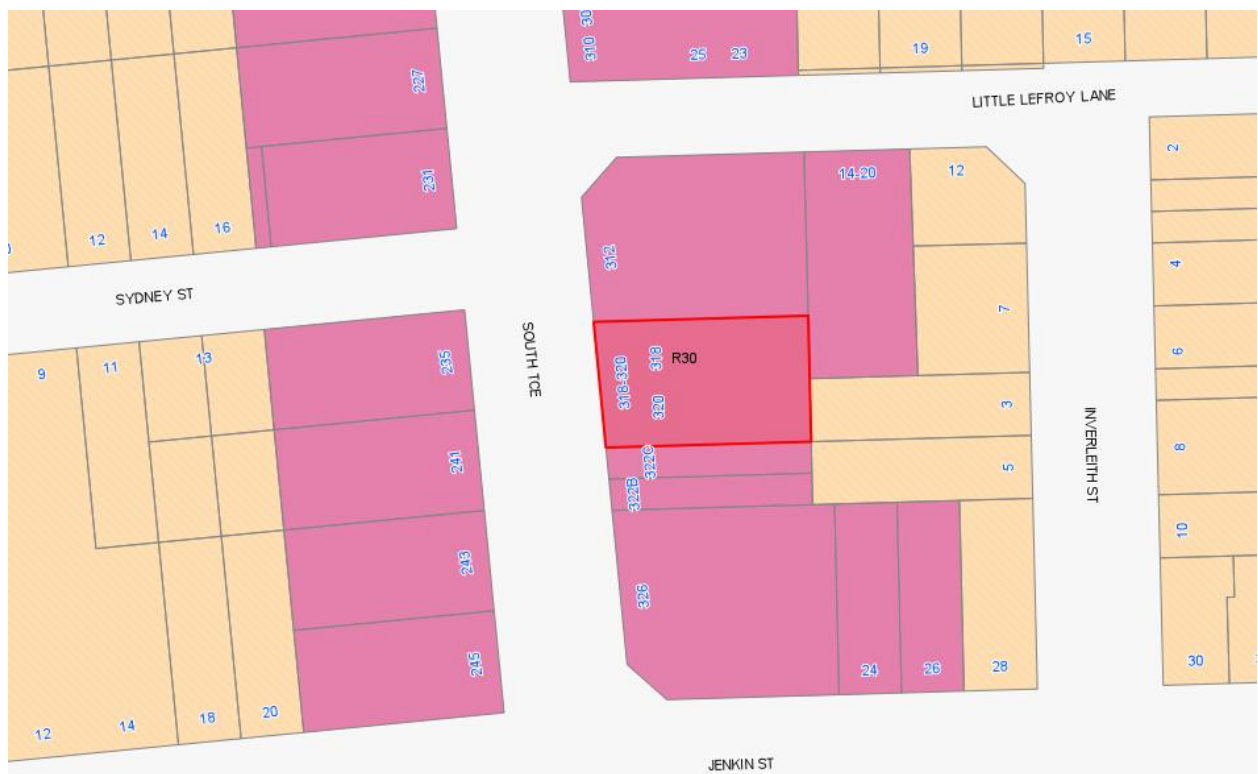
In response to the PC's recommendation, the applicant has explored two alternative proposals which both include the provision of some on-site car parking which are discussed in the content of the report.

Due the concerns raised during the officer assessment of these options, the applicant has submitted a final revised plan for the development to remain as constructed – i.e. no alterations to reinstate any car parking removed by the Restaurant.

See 'Attachment 1' for a copy of development plans and supporting documentation.

Site/application information

Date received:	19 September 2018
Owner name:	A & C Noto Family Trust
Submitted by:	Calibre Group
Scheme:	Mixed use
Heritage listing:	Not listed, South Fremantle Heritage Area
Existing land use:	Restaurant (unauthorised) and Shop
Use class:	A and A
Use permissibility:	A and A



CONSULTATION

External referrals

Nil required.

Community

The original application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal is seeking a discretionary land use and a parking shortfall. The advertising period concluded on 9 November 2018, and one (1) submission was received citing the loss of car parking which will result in further pressure on the existing parking in surrounding streets.

In accordance with Council Policy, the revised plan is not required to be advertised for further comment. The submission in response to the original proposal is still considered valid and the proposals compliance with the car parking requirements of the LPS4 is discussed further in the report.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. The proposal is seeking approval for a discretionary land use (Restaurant) and onsite parking shortfall.

The above matters are discussed below.

Background

No. 318-320 South Terrace, South Fremantle is located on the eastern side of South Terrace, in sub area 4.3.3 of the Fremantle South Local Planning Area. The site is not individually heritage listed, however it is located within the South Fremantle Heritage Area. The site is zoned Mixed Use under LPS4 and is currently occupied by a two storey building. The ground floor is approved as a Shop including associated car parking in the front setback area, however this parking area has been partially converted to dining area for the unauthorised Restaurant without prior approval. It is noted that this seating is wholly contained within the subject site and is therefore not considered to be 'Alfresco Dining' and therefore not subject to the City's Alfresco Dining Local Law.

In February 2017, the PC granted conditional approval for a change of use to a Restaurant (Café) at the adjoining property at No. 322a South Terrace. Additionally in October 2018, PC also granted conditional approval for a change of use to Shop at No. 322b South Terrace. Both proposals included the conversion of the existing two car garage into commercial spaces, resulting in no onsite parking. Both applications were recommended for refusal by officers as the introduction of the uses without the retention and subsequent addition of onsite car parking was not supported.

At its meeting held on 5 December 2018, PC deferred the current application on the subject site as follows:

Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the unauthorised partial change of use to Restaurant and addition to existing building at No. 318-320 (Lot 505) South Terrace, South Fremantle, based on the current submitted plans, and invite the applicant, prior to the next appropriate Planning Committee meeting, to consider amending the proposal to reconfigure the parking within the front setback area to comply with the relevant Australian standard for off-street car parking.

The applicant has prepared two new alternatives for consideration. City officers have reviewed both options and advise that due to existing site and verge constraints neither option is viable. Further detail on this is included in the report below.

Land use

The site has previously been occupied by a Shop, however has recently been partially converted to a Restaurant. A Restaurant is an 'A' use in the Mixed Use zone. The unauthorised use is supported in accordance with the objectives of the Mixed use zone and the Matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015 as follows:

- The addition of the Restaurant adds another element to the existing mix of uses on site, being a Shop and dwelling.
- The Restaurant is located on the ground floor and with the addition of the outdoor seating, assists in improving the site's presentation to the street and contributes to an active public domain.
- The use is compatible with other uses in the area, including Shop, Restaurant, Office and Single houses.
- The unauthorised Restaurant addition at the front of site has not impacted on the heritage significance of the place or streetscape.

Notwithstanding the appropriateness of the land use for the zone, in considering the proposal, the additional car parking requirements and the removal of car bays for the existing uses is a consideration that is detailed further in the report below.

Car parking

Element	Required	Provided	Variation
Car parking bays	1: 5 seats or 1:5m ² dining area, whichever is the greater (13 bays required)	2 bays*	9 bays
Delivery bays	1: service/storage area (1 required)	Nil	1

*It is noted that the bay located at the rear of the building cannot be included in the calculation for on-site car parking as access to this bay is only informal and therefore cannot be guaranteed to remain accessible for the life of the development.

The dining area associated with the unauthorised Restaurant has been constructed in what was previously car parking for the Shop. This has resulted in a loss of all of the bays previously located in front of the Shop, with only two bays on site for the existing dwelling (tandem arrangement within and in front of the existing garage).

In relation to the parking shortfall the applicant has submitted the following justification (summarised):

- South and Marine Terrace have CAT bus services.
- One of the partners of the business lives on site and uses a bay at the rear of the property.
- While there has been an attempt to negotiate with other landowners nearby, there are no third party agreements in place for the use of any bays for offsite parking.
- A car parking assessment based on a survey of existing land uses and the number of on site and street car parking bays in the locality has been prepared.
- The analysis concludes that from their observations, they estimate that the existing land uses in the locality require 113 bays and that there are approximately 142 bays in the surrounding area. The applicant's conclusion is that there is ample street parking to off-set the subject sites restaurant and shop car parking requirements.
- The car parking estimates provided by the applicant have not been verified due to the difficulty in obtaining accurate information about all surrounding land uses and their subsequent parking demand. It is also noted that each application is considered on its individual merits against the statutory requirements in place at the time of the application.
- The applicants preferred option is for the site to remain as constructed with no alterations for the provision of more car parking.
- Two alternative proposals were explored (as shown as the diagrams below).

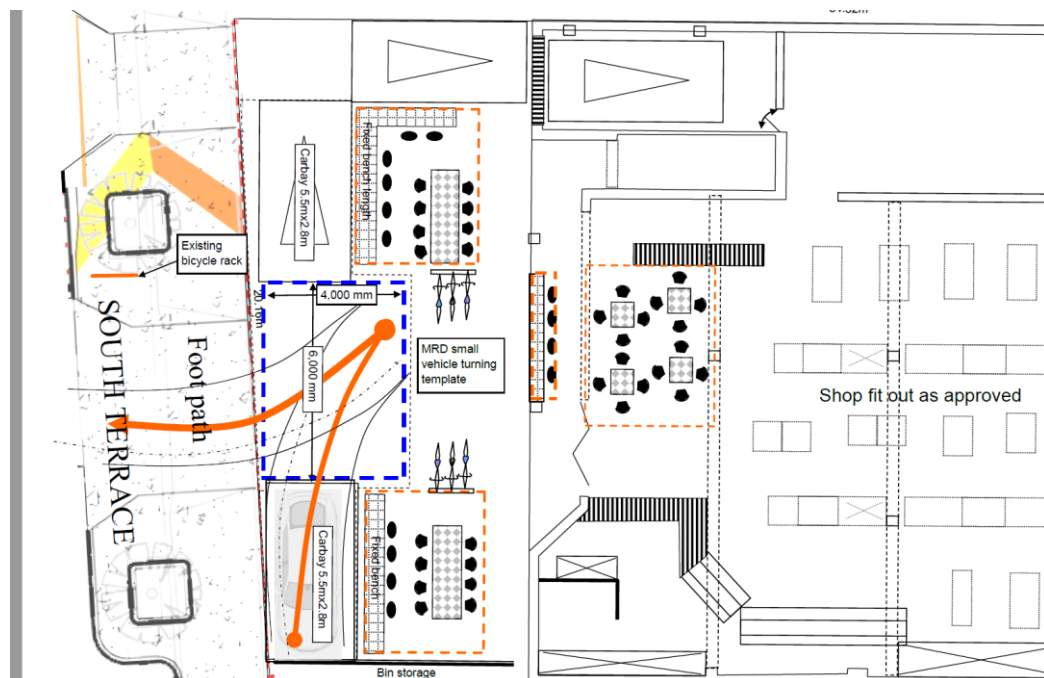


Figure 1: Option 1 – Two car bays on site, with modifications to the location of the installed benches

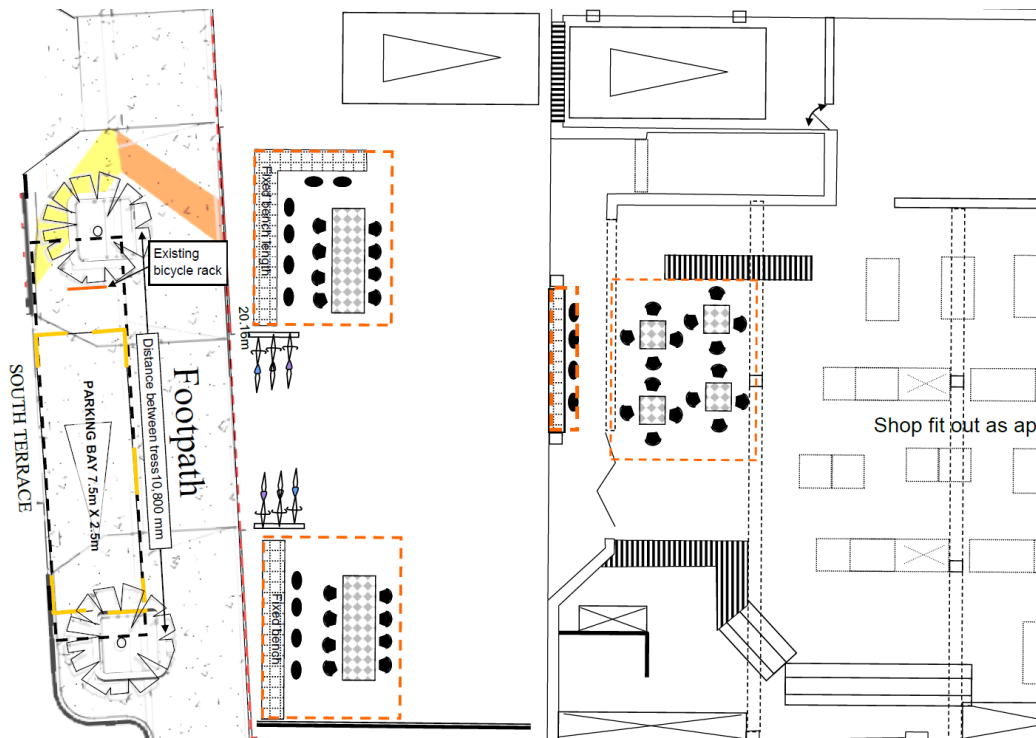


Figure 2: Option 2 - Retention of dining area as installed with one parking bay proposed to be located in verge

The two options above have been assessed, and the above options are not supported for the following reasons:

- The original design and option 1 above have vehicles reversing within the outdoor dining area. In addition to the insufficient area for cars reverse out of the bays, the proposed mix of car parking and the proposed outdoor dining (patron seating) was not considered to be a safe option.
- The recently completed node to the north is a shared space project that aims to promote pedestrian activity through increased pedestrian facilities and reduced vehicle access and parking. Although the subject site is located at the edge of the platform, it will benefit for the project objectives. Locating a parking bay within the verge area will create a risk to pedestrians with the manoeuvring required by vehicles to access the parking bay.
- In addition to this, previous examples of parking bays near verge infrastructure has seen damage to any bike racks, bins, seats and trees. While additional obstructions could be erected to protect the bike rack and trees, this is not something that matches the design brief of the area and would require additional maintenance on the part of the City.

As such, the most suitable of all three options proposed, is for no parking to be provided either on site or within the verge immediately adjacent to the lot. The applicant has confirmed that they would like to proceed with this option for assessment.

Notwithstanding that the option for no parking is the most suitable from a design, traffic and pedestrian/patron safety perspective, Officers maintain their original concerns in relation to the increase in parking demand resulting from the unauthorised additional use.

Council has the ability to relax the vehicle parking requirements in certain circumstances, in accordance with Clause 4.7.3.1 of LPS4. In this instance it is not considered appropriate to waive the requirement for car parking in accordance with the following criteria:

- i) The availability of car parking in the locality including street parking*
- ii) The availability of public transport in the locality*
- iii) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces*
- iv) Any car parking deficiency or surplus associated with the existing use of the land*
- v) Legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory*
- vi) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change in parking requirement*
- vii) The proposal involves the restoration of a heritage building or retention of a tree or trees worth of preservation*

In response to the above criteria officers can provide the following comments:

- Plans provided by the applicant show a car bay at the rear of the building. This bay however, is only accessible over another lot. While the adjoining site is currently in the same ownership as the subject site, there is no legal mechanism to protect the access should the lot be sold to a new owner, nor has the applicant proposed a way to protect this access.
- The unauthorised outdoor dining area has been constructed over the four existing car bays which were previously used for the onsite Shop. As a result of the unauthorised works, there are currently no car bays on site for the Shop, existing dwelling or unauthorised Restaurant, with the exception of the internal garage bay for the dwelling. Vehicles are currently being parked at the rear of the site, however this relies on crossing the adjacent lot.
- Street parking is available in the location with bays located immediately adjacent to the site on both sides of South Terrace being time restricted, generally for a maximum of 30 minutes between 8.00am to 6.00pm, Monday to Saturday (east side) or everyday (west side). These time limited bays may be suitable for use of customers to the shop, however is not considered suitable for staff running the Shop or Restaurant components of the business or the use of occupants of the existing dwelling or visitors to the dwelling. In this regard parking associated with staff running the Shop and occupants/visitors to the dwelling (presently or in the future) is likely to be place extra demand on the unrestricted street bays in the residential streets that run perpendicular to South Terrace including Jenkin Street and Little Lefroy Lane.
- In addition to parking bays for restaurant patrons it is noted that there is no loading bay in the immediate vicinity of the development, nor is there sufficient space on site, meaning that any unloading of deliveries would need to occur in a car parking bay if available.

- South Terrace and Marine Terrace are bus routes and include the Fremantle CAT bus that runs every ten (10) minutes until the early evening. It is acknowledged that some customers to the proposed Restaurant may choose to take public transport. It is also noted that occupants of the dwelling may also choose to take public transport, however as the service only takes patrons to inner Fremantle it cannot be considered to provide an effective alternative transport method to the wider locality where customers may start their journey from and the occupants of the dwelling may travel to and from.

Bicycle racks

Element	Required	Provided	Variation
Class 1 or 2	1 per 100m ² public area –1	Nil	1
Class 3	2	6	Complies

In accordance with clause 4.7.3.3 of LPS4:

Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.

As the proposal is for alterations to an existing building, with much of the internal floor area remaining as the existing Shop, the proposal is considered to be a minor change of use and the requirement for a class 1 or 2 bicycle rack could be waived should the proposal be supported.

ALTERNATIVE RECOMMENDATION

Should Planning Committee form a different position to that of officers as detailed in this report in relation to the provision of on-site car parking, an alternative recommendation is provided below:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and addition to existing building at No. 318-320 (Lot 505) South Terrace, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 16 January 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. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the owner/applicant to the City's specifications to the satisfaction of the City of Fremantle.*

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of visitors to Fremantle

Green Plan 2020

Encourage the retention of vegetation on private land.

1. No trees are known to have been removed as part of the unauthorised works.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Rachel Pemberton

The Planning Committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and additions to existing building at No. 318 - 320 (Lot 505) South Terrace, South Fremantle, as detailed on plans dated 16 January 2019 for the following reasons:

1. The proposal is inconsistent with Local Planning Scheme No. 4 in respect to vehicle parking.

PROCEDURAL MOTION

At 6.20 the following procedural motion was moved:

Moved: Cr Dave Hume

Seconded: Mayor, Brad Pettitt

Defer the application to the next appropriate Planning Committee meeting, to allow the applicant to consider amending the proposal to reconfigure the on-street parking bay to comply with the City's specifications without impacting the footpath.

Lost: 3/4

For

Mayor, Brad Pettitt, Cr Jeff McDonald, Cr Dave Hume

Against

Cr Ingrid Waltham, Cr Doug Thompson, Cr Jon Strachan, Cr Rachel Pemberton

COMMITTEE RECOMMENDATION ITEM PC1902 - 1
(Officer's recommendation)

Moved: Cr Jon Strachan

Seconded: Cr Rachel Pemberton

The Planning Committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and additions to existing building at No. 318 - 320 (Lot 505) South Terrace, South Fremantle, as detailed on plans dated 16 January 2019 for the following reasons:

1. The proposal is inconsistent with Local Planning Scheme No. 4 in respect to vehicle parking.

Carried:4/3

For

Cr Jon Strachan, Cr Ingrid Waltham, Cr Doug Thompson, Cr Rachel Pemberton

Against

Mayor, Brad Pettitt, Cr Jeff McDonald, Cr Dave Hume

The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

ADDITIONAL OFFICERS COMMENT

Following the Planning Committee Meeting held on 6 February 2019, no additional details have been submitted by the applicant. In response to queries raised at the meeting in regard to the on-street car parking bay indicated in Figure 2 in the report above, Officers can provide the following additional comments:

- The proposed dimensions of the on-street bay, being 7.5m long by 2.5m wide does comply with the relevant standards;
- The creation of this bay would not alter the physical work recently completed road improvements which adjoin the northern half of the subject site;
- Additional measures would need to be installed in the footpath to protect the existing street trees from damage caused by vehicles manoeuvring into and out of the proposed on-street parking bay.

Although the above indicates that a bay may be physically accommodated within the verge should the existing crossover be removed, it is noted that the recently completed road improvements were designed to create a shared vehicle and pedestrian space to promote safe pedestrian movement in the immediate vicinity. The vehicle manoeuvring required to enter and exit the proposed on-street parking bay is considered to create a safety risk to pedestrians within the shared area and is therefore not supported.

In addition to the above, any on-street parking could not be allocated for the exclusive use of employees or customers of the restaurant and is therefore not considered to ameliorate Officers concerns in regard to the increased parking demand resulting from the restaurant use.

COMMITTEE RECOMMENDATION ITEM PC1902-1
(Officer's recommendation)

Moved: Cr Jon Strachan

Seconded: Cr Dave Hume

The Planning Committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and additions to existing building at No. 318 - 320 (Lot 505) South Terrace, South Fremantle, as detailed on plans dated 16 January 2019 for the following reasons:

1. The proposal is inconsistent with Local Planning Scheme No. 4 in respect to vehicle parking.

Lost: 4/9

For

Cr Ingrid Waltham, Cr Doug Thompson, Cr Rachel Pemberton, Cr Hannah Fitzhardinge

Against

**Mayor, Brad Pettitt, Cr Bryn Jones, Cr Jon Strachan, Cr Andrew Sullivan,
Cr Adin Lang, Cr Jenny Archibald, Cr Sam Wainwright, Cr Jeff McDonald, Cr Dave Hume**

ALTERNATIVE OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and addition to existing building at No. 318-320 (Lot 505) South Terrace, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 16 January 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. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the owner/applicant to the City's specifications to the satisfaction of the City of Fremantle.

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Jon Strachan

Amend condition 2 to read:

2. ~~Prior to the occupation of the development~~ ***Within 60 days of the date of this approval, any redundant crossovers and kerbs shall be removed and the verge reinstated, to specifically include the provision of 10 additional bicycle parking racks, at the expense of the owner/applicant to the City's specification to the satisfaction of the City of Fremantle.***

Amendment carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 PC1902-1

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, unauthorised partial change of use to Restaurant and addition to existing building at No. 318-320 (Lot 505) South Terrace, South Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 16 January 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. *Within 60 days of the date of this approval, any redundant crossovers and kerbs shall be removed and the verge reinstated, to specifically include the provision of 10 additional bicycle parking racks, at the expense of the owner/applicant to the City's specification to the satisfaction of the City of Fremantle.***

Carried: 12/1

Against

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

Against

Cr Hannah Fitzhardinge

Reason for change

Council considered the application was supportable as the use of the former parking area activates South Terrace consistent with the recently enhanced shared pedestrian area. In lieu of the construction of an additional on-street parking bay Council considered the addition of extra bicycle parking facilities to be of greater benefit to the users of the café and the community.

PC1902-3 ATTFIELD STREET, NO. 119 (LOT 2), SOUTH FREMANTLE - TWO STOREY SINGLE HOUSE (SINGLE BEDROOM DWELLING) - (TG DA0445/18)

Meeting Date: 6 February 2019
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development Plans
2: Site Photos
3: Applicant Justification Diagrams

SUMMARY

Approval is sought for a two storey Single house (single bedroom dwelling) to a vacant lot at No. 119 Attfield Street, South Fremantle (subject site). The application is referred to Planning Committee for consideration due to the nature of the discretion exercised in determining the application.

The application seeks discretion against the street setback requirements of Local Planning Policy 2.9, the boundary wall requirements of Local Planning Policy 2.4, the fencing requirements of Local Planning Policy 2.8, and the single bedroom dwelling size, visual privacy, garage width, building height, and lot boundary setback requirements of the Residential Design Codes.

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a two storey single house to a vacant lot at No. 119 Attfield Street, South Fremantle. Development of the subject site is limited to a single bedroom dwelling in accordance with a restrictive covenant on the property title, imposed at subdivision.

The application for the new dwelling includes a bedroom, bathroom, living area, single garage, and outdoor living areas.

The applicant has provided additional plans supporting their argument in favour of a reduced upper floor street setback for the dwelling which demonstrate the upper floor setbacks in the wider context of Attfield Street. These plans are included as attachment 3.

Development plans are included as attachment 1.

Site/application information

Date received: 3 October 2018
Owner name: R Ward
Submitted by: Richard Hammond Architect
Scheme: Residential

Heritage listing: Limestone Feature(s), 28 Charles Street
The City's mapping does not show these limestone features as being located on the subject site.

Existing land use: Vacant Land
Use class: Single house
Use permissibility: P



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal sought discretion against the requirements of the R-Codes and Local Planning Policies. The advertising period concluded on 9 November 2018, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

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

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

- Street setback
- Lot boundary setback (north)
- Boundary walls (north and south)
- Single bedroom dwelling plot ratio area
- Building height
- Visual privacy (north and south)
- Garage width
- Fencing height

The above matters are discussed below.

Background

The subject site is located on the western side of Attfield Street in South Fremantle. The subject site was created by subdivision in 2000 (WAPC 162-00 refers), with a restrictive covenant required limiting development on the subject site to a single bedroom dwelling (as proposed). The site is located within Local Planning Area 4 (Sub area 4.3.1) of Local Planning Scheme 4.

Street Setback

Element	Permitted	Proposed	Discretion
Local Planning Policy 2.9 - Residential Streetscape	<ul style="list-style-type: none"> • Ground floor setback 7m • Upper floor setback 10m 	<ul style="list-style-type: none"> • Ground floor setback 6.050m • Upper floor setback 4.2m 	<ul style="list-style-type: none"> • Ground floor 0.95m • Upper floor 5.8m <p><i>note 'balcony' is shown as enclosed on proposal plans with a solid front wall & 1.6m high side walls. 5.4m setback to bedroom</i></p>

In accordance with Local Planning Policy 2.9, in considering a reduced street setback, consideration is given to the prevailing streetscape, being in this case the adjoining dwelling at 28 Charles Street and 113 to 117 Attfield Street. The street setbacks of these dwellings are considered below, including the dwelling at 111 Attfield Street due to its location in the context of the subject site.

Property	Street setbacks
113 Attfield Street	Ground floor – 7.6m Upper floor – 9.2m
115 Attfield Street	Ground floor – 7m (approx.) Upper floor – N/A – single storey
117 Attfield Street	Ground floor – 5m (2.5m to open verandah) Upper floor – 8.7m
28 Charles Street	Corner lot (secondary street) Ground Floor - 6m (dwelling wall) Upper floor – 6m (dwelling wall) Noted in accordance with 1.2(v) of LPP 2.9
Note only: 111 Attfield	Does not form part of prevailing streetscape per policy definition. Ground Floor – 5m (garage) Upper Floor - 6.73m (front wall, balcony excluded).

In accordance with the above prevailing streetscape, it is considered that an argument may be made in favour of a reduced street setback (i.e. the full 10m upper floor setback may not be required), however it is considered that the proposed upper floor setback of 4.2m results in an excessively projecting streetscape element and is therefore inconsistent with the prevailing streetscape.

The applicant provided the following considerations in support of the reduced street setback:

Consideration	Officer Comment
The applicant provided an analysis of the subject street (outside of the 'prevailing streetscape'), finding that a majority of dwellings were set back <7m from the primary street.	The ground floor setback as proposed is considered worthy of support in accordance with the prevailing streetscape. The upper floor setback is considered inconsistent with this prevailing streetscape. LPP 2.9 limits the consideration of setbacks in the streetscape generally.
The subject site is smaller than other sites in the locality and the required setbacks would result in a loss of amenity in designing to them.	As discussed above, the City as able to consider a reduced upper floor setback, however not to the extent proposed. The applicant has been advised to consider amending the proposal to better align with the prevailing street setback.
Good solar access would be limited by compliance with the required setbacks as moving the upper floor back would limit the utility of the proposed courtyard.	A redesign of the dwelling does not have to unduly affect this portion of the development however it is noted that further amendments to the ground floor may be required as a result of increasing the street setback.

A 10m setback would create a visual 'hole' in the street.	This is noted and it is not contended that the dwelling need achieve a 10m upper floor setback per the above assessment. It is considered that the proposed upper floor setback results in a projecting streetscape element.
A wider streetscape analysis finds that multiple dwellings with upper floors achieve a setback of less than 10m.	These dwellings are noted but do not form a part of the prevailing streetscape.
Street vegetation will screen the development from view.	It is noted that street trees are located to the north and south of the subject site on Attfield Street, however this consideration is not relevant to an assessment under LPP 2.9.
The upper floor setback of the dwelling achieves a median between the setback of the front verandah of the property to the north and the upper floor of the property to the south.	<p>This is only the case if the setback of the ground floor verandah of the dwelling to the north be considered its setback.</p> <p>The upper floor of the dwelling to the north is well set back from the street boundary.</p> <p>It is noted that the proposed upper floor sits forward of both directly adjoining properties due to the inclusion of a solid balcony front wall.</p>

The development has also been considered against the relevant design principles of the R-Codes (5.1.2):

5.1.2 – Street setbacks	
Design Principles	Complies
P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:	
<ul style="list-style-type: none"> contribute to, and are consistent with, an established streetscape; 	No – the balcony and remaining front façade of the upper floor project into the streetscape.
<ul style="list-style-type: none"> provide adequate privacy and open space for dwellings; 	Yes – the development complies with open space requirements and satisfies the relevant design principles with regard to visual privacy per the below assessment.
<ul style="list-style-type: none"> accommodate site planning requirements such as parking, landscape and utilities; and 	Yes – Readily accommodated on site.
<ul style="list-style-type: none"> allow safety clearances for easements for essential service corridors. 	Yes – unaffected by the proposed development.

P2.2 Buildings mass and form that:	
<ul style="list-style-type: none"> uses design features to affect the size and scale of the building; 	No – the proposed balcony element is considered to increase the bulk impact of the reduced setback.
<ul style="list-style-type: none"> uses appropriate minor projections that do not detract from the character of the streetscape; 	N/A – no minor projection proposed.
<ul style="list-style-type: none"> minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and 	Yes – limited area of blank wall and appropriate provision of vehicle parking supply provided.
<ul style="list-style-type: none"> positively contributes to the prevailing development context and streetscape as outlined in the local planning framework. 	<p>No – the development is considered inconsistent with the required street setbacks and to result in an undue projecting element into the streetscape.</p> <p>LPP 2.9 clearly indicates the City’s requirements with respect to the setback of new dwellings and the discretionary criteria have not been adequately addressed in this instance.</p>

The street setbacks are therefore are not supported on the basis that it is not considered to satisfy the relevant development requirements.

Plot Ratio

Element	Permitted	Proposed	Discretion
Plot Ratio	70m ²	81.6m ²	11.6m ²

The proposed dwelling size is considered to address the design principles of the R-Codes for the following reasons:

- The development provides for an alternative housing option with limited amenity impact to the locality.
- The applicant has provided an area plan for the dwelling confirming an internal area of 70m²
- The additional plot ratio area comprises areas of wall which do not unduly increase the size of the subject dwelling.

This aspect of the proposal, considered in isolation, is considered to appropriately address the relevant R-Codes design principle in not impinging upon neighbouring amenity.

Visual Privacy

Element	Permitted	Proposed	Discretion
Bedroom 01 (North)	4.5m	1.4m	3.2m
Balcony (North and South)	7.5m	4m (N) 3.3m (S)	3.5m (N) 4.2m (S)

The proposal involves overlooking to the properties to the north and south behind the street setback line. The variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- The impacted areas are not considered to be sensitive areas as illustrated in the figure below.
- To the south the dwelling overlooks a paved area between an existing wall and the subject site boundary.
- To the north, an area of roof is overlooked, the adjoining verandah has a solid wall. The areas overlooked are circled below.



Figure 1: Areas of potential overlooking circled in red

Garage Width

Element	Permitted	Proposed	Discretion
Garage Width	50%	63%	13% (0.93m)

In relation to the current design, the projecting ‘balcony’ element could be considered to appropriately ameliorate the perceived dominance of the garage in accordance with the Design Principles of the R-Codes. However, as the upper floor setback is not supported in accordance with LPP 2.9, it is not considered appropriate to support the garage width variation on this basis.

It is however noted that, the design perspectives indicate that the garage door will not present to the street as a standard garage door, which assists in reducing its streetscape impact and the impression of garage dominance. Should the upper floor setback be amended, this variation may still be considered acceptable subject to an assessment against the Design Principles of the R-Codes of any revised proposal.

Building Height

Element	Permitted	Proposed	Discretion
Wall height	6m	6.92m	0.92m

This variation is supported for the following reasons:

- The maximum over height portion comprises a front parapet wall. The majority of the high side of the skillion roof is approximately 6.5m in height. This aspect of the proposal is considered to meet the relevant design principles as:
- The shade cast by the over height portion of the dwelling is well within the permissible shade cast by a 9m high roof ridge to the centre of the lot due to the limited lot width. The proposal also complies with the deemed-to-comply overshadowing requirement (R-Codes 5.4.2).
- The over height portion of the development does not cast shade over adjoining major openings, shading roof area only.
- The additional height is considered to be consistent with general building height in the locality and is not unduly out of character. Two-storey high properties are located to either side of the site.
- The adjoining sites are not considered to have access to views of significance which would be impacted by the over height portion of the development.

Accordingly the over height portion of the building is considered appropriate and does not contribute to the streetscape impact of the reduced street setback. Local area policy DG S2 specifies that generally development should be single storey, however in accordance with this policy the impact of the two storey dwelling will be consistent with R-Codes Design principles. The two storey height is consistent with the limitation placed under Local Planning Area 4.3.3 of LPS3.

Lot boundary setback (north)

Element	Permitted	Proposed	Discretion
North Upper floor	2.5m	1.4m	1.1m

The proposed reduced setback is considered appropriate and to address the relevant R-Codes design principles for the following reasons:

- The wall is provided with openings which appropriately ameliorate building bulk. The wall adjoins an area of roof with no way for the residents of the property to readily view the wall (refer image 2 below).
- As considered above the visual privacy impact of the development is considered to address the relevant design principles.
- Light and ventilation is considered to be maintained through the proposed setback and lot orientation ensures that winter shade will fall to the south.

Boundary walls – LPP 2.4

Element	Permitted	Proposed	Discretion
Ground (North)	1m	Nil	1m
Ground (South)	1.5m	Nil	1.5m

It is noted that the northern walls are partially matched by an adjoining boundary wall development (refer image 2 below). These walls are considered to meet the relevant design principles per the below assessment:

- The proposed boundary walls are considered to comprise an effective use of space for a very constrained lot. Were the dwelling to be set off the boundaries, a significant portion of the site would be unavailable for use by residents.
- The walls are single storey and thereby of limited bulk impact, either affecting adjoining boundary walls or side access area. The upper floor balcony of 28 Charles street will not be impacted unduly by the ground floor wall.
- The walls do not impact adjoining privacy as they do not contain windows or bring overlooking windows unduly close to the property boundary.
- Light and ventilation are appropriately provided for in the proposed setbacks. The open roofed pergolas will permit light and ventilation access on site. Due to lot orientation, the walls to the north will have limited shade impact.
- The walls are considered to be consistent with the established prevailing streetscape and will not result in a projecting boundary wall element.



Figure 2: Adjoining boundary wall

Front Fencing – LPP 2.8

Element	Permitted	Proposed	Discretion
Maximum solid portion of wall	1m	1.8m	0.8m

Similar fencing to the north was removed from consideration due to the presence of a suitable fence on the adjoining property.

This solid fencing is considered appropriate as it will follow the rear boundary of the adjoining corner lot and this site would be permitted to build a similar fence as of right. The fencing provides for screening to a bin storage area and does not impact adjoining sightlines.

The remaining fencing across the frontage is to be 70% visually permeable per correspondence with the applicant, thereby complying with relevant deemed-to-comply criteria with respect to vehicle sightlines and providing an appropriate streetscape outcome.

Conclusion

As considered above, were the street setback of the upper floor of the dwelling increased, the remaining items which vary the deemed-to-comply requirements of the R-Codes could be considered worthy of support. Accordingly the application is recommended for refusal on the basis that the objectives of LPP 2.9 and the relevant design principles of the R-Codes have not been appropriately addressed with regard to the upper floor street setback.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle

Green Plan 2020

- Encourage the retention of vegetation on private land.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Doug Thompson

The Planning Committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the two storey Single house (single bedroom dwelling) at No. 119 (Lot 2) Attfield Street, South Fremantle, as detailed on plans dated 3 and 19 October 2018, for the following reasons:

1. The street setback of the upper floor of the dwelling does not satisfy the variation criteria of Local Planning Policy 2.9 as the setback is inconsistent with the setback of comparable height in the prevailing streetscape and results in a projecting element into the established streetscape.
2. The street setback of the upper floor does not satisfy the design principles of State Planning Policy 3.1 (Residential Design Codes of WA) as the setback is inconsistent with the established streetscape and does not positively contribute to the prevailing or future development context.

3. The proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No. 4 as per clauses 67(a) and (m) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

PROCEDURAL MOTION

At 6.35pm the following procedural motion was moved:

**Cr Dave Hume requested the item be referred to the Ordinary Meeting of Council.
Seconded by Mayor, Brad Pettitt.**

**Carried: 6/1
For**

**Mayor, Brad Pettitt, Cr Ingrid Waltham,
Cr Rachel Pemberton, Cr Doug Thompson, Cr Jeff McDonald, Cr Dave Hume
Against
Cr Jon Strachan**

ADDITIONAL OFFICERS COMMENT

Following the Planning Committee Meeting held on 6 February 2019, the applicant has submitted revised plans in response to Officer's concerns. The revised plans include the removal of the front balcony structure in order to increase the setback of the dwelling from the street.

In addition to the amended plans, the applicant has provided the following written comments in support of the amended proposal:

- The amendments reduce the visual bulk of the building whilst maintaining surveillance of the streetscape.
- The dwelling is of a reduced scale when compared to the adjoining dwellings due to its limited width and skillion roof form. It is therefore considered to have a minimal impact on the streetscape by way of building bulk.
- The amended upper floor is set back behind the line of the two balcony structures of the property to the south, therefore the proposed setback will provide a mediating setback line between these balcony structures and the ground floor of the property to the north.
- The 740mm overhang of the upper floor serves to ameliorate the bulk of the façade and reduce the visual impact of the garage door.
- Further increasing the upper floor setback of the dwelling would compromise the proposed floor plan.

Officers have reviewed the amended plans and provide the following details of its assessment:

Visual Privacy (revised plans)

Element	Permitted	Proposed	Discretion
R-Codes 5.4.1 – Visual Privacy	<ul style="list-style-type: none"> • Bedroom visual privacy setback 4.5m (min) 	<ul style="list-style-type: none"> • Bedroom 01 - 3.4m (south) 	<ul style="list-style-type: none"> • 1.1m (south)

The proposed deletion of the upper floor balcony has resulted in the potential for the east facing opening of Bedroom 01 to overlook the property to the south (28 Charles Street) behind its street setback line. This new variation is considered to satisfy the design principles of the R-Codes as the impacted area is not considered to be sensitive being a paved area between an existing wall and the subject site boundary.

The amended bedroom opening overlooks only the primary street setback of the property to the north and therefore meets the deemed-to-comply requirements of the R-Codes.

Street Setback (revised plans)

Element	Permitted	Proposed	Discretion
Local Planning Policy 2.9 - Residential Streetscape	<ul style="list-style-type: none"> Ground floor setback 7m (min) Upper floor setback 10m (min) 	<ul style="list-style-type: none"> 6.050m 5.3m (previously 4.2m) 	<ul style="list-style-type: none"> 0.95m 4.7m

In accordance with Local Planning Policy 2.9, in considering a reduced street setback, consideration is given to the prevailing streetscape, in this case being the adjoining dwelling at 28 Charles Street and Nos. 113, 115 and 117 Attfield Street.

While the open balcony structures of 28 Charles Street are noted, the wall of this dwelling is deemed to be the building setback line for the purposes of assessing the prevailing streetscape.

In accordance with the prevailing streetscape outlined in the original assessment, the revised upper floor setback of the proposed dwelling is still considered to result in a projecting element within the existing streetscape, as it is located forward of the upper floors of the immediately adjoining properties.

The result is considered to be inconsistent with the prevailing streetscape. As such, the Officer's recommendation for refusal (below) is still applicable.

OFFICER'S RECOMMENDATION

Moved: Cr Jon Strachan

Seconded: Cr Ingrid Waltham

The Planning Committee acting under delegation 1.2:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the two storey Single house (single bedroom dwelling) at No. 119 (Lot 2) Attfield Street, South Fremantle, as detailed on plans dated 3 and 19 October 2018, for the following reasons:

1. The street setback of the upper floor of the dwelling does not satisfy the variation criteria of Local Planning Policy 2.9 as the setback is inconsistent with the setback of comparable height in the prevailing streetscape and results in a projecting element into the established streetscape.
2. The street setback of the upper floor does not satisfy the design principles of State Planning Policy 3.1 (Residential Design Codes of WA) as the setback is inconsistent with the established streetscape and does not positively contribute to the prevailing or future development context.
3. The proposal is detrimental to the amenity of the area and incompatible with the objectives of the Residential Zone set out in clause 3.2.1 (a) of the Local Planning Scheme No. 4 as per clauses 67(a) and (m) of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

Lost: 1/12

For:

**Cr Jon Strachan,
Against**

**Mayor, Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones, Cr Ingrid Waltham,
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 PC1902-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

The application be referred to the next meeting of the Planning Committee to enable a recommendation for approval with appropriate conditions, to be prepared for the Committee's consideration, and for the application to be determined by the Committee under delegated authority.

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

11.2 Finance, Policy, Operations and Legislation Committee 13 February 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 Hannah Fitzhardinge

The following items be adopted en bloc as recommended:

FPOL1902-3 Quarterly Capital Works Report

FPOL1902-4 Improvements to Hampton Road and Lloyd Street Intersection

Carried: 13/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

FPOL1902-3 QUARTERLY CAPITAL WORKS REPORT FEBRUARY 2019

Meeting Date: 13 February 2019
Responsible Officer: Director Infrastructure and Projects
Decision Making Authority: Council
Agenda Attachments: Quarterly Capital Works Progress Update (as at 31 Jan 2019)

SUMMARY

This report has been drafted to provide information on the progress of the delivery of programmed works by the Infrastructure and Project Delivery Directorate against the approved 2018/19 capital works budget. The information has been developed as part of the improvements being made in the area of project management at the City.

This report recommends that Council receive the update on a quarterly basis (January, April, July and October).

BACKGROUND

In July 2018, the Paxon Group Pty Ltd carried out an audit into project management activities at the City. Paxon’s report recommended the need for improved procedures, clarity and detail of instructions, documentation and controls in order to minimise risk and to achieve sound project governance and compliance.

This Capital Works Quarterly Report is one way that the City can meet its obligation to better report on project progress and be more transparent in monitoring the quality of project performance.

In addition, the Infrastructure and Project Delivery (IPD) Directorate has made a number of improvements through the Corporate Project Management Framework and Asset Management processes, these have greatly improved how the service areas identify and scope potential projects for consideration in the capital program. It also provides a standard and consistent approach to how the City deliver and report on capital projects.

1. Identification and Scoping

By making changes to the way that new projects are identified and scoped, officers are able to provide more context and quality in the project proposal, this contributes to a better defined capital works program.

The Asset Management Team monitors the condition and suitability of the City's assets through asset audits and by engaging with stakeholders and users of the City's key facilities. This process allows the team to have a much better understanding of the corporate assets and their function and performance.

This financial year, asset audits for roads, footpaths, lighting, play spaces and parks have been carried out to help inform future programs and identify potential capital works for future years. In addition to this, more detailed programs of work have been developed for some of the City's more significant building assets including the Fremantle Markets, Fremantle Leisure Centre, Fremantle Arts Centre and Arthur's Head.

In terms of improvements to scoping, the Asset Management Team and Project Management Office have been working with business units to better define projects and improve the quality of cost estimates. This way, a more robust roadmap of projects can be developed, officers are better informed and the additional information assists with decision making as part of the annual budget process, leading to a more considered capital works program for future years.

The new process to identify, scope and define forward capital works has led to a better defined overall capital program which will commence in 2019/20. The program now also includes a more informed and balanced spread of new, renewal and one-off operating projects. The correct balance of spend against new, renewal and one-off operating projects is important as they directly relate to the City's Financial Health Indicator (FHI) score.

2. Delivery and Reporting

The City's Corporate Project Management Framework has been fundamental in starting to improve the quality of the delivery of projects. The Framework includes:

- A structured project management process with clearly defined stages and approval points (controls) at key milestones
- Standardised project management documentation
- A centralised capital works report which is linked to the City's financial system to provide live information to assist and document project progress and spend
- Structured monthly project management reviews with the Project Management Office, Finance Team and Business Unit Managers to assess project performance and delivery.

3. Activity Areas

The City's capital works program includes all projects to deliver new assets, renew or upgrade existing assets and also one-off operational projects such as a new activity, service or staff requisition.

The Capital Works update report includes only those projects delivered by the IPD Directorate. It does not include the Kings Square project – which is subject to a separate reporting process.

The capital works budget primarily covers projects delivered by the following teams.

- **Infrastructure Engineering**

The key projects for the Infrastructure Engineering Team this financial year include:

- The South Terrace streetscape upgrade
- McCabe Street traffic calming
- The relocation of the guarded crossing on Hampton Road
- Design of the intersection of Queen Victoria, Parry and Adelaide Streets
- Hampton Road function and design assessment
- Road resurfacing program.

The focus of the Infrastructure Engineering Team has been to do deliver resurfacing projects early on in the financial year and to develop more comprehensive design considerations and also improve community consultation during the design process.

- **Parks and Landscape**

The key projects for the Parks and Landscape Team this financial year include:

- Development of the Port Beach Coastal Adaptation Asset Management Plan
- Northbank Foreshore Stabilisation Plan
- Esplanade Youth Parkour project
- Grigg Park playspace and basketball projects.

The focus for this team has been to approach the playspace program in a more holistic way, to make a big impact in one location, rather than many small improvements in multiple locations. Particular focus has also been made to engage with external bodies and state agencies in the delivery of some of our natural areas projects.

- **Facilities Management and Environment**

The key projects for the Facilities Management and Environment Team this financial year include:

- The demolition of the old civic building and library and the commencement of the building of the new facility in Kings Square
- The preparation for FOGO and the new 3-bin system
- The design and construction of Fremantle Park Sport and Community Centre
- The restoration of the Naval Stores at Cantonment Hill.

The focus has been on rolling out these major projects successfully while delivering smaller projects in parallel.

- **Asset Management**

Some of the key projects the Asset Management Team has progressed this financial year include the scoping and design of the Town Hall internal restoration and the reconfiguration of the Fremantle Public Golf Course (as a result of Main Roads WA widening the High Street).

4. Progress Update

On a quarterly basis, a high-level summary report (attachment 1) will be issued as part of the Quarterly Capital Works Update Report to provide an update on the delivery of the capital works program and one-off operational projects against the approved capital works budget (current 2018/19).

The Report will include an update on the status of the projects, a financial summary and a report on the overall performance.

FINANCIAL IMPLICATIONS

Please note, the budget summary will continue to be reported through the Monthly Financial Report.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

As the Corporate Project Management Framework becomes further embedded and we start to see the benefits of pre-scoping, we hope to provide additional information within this report. We will continue to challenge the performance of projects and measure progress of time and cost. In future we plan to expand the report to include the monitoring of capital works outside of the IPD Directorate, include case studies of completed projects and feedback and satisfaction surveys of how well projects were delivered.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL1902-3
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council receive the Quarterly Capital Works Update Report including the Progress Summary of Infrastructure Projects for the period ended 31/01/2019.

Carried en bloc: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

FPOL1902-4 IMPROVEMENTS TO HAMPTON ROAD AND LLOYD STREET INTERSECTION

Meeting Date:	13 February 2019
Responsible Officer:	Manager Infrastructure Engineering
Decision Making Authority:	Council
Agenda Attachments:	1. Hampton Road and Lloyd Street Proposal (Drawing 005-CP-00000-19-001 Revision A).

SUMMARY

The contents and recommendations in this report are a result of the resolution from the Safe Crossing on Hampton Road report in FPOL1810-8 (October 2018). The Council recommendation was as follows:

“Request officers review options in relation to potential design improvements to the intersection at Hampton Road and Lloyd Street, and Hampton Road and Scott Street, and report back to Council, including options on using any potential surplus budget from Project 11664.”

Proposed changes to the Lloyd Street and Hampton Road intersection aim to improve the entry and exit point to the South Fremantle shopping centre carpark on Lloyd Street. The improvements include extending the right turn pocket on Hampton Road and modifications to the Lloyd Street car park entry, which aim to increase the queuing areas when accessing the shopping centre entry. The modification will require the existing informal pedestrian crossing on Hampton Road to be slightly relocated, providing the opportunity to improve pedestrian access to the shopping centre.

This report recommends that Council endorse the proposed works at Hampton Road and Lloyd Street as shown on the attachment (Drawing 005-CP-00000-19-001 Revision A) and detailed in the ‘Officer Comment’ section.

BACKGROUND

The City of Fremantle installed a median on Hampton Road which removed through access as well as right turns onto and from Hampton Road and Scott Street. This was a trial treatment in response to a near miss and reported pedestrian incidents at the guarded school crossing on Hampton Road, immediately south of Scott Street. This trial was implemented from March 2017 and the construction of the permanent treatment is now proposed in May 2019, in accordance with Council’s resolution in FPOL1810-8 (October 2018).

While the effects of the closure on the operation of the South Fremantle shopping centre were anticipated to be minor in terms of vehicle movements, there have been concerns expressed by the local businesses. The concerns relate to increased pressure on Lloyd Street as the primary entry and exit point for vehicles travelling south on Hampton Road wishing to access the shopping centre.

Observations onsite confirmed that the Lloyd Street entrance did not clear during busy times of the day and created congestion on Lloyd Street near Hampton Road. This was due in part to the close proximity of the carpark entrance to Hampton Road as well as driver behaviour. It was also observed that Scott Street still acted as an exit point from the carpark for north bound traffic.

FINANCIAL IMPLICATIONS

The office of Hon. Simone McGurk pledged a project budget of \$200,000.00 through the Local Projects, Local Jobs initiative to improve pedestrian facilities on Hampton Road at Scott Street. Following Council's resolution in FPOL1810-8 (October 2018) for Hampton Road and Scott Street, officers have obtained approval to use surplus funds for improvements at the intersection of Hampton Road and Lloyd Street.

Following completion of the early conceptual design and expending the associated design consultancy costs a remaining budget of \$178,084.00 is available this financial year. This budget is made up entirely of grant money that will be claimed through the Local Projects, Local Jobs initiative.

A detailed cost estimate, itemising the Hampton Road & Scott Street works and the Hampton Road & Lloyd Street works is shown below. The current cost estimate indicates a combined budget of \$176,894.55 is required to complete the proposed scope of works.

Scope / Location	Cost Estimate (excl GST)
Survey & service locating – Project No. 11664	\$2,585
Hampton Road & Scott Street – Project No. 11664	\$81,363
Hampton Road & Lloyd Street – Project No. 11824	\$94,136
TOTAL	\$178,084

LEGAL IMPLICATIONS

The proposed design has been submitted and approved by Main Roads Western Australia (MRWA) who is responsible for all regulatory signage and line marking approvals. All design aspects have been done in accordance with industry best practice and relevant standards to ensure the changes achieve their intended goals.

CONSULTATION

Officers have previously gone through two consultation exercises in relation to Hampton Road and Scott Street. A wider community consultation is not planned for the proposal with the exception of providing advanced notice of the proposed construction works.

The proposed modifications, as shown on the design drawing 005-CP-00000-19-001 Revision A, were shared with the South Fremantle shopping centre management to allow the design team to explain the proposed changes and intended benefits as well as seek any feedback. The South Fremantle shopping centre management were supportive of the proposed modifications.

OFFICER COMMENT

The project objectives are to improve road safety and improve access to the shopping centre for the community. The design approach is to reduce the peak period congestion and improve safety and access at the Lloyd Street and Hampton Road intersection.

Investigation of the issues with the carpark entrance and exit on Lloyd Street included monitoring vehicle movements using video footage. The footage indicated that a single queuing vehicle, waiting to turn right onto Hampton Road from Lloyd Street, can effectively block access to the carpark for a driver trying to enter from Lloyd Street off Hampton Road. This situation is created due to the close proximity of the carpark entrance to Hampton Road. Relocation of the entrance away from Hampton Road is not a feasible option. Modifications that increase the queuing area into and out of the carpark, including increased queuing capacity when turning off Hampton Road, will greatly assist the operation of the entrance and traffic flow on Hampton Road.

The key modifications proposed, at Hampton Road and Lloyd Street, are itemised below:

- Extension of the right turn pocket on Hampton Road into Lloyd Street. This will increase queuing capacity whilst being protected from Hampton Road through traffic.
- Formalising the two lane approach for Lloyd Street onto Hampton Road. The change formalises the existing status quo by creating two designated traffic lanes whilst creating additional queuing space. This segregates drivers wishing to enter the shopping centre carpark or turn left onto Hampton Road and drivers turning right onto Hampton Road.
- Formalising the on-street parking area on Lloyd Street. This protects the parking bays from Lloyd Street through traffic as well as providing a convenient parking option for customers visiting the centre.
- Relocation of the existing informal pedestrian crossing facility, 10m north on Hampton Road, in order to extend the turning pocket. The proposed relocation will align the crossing point with a pedestrian pathway within the shopping centre carpark. The median will also be widened to improve the pedestrian refuge area within Hampton Road.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council:

1. Approve Project 11824 for improvements to Hampton Road and Lloyd Street intersection, including the South Fremantle shopping centre entrance from Lloyd Street, as shown in design drawing 005-CP-00000-19-001 Revision A (Attachment 1).
2. Approve the required budget amendments to the adopted budget for 2018/2019 as outlined below:

Allocation of a the remaining budget of \$178,084 from Simone McGurk grant funds to:					
1. Project 11664 - Hampton Road & Scott Street - \$83,948					
2. Project 11824 - Hampton Road & Lloyd Street - \$94,136					
Remaining budget of \$178,084 is made up of \$160,000 grant to be received and \$18,084 unspent grant funds from 17/18 financial year					
Account #	Account Details	2018/19 Adopted budget	Increase/ (Decrease) Revenue	(Increase)/ Decrease Expenditure	2018/19 Amended Budget
300067.1606	P11664 Hampton Road & Scott Street – Capital Exp	(178,084)		94,136	(83,948)
300067.4211	P11664 Hampton Road & Scott Street – Capital Inc	160,000	(94,136)		65,864
New	P11824 Hampton Road & Lloyd Street – Capital Exp	0		(94,136)	(94,136)
New	P11824 Hampton Road & Lloyd Street – Capital Inc	0	94,136		94,136

AMENDMENT 1

Moved: Cr Hannah Fitzhardinge Seconded: Cr Rachel Pemberton

Add an additional part 1 a) to the officer's recommendation, to read as follows;

- a) *To include improved pedestrian access from the footpath on Lloyd Street through to the shopping centre carpark and improve sightlines to the West for vehicles entering and exiting the carpark.*

Amendment carried: 6/0
Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

AMENDMENT 2

Moved: Cr Andrew Sullivan Seconded: Cr Rachel Pemberton

Add an additional part 1 b) to the officer's recommendation, to read as follows;

- b) *In order to improve safety at the intersection, Council request Main Roads WA consider installation of keep clear road markings on Lloyd Street at the entrance of the shopping centre car park.*

Amendment carried: 6/0
Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

COUNCIL DECISION ITEM FPOL1902-4
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Approve Project 11824 for improvements to Hampton Road and Lloyd Street intersection, including the South Fremantle shopping centre entrance from Lloyd Street, as shown in design drawing 005-CP-00000-19-001 Revision A (Attachment 1).

a) *To include improved pedestrian access from the footpath on Lloyd Street through to the shopping centre carpark and improve sightlines to the West for vehicles entering and exiting the carpark.*

b) *In order to improve safety at the intersection, Council request Main Roads WA consider installation of keep clear road markings on Lloyd Street at the entrance of the shopping centre car park.*

2. Approve the required budget amendments to the adopted budget for 2018/2019 as outlined below:

Allocation of a the remaining budget of \$178,084 from Simone McGurk grant funds to:					
1. Project 11664 - Hampton Road & Scott Street - \$83,948					
2. Project 11824 - Hampton Road & Lloyd Street - \$94,136					
Remaining budget of \$178,084 is made up of \$160,000 grant to be received and \$18,084 unspent grant funds from 17/18 financial year					
Account #	Account Details	2018/19 Adopted budget	Increase/ (Decrease) Revenue	(Increase)/ Decrease Expenditure	2018/19 Amended Budget
300067.1606	P11664 Hampton Road & Scott Street – Capital Exp	(178,084)		94,136	(83,948)
300067.4211	P11664 Hampton Road & Scott Street – Capital Inc	160,000	(94,136)		65,864
New	P11824 Hampton Road & Lloyd Street – Capital Exp	0		(94,136)	(94,136)
New	P11824 Hampton Road & Lloyd Street – Capital Inc	0	94,136		94,136

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

FPOL1902-5 MCCABE STREET TRAFFIC CALMING

Meeting Date:	13 /02/2019
Responsible Officer:	Manager Infrastructure Engineering
Decision Making Authority:	Council
Agenda Attachments:	1. Proposed McCabe Street Traffic Calming General Layout (Drawing: 058-CP-110006-18-001 Revision A). 2. Public Consultation Results and Summary.

SUMMARY

This report recommends that the Council supports:

- the proposed traffic calming scheme for McCabe Street as shown in Attachment 1 – McCabe Street Traffic Calming General Layout and
- budget amendment to deliver the works.

BACKGROUND

McCabe Street is a Local Distributor road connecting Stirling Highway to North Fremantle and Mosman Park. The land use on McCabe Street has changed from commercial and industrial to high density residential and mixed use over the last several years. The area has seen increased traffic volumes and concerns have been raised by new residents in relation to access and egress from Tasker Place. Tasker Place is a private road entrance and exit for 9-11 McCabe Street.

McCabe Street has been assessed using the City's Traffic Calming Policy. The results of this assessment warranted traffic calming between Stirling Highway and Tasker Place.

Tasker Place intersects McCabe Street on the inside of a bend as well as at a crest on McCabe Street. The sight lines are poor to the west for vehicles exiting Tasker Place. These two factors create limited sight distance for both approaching vehicles on McCabe Street and exiting vehicles from Tasker Place.

Tasker Place cannot be relocated and manipulating the topography to increase visibility is difficult and cost prohibitive due to the rock/limestone outcrops at this location. Without the viability to change the topography or location of Tasker Place a reduction in vehicle speed past the site is a reasonable solution to mitigate the risk of a crash incident as well as reduce crash severity. Currently our traffic measurements show 49% of drivers are exceeding the speed limit of 50km/h.

FINANCIAL IMPLICATIONS

A budget of \$90,000 was approved to deliver the project within the current 2018/19 financial year (Project 11006 account 300008 - Design and construct – McCabe Street).

The total project cost estimate is as follows:

Project Cost Estimate	Value (Excl. GST)
Service locating, survey and design investigations	\$12,491
Raised plateau at Tasker Place, including drainage works.	\$116,567
Total Cost Estimate	\$129,058

Budget Deficit	\$39,058
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The initial concept budget was based on a lateral shift of McCabe Street at Tasker Place (to improve sight lines at the bend) and included the introduction of a left turn pocket onto Tasker Place through the removal of the two on street parking bays and bike parking outside of 9-11 McCabe Street. Following an assessment of the options and the consultation process, the project scope was defined and the project cost estimate confirmed.

The following budget amendments are proposed to provide the additional budget to complete the works within the current financial year using savings from other Capital projects.

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decreased	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
1.1	Amend the budget to transfer from P-10818 Resurface MRRG-McCombe Ave and P-11749 Resurface MRRG-High St project budgets to fund P-11006 Design and construct – McCabe St project which has an additional expenditure to that included in the 2018/2019 budget.					
	300008.1606	P-11006 Design and construct-McCabe St	\$90,000		\$39,058	\$129,058
	300016.1606	P-10818 Resurface MRRG-McCombe Ave	\$225,000		(\$22,232)	\$202,768
	300024.1606	P-11749 Resurface MRRG-High St	\$66,300		(\$16,826)	\$49,474

LEGAL IMPLICATIONS

The final design has been completed to comply with Main Roads Western Australia guidelines which are based on Austroads guidelines for traffic calming devices. All regulatory signage and line marking has been submitted and approved by Main Roads Western Australia.

The completion of the speed plateau at Tasker Place requires works within the private property of 9-11 McCabe Street. These changes relate to the crossover and driveway to ensure the private property is not subject to runoff from the roadway. To ensure that the City of Fremantle and the property owners of 9-11 McCabe Street agree upon the required works and finish, an agreement is currently being drafted through a third party. The proposal is therefore subject to approval of this agreement with the property of owners.

CONSULTATION

Consultation for this project was undertaken through the City's 'My Say Freo' portal. Prior to this, officers invited the Council of owners as well as property and strata representatives within the Tasker site to discuss the project. This engagement allowed project staff to explain the key project components and how they would address the primary concerns of the residents within the Tasker site.

The My Say Freo engagement was then undertaken between the 4th and 24th of October 2018.

The full Public Consultation Results can be found in Attachment 2.

OFFICER COMMENT

The proposed Traffic Calming for McCabe Street is focused on reducing the operating speeds of the road. This will create a safer road environment without imposing significant delays to through traffic. The function of McCabe Street requires the road to distribute traffic between Stirling Highway and the residential areas of North Fremantle and Mosman Park.

McCabe Street, as a busy connector road, has a relatively low crash rate which can be attributed to the limited number of intersections and private access points. Introducing traffic calming along this route will benefit the existing and future developments along this roadway by lowering vehicle speeds.

The proposal in this recommendation is to implement the installation of a raised plateau on McCabe Street at Tasker Place, including the associated drainage works. As a result of the assessment officers are confident this will suitably reduce the operating speed of McCabe Street at this location.

In the unlikely event the above works prove insufficient, a further reduction of the operating speed on McCabe Street between Tasker Place and Stirling Highway could be achieved by introducing a horizontal deflection through a small median island (blister). This would however require additional budget provision for delivery.

Officers therefore recommend implementation of the raised plateau on McCabe Street at Tasker Place this financial year followed by post traffic monitoring to measure the success of the device prior to deciding on potentially raising a budget request for any additional traffic calming.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL1902-5
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Subject to a formal property agreement from the owners of 9-11 McCabe Street, Council:

1. Approve the traffic calming proposal of a raised plateau and associated drainage improvements on McCabe Street at Tasker Place as shown in the design drawing 058-CP-1106-18-001 Revision A (attachment 1).
2. Approve the budget amendment below.

Item	Account #	Account Details	2018/19 Adopted Budget	Revenue (Increase)/ Decreased	Expenditure Increase/ (Decrease)	2018/19 Amended Budget
1.1	Amend the budget to transfer from P-10818 Resurface MRRG-McCombe Ave and P-11749 Resurface MRRG-High St project budgets to fund P-11006 Design and construct – McCabe St project which has an additional expenditure to that included in the 2018/2019 budget.					
	300008.1606	P-11006 Design and construct-McCabe St	\$90,000		\$39,058	\$129,058
	300016.1606	P-10818 Resurface MRRG-McCombe Ave	\$225,000		(\$22,232)	\$202,768
	300024.1606	P-11749 Resurface MRRG-High St	\$66,300		(\$16,826)	\$49,474

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

FPOL1902-6 REQUEST FOR SPONSORSHIP WINTERWORLD 2019

Meeting Date: 13 February 2019
Responsible Officer: Manager Economic Development & Marketing
Decision Making Authority: Council
Agenda Attachments: Winterworld 2018 Marketing Outcomes

SUMMARY

The purpose of this report is to seek approval from council to sponsor the Winterworld event over a three year term from 2019 onwards.

This report recommends that Council receive the post event report from the 2018 event and authorise the Chief Executive Officer to negotiate a 3 year sponsorship agreement with the event organiser for the 2019, 2020 and 2021 events.

BACKGROUND

Winterworld is a winter activation that includes an outdoor ice rink and various fun and engaging activities that celebrate winter. It has been held at the Esplanade Reserve in Fremantle over the past 5 years and attracts significant visitation to the city centre during the winter school holiday period.

The 2018 event saw over 80,000 people travel to Fremantle from across the state and country to attend. The event organiser is estimating over 100,000 people will attend in 2019.

The City has supported the event in previous years and is proposing further support under a three year sponsorship agreement in order to secure the event for the destination as it continues to grow.

FINANCIAL IMPLICATIONS

The proposed three year sponsorship agreement will be funded via base operating budget allocated to destination marketing, in line with the City's Event Sponsorship Policy. An overview of total financial contribution (cash and in-kind) proposed over the three year term is provided below.

	2019	2020	2021	Total
Cash contribution	\$25,000	\$25,000	\$25,000	\$75,000
In-kind contribution (waiver of car park fees associated with venue)	\$45,000	\$45,000	\$45,000	\$135,000
Total (cash and in-kind)	\$70,000	\$70,000	\$70,000	\$210,000

LEGAL IMPLICATIONS

Sponsorship will be provided under a contractual agreement between Kinn & Co. (the event organiser) and the City. The City will be recognised as the principal partner for the event.

Provision of sponsorship will be subject to approval of the event by the City of Fremantle, and the event organiser seeking all other necessary approvals.

CONSULTATION

The proposed sponsorship offering has been determined in line with the City of Fremantle Events Sponsorship Policy and in consultation with the Destination Marketing Working Group (DMWG). The DMWG has endorsed the proposed sponsorship terms.

OFFICER COMMENT

The 2018 event was held over 23 days. Approximately 32,000 tickets were sold resulting in an attendance of over 80,000 people.

People attended from across the State however the event also generated strong attendance from interstate.

Ticket Purchase Origin	Number of Tickets
Sydney	78
Melbourne	101
Brisbane	98
Adelaide	40
Tasmania	13

The event also achieved strong marketing outcomes including the following:

- 615,880 website views
- Over 8,000 Facebook followers and an organic (unpaid) social media reach of over 22,000 people.
- The Facebook event page achieved over 30,000 views
- A range of digital, social media, PR and radio campaigns were delivered raising the profile of Fremantle as an event destination.

In 2019 Winterworld will include the iconic outdoor ice-skating rink and development of a European style Winter Village. It will remain an accessible event for all families and offer a mix of free and ticketed activities alongside free leisure spaces throughout the season.

The 2019 event will include the following activities (subject to event approval):

- Australia's largest outdoor ice-skating rink
- Snow Sister's musical morning workshops
- Free winter arts & crafts activities
- Free circus workshops

- The National Hotel's Cabin Bar
- Custom built fire pits
- Marshmallow roasting
- Winter retail markets
- Cosy winter lounge and recreation space
- WA's only real snow pit
- Skating demonstrations
- Fire & Ice shows
- Freedom fairies face painting
- Giant inflatable slide

Given the move of Fremantle Festival to 12 – 21 July 2019, there is a significant opportunity for the two events to work together to ensure Fremantle is positioned as the primary winter destination within the Perth market. Through a collaborative approach, the event organiser is open to Winterworld being leveraged by the City and Fremantle Festival to achieve this.

In 2018, KINN & Co worked effectively with the Fremantle BID to leverage and support their own marketing initiatives. KINN & Co will again work with the City of Fremantle to provide a marketing tool kit to local businesses which will allow them to easily promote the event and Fremantle as a destination throughout their own marketing channels.

The marketing tool kit will include; social media assets, posters, flyers, competition ideas, social media copy examples, press release, videos, photos and promotional items such as tickets to the event for competitions.

KINN & Co will again offer heavily discounted skating sessions to local community groups with a focus on disabilities, underprivileged kids and youth.

Proposed Sponsorship Agreement

The event organiser has requested the City provide the following support as part of a sponsorship agreement:

- Agreement to be over a three year period.
- Provision of a \$75,000 cash contribution over the three year period (\$25,000 p.a).
- Waiver of fees associated with the use of City of Fremantle Car Park 11 as the event venue.

Under this agreement the City of Fremantle would be recognised as the Principal Partner of the event. As part of the agreement the City will receive key benefits including but not limited to:

- The City of Fremantle (via its destination brand) to be acknowledged and featured as the exclusive Principal Partner across all promotional and marketing materials including print, digital and social mediums.

- Unlimited access to any professional photography and videography taken during the event in previous years and years of new agreement, for use by the City for destination marketing activities.
- City of Fremantle resident discount on tickets.
- 100 x ice skating tickets for use by City of Fremantle to support disadvantaged youth / families.
- Winterworld to engage with local Fremantle businesses, community groups and service providers to participate in the event as suppliers.

In addition to the above mentioned benefits, the primary return on investment (ROI) for the sponsorship is considered to be the potential 100,000 visitors to Fremantle's City Centre during the winter period, the opportunity for dispersal of those visitors throughout the CBD, and the opportunity for media exposure via the event's marketing and PR activities.

The potential for this ROI was demonstrated through visitation achieved in 2018 along with the outcomes specified in attached event marketing report.

A three year support agreement will ensure Fremantle is secured as the event location over the longer term.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Receive the 'Winterworld 2018 Marketing Outcomes' report.
2. Authorise the Chief Executive Officer to negotiate a three year event sponsorship agreement that includes:
 - a. Provision of a \$75,000 cash contribution over a three year period (\$25,000 p.a) to be funded via base operating budget allocated to destination marketing.
 - b. Waiver of fees associated with the use of City of Fremantle Car Park 11 as the event venue.

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Add an additional part 3 to the officer's recommendation, to read as follows;

3. *Request that the negotiated sponsorship agreement be brought back to Council for consideration before it is finalised.*

Amendment carried: 6/0

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

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

COMMITTEE RECOMMENDATION ITEM FPOL1902-6

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Receive the 'Winterworld 2018 Marketing Outcomes' report.
2. Authorise the Chief Executive Officer to negotiate a three year event sponsorship agreement that includes:
 - a. Provision of a \$75,000 cash contribution over a three year period (\$25,000 p.a) to be funded via base operating budget allocated to destination marketing.
 - b. Waiver of fees associated with the use of City of Fremantle Car Park 11 as the event venue.
3. *Request that the negotiated sponsorship agreement be brought back to Council for consideration before it is finalised.*

Carried: 5/1

For

Mayor, Brad Pettitt, Cr Hannah Fitzhardinge,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

Against

Cr Doug Thompson

ADDITIONAL OFFICER'S COMMENT

Following the committee meeting, officers have conducted further consultation with the event organiser and would like to propose an alternative cash contribution over the three year agreement, resulting in the provision of the following support being provided as part of the sponsorship agreement decreasing over the term:

	FY 2019/20	FY 2020/21	FY 2021/22
Cash contribution	\$25,000	\$20,000	\$15,000

In-kind contribution* (Waiver of car park fees associated with venue)	\$45,000	\$45,000	\$45,000
Total contribution (cash/in-kind)	\$70,000	\$65,000	\$60,000

Also attached to the confidential Council Agenda, is the proposed agreement with the provider.

A clause has been included to ensure the operator only provides Winterworld in Fremantle. This, of course, does not prevent other providers doing their own thing in other locations, but ensures this provider is a bespoke experience for Fremantle.

In response to the information provided above, officers have propose the following amended recommendation for Council consideration, to amend part 2 and 3 of the Committee recommendation, with the changes shown in italics.

COUNCIL DECISION FPOL1902-6
(Amended recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

1. Receive the 'Winterworld 2018 Marketing Outcomes' report.
2. *Approve the sponsorship agreement as shown in the confidential attachments of the Ordinary Meeting of Council agenda dated 27 February 2019, with inclusion of the following;*

- a) *Provision of a cash contribution over a three year period, as outlined below, to be funded via base operating budget allocated to destination marketing:*

<i>FY 2019/20</i>	<i>FY 2020/21</i>	<i>FY 2021/22</i>
<i>\$25,000</i>	<i>\$20,000</i>	<i>\$15,000</i>

- b) *Provision of an in-kind contribution over a three year period, as outlined below, provided by the waiver of fees associated with the use of City of Fremantle Car Park 11, as the event venue:*

<i>FY 2019/20</i>	<i>FY 2020/21</i>	<i>FY 2021/22</i>
<i>\$45,000</i>	<i>\$45,000</i>	<i>\$45,000</i>

Carried: 10/3

For

**Mayor, Brad Pettitt, Cr Ingrid Waltham, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge,
Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

Against

Cr Jon Strachan, Cr Doug Thompson, Cr Sam Wainwright

FPOL1902-7 BLACK SWAN HEALTH 'FREO STREET DOCTOR' FUNDING REQUEST

Meeting Date: 13 February 2019
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

To consider Black Swan Health Ltd. donation request of \$20,000 per annum to fund the operational costs of the 'Freo Street Doctor' mobile health clinics six times per week, commencing from the 2019/2020 financial year.

Black Swan Health Ltd. received advice from the Department of Health, South Metropolitan Health Service that funding would cease from 30 June 2018, with no further funding options available for the mobile health service from the Department of Health.

This report recommends that Council support the donation request of \$20,000 towards the operational costs to deliver six mobile health clinics per week for a twelve month period, commencing from 1 July 2019.

BACKGROUND

Black Swan Health Ltd. has been delivering the 'Freo Street Doctor' mobile health service in Fremantle for more than 14 years through regular funding from the Department of Health, South Metropolitan Health Service. This mobile health service provides accessible, free, high quality care to marginalised and disadvantaged people in the Fremantle Area.

The 'Freo Street Doctor' clients are made up of 38% Aboriginal people, 36% homeless and 96% who identify the services as their only source of health care.

The Primary health care services are provided by General Practitioners who are supported by a clinical and outreach team, who ensure clients are linked with supporting health services and complementary social service support networks.

Current locations for the mobile health service include:

- Tuesday, Thursday and Friday 1.00 to 4.00 pm St Patrick's Community Centre.
- Monday 1.00 to 4.00 pm at Foundation Housing, 100 Hampton Road.
- Wednesday and Friday 1.30 to 4.30 pm, Queens Gardens, Parry Street.

Each of the mobile health clinics operate for 3 hours with a General Practitioner (GP), volunteer nurse and outreach worker. Other support services such as Orange Sky Laundry and Red Cross Food Relief may partner and provide further support options at the clinics.

Clients are bulk billed through the Medicare Benefit Schedule, covering the cost of the GP only, while nursing services are provided by volunteer Registered Nurses at each clinic.

The cessation of State funding could impact the most vulnerable within our community should the 'Freo Street Doctor' no longer continue to provide regular clinics within the Fremantle CBD area.

Black Swan Health Ltd. is seeking a \$20,000 donation from the City to enable continuation of the 'Freo Street Doctor' clinics. The donation request would support indirect costs, including:

- Two "Freo Street Doctor" vehicle running costs, licence, registration, insurance, service, maintenance and repair, tyres and fuel.
- Outreach worker salary costs.
- Clinical consumable costs.
- Information Technology costs.
- Utilities

FINANCIAL IMPLICATIONS

For Council to consider supporting the delivery of six mobile clinics per week, at a cost of \$20,000 per annum, this is a new donation request from municipal operating funds in 2019/2020 financial year.

The donation request of \$20,000 per annum equates to \$21.35 per hour or \$64.10 per clinic. It is also noted that other Local Governments in the South Metropolitan region have contracted the Street Doctor to provide localised clinics to some of the most vulnerable in their community that is supported by recurrent funding over the past two years.

To date the City has supported 'Freo Street Doctor' Hepatitis C Clinic for the amount of \$5,334 plus GST, through the Community Development Grant Round in July 2016.

LEGAL IMPLICATIONS

Black Swan Health Limited is endorsed as a Deductible Gift Recipient (DGR). According to the Australian Charities and Not-for-profits Commission Black Swan Health Ltd is a large charity that provides the following services:

- YAppEE
- Headspace Osborne Park
- Headspace Joondalup
- Black Swan Disability Support
- Black Swan Disability Services
- Partners in Recovery Perth North Metro
- Partners in Recovery Fremantle
- Black Swan Health
- Freo Street Doctor
- Black Swan Counselling

- Black Swan Chronic Disease Services

Total income of \$19,621,216 (2017/18) of which 91.83% is from government grants.
ABN 64 169 929 677.

CONSULTATION

Two other local government authorities within the boundaries of the South Metro Health Clinic have contributed the following support:

The City of Cockburn provided funding of \$15,000 in 2017 and 2018 to deliver 3 mobile clinics in the suburbs of Hamilton Hill and Cockburn per week. This funding was provided for ongoing operational expenses for not for profit or benevolent organisations that directly assist the disadvantaged and or vulnerable within the Cockburn community.

The City of Rockingham has provided funding from the Community Grants program in 2016 (\$4,500) and in 2017 (\$8,883) for two clinics per week. This funding is to assist the most vulnerable residents within their community. This was a request for service from the City of Rockingham to introduce this mobile service.

OFFICER COMMENT

'Freo Street Doctor' is a mobile medical health service that provides a visible, easily accessible and non-judgemental primary health care service to marginalised, disadvantaged and homeless people in our community over the past 14 years, funded by the Department of Health, South Metropolitan Health Service.

Whilst this proposal could be viewed as local government assuming responsibility for a previously state-funded service there is no doubt that the mobile health service has assisted and supported the most vulnerable within our community for over 14 years and has become a regular support service within our community.

Clients receiving the service are bulk billed through the Medicare Benefit Schedule administered through the Commonwealth primary health care service.

Feedback from the South Metro Health Service outlined that the block grant funding fourteen years ago was to fill the gap of after hour health services, assisting clients from not attending the emergency department that operated at Fremantle Hospital.

In 2015 South Metropolitan Health was successful in the re-tendering process based around a sustainable community development model for the mobile health service. Good community linkages have been achieved through the strong relationships with Notre Dame and University of Western Australia, to provide student placements and work experience along with volunteers to provide the six clinics in the Fremantle area. Local community organisations, such as Soroptimist International Fremantle have been a regular supporter through fundraising events.

South Metropolitan Health Service Connect Team work closely with the Street Doctor around the clients discharge plans to ensure they have medical support should the client have an avoidance accessing Emergency Departments.

Should Council not support the donation request of \$20,000 it may impact any future mobile health service clinics from July 2019. Black Swan Health Ltd. are committed to seeking funding from philanthropic opportunities and private donations to assist with the commitment of regular clinics in Fremantle.

Other outreach services such as Orange Sky Laundry and Red Cross Food Relief would continue in their current capacity within Fremantle. A new service provider, Homeless Health Care, commenced early January 2019 with a Street Health Team nurse and outreach worker two mornings per week in Fremantle. Their initial focus is on engagement, gaining trust and encouraging rough sleepers to start using services such as drop in centres and Homeless Healthcare GP clinics. The nurses provide basic medical care on the streets and more serious conditions are referred to the Homeless Healthcare GP clinics that are available Tuesday mornings at Ruah Community Services in Norfolk Street and Thursday mornings at Foundation Housing located at 100 Hampton Road. This service is self-funded through the 50 homes 50 lives project whereby Ruah sub contract the afterhours nursing support.

The 'Freo Street Doctor' has developed strong community linkages with the most vulnerable in our community. Relationships are built with clients to support their wellbeing, from a person centred approach, based on their individual needs. This could be a referral to another agency for associated medical needs such as dental, podiatry and eye examinations at no or low costs. The GP continues to provide medical assistance in the mobile van. Whilst the GP costs are covered from the Medicare Benefits Schedule, financial support is needed for the operational costs to meet the service provided.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council supports the consideration of a budget allocation of \$20,000 (includes GST) for Black Swan Health Ltd for the 'Freo Street Doctor' mobile health clinics as part of the 2019/2020 budget deliberation process.

AMENDMENT 1

Moved: Cr Jenny Archibald Seconded: Mayor, Brad Pettitt

Add an additional part 2 to the officer's recommendation, to read as follows;

- 2. The City writes to South Metro Health and the State Government to seek consideration of ongoing funding for free mobile health services in the South West Metro region including Fremantle.***

Amendment carried: 6/0

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

COUNCIL DECISION ITEM FPOL1902-7
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council supports:

- 1. The consideration of a budget allocation of \$20,000 (includes GST) for Black Swan Health Ltd for the 'Freo Street Doctor' mobile health clinics as part of the 2019/2020 budget deliberation process.**
- 2. *The City writes to South Metro Health and the State Government to seek consideration of ongoing funding for free mobile health services in the South West Metro region including Fremantle.***

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

**FPOL1902-8 PROPOSED SPECIAL MEETING OF COUNCIL TO CONSIDER
MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF
ELECTORS**

Meeting Date: 13 February 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

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

This report recommends that Council approves the holding of a Special Meeting of Council on Wednesday 20 March 2019 at 5.30 pm in the North Fremantle Community Hall, 2 Thompson Road North Fremantle to consider the motions moved at the Annual General Meeting of Electors held on 25 February 2019.

BACKGROUND

In August 2017, Council adopted the Annual General Meeting of Electors / Special Meeting of Electors policy, which requires the motions moved at the AGME to be 'considered expansively' at a Special Meeting of Council, and that the details of that meeting be determined at the next Ordinary Meeting of Council following the annual general meeting of electors.

FINANCIAL IMPLICATIONS

There are no financial implications related to this report.

LEGAL IMPLICATIONS

Local Government Act 1995
Section 5.4, Calling Council meetings

CONSULTATION

No consultation was undertaken in relation to this report.

OFFICER COMMENT

In order to comply with the requirements of the *Local Government Act 1995* and the Annual General Meeting of Electors / Special Meeting of Electors policy, the special meeting to consider the motions moved at the AGME is to be held before the Ordinary Council Meeting scheduled for 27 March 2019.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1902-8

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve to hold a Special Meeting of Council on Wednesday 20 March 2019 at 5.30 pm in the North Fremantle Community Hall (2 Thompson Road North Fremantle) to consider the motions moved at the Annual General Meeting of Electors held on 25 February 2019.

Carried: 6/0

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

COUNCIL DECISION ITEM FPOL1902-8

(Alternative officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council approve consideration of any decisions made at the Annual General Meeting of Electors to be undertaken at the Ordinary Council Meeting to be held on 27 March 2019.

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

Reason for change

Council considered that as only a single motion was carried at the Annual General Meeting of Electors it is possible for that motion to be considered at the Ordinary Council Meeting to be held on 27 March 2019.

**FPOL1902-10 ADOPTION OF THE CITY FREMANTLE LOCAL GOVERNMENT
PROPERTY LOCAL LAW AMENDMENT LOCAL LAW 2019**

Meeting Date: 13 February 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Consolidated City of Fremantle Local Government
Property Amendment Local Law

SUMMARY

For council to consider the adoption of the City of Fremantle *Local Government Property Amendment Local Law 2019*.

This report recommends that Council consider the submissions received during the public consultation period and adopts the City of Fremantle *Local Government Property Amendment Local Law 2019*.

BACKGROUND

The City of Fremantle's Local Government Property Local Law was originally gazetted in 2002.

At the Ordinary Council Meeting held on 23 May 2018, Council resolved to initiate a statutory periodic review of the City of Fremantle's Local Government Property Local Law 2002. The council also resolved to consider, during review, provisions that provide a mechanism for the City to control the use and release of gas-filled balloons on local government property. The intent to review the local law was advertised in accordance with the requirements of Section 3.16 of the *Local Government Act 1995*.

Following the advertising period of the City's intent to review the local law, at the Ordinary Council Meeting held on 10 October 2018, Council resolved to give notice of its intention to make a City of Fremantle Local Government Property Amendment Local Law 2019, to give the required notice and to consider the submissions received.

Public notice of the proposed Local Government Property Amendment Local Law 2019 was advertised as prescribed and, in accordance with s13.2(3b) of the Act, a copy of the local law was provided to the Minister for Local Government.

At the closing date for receipt of public submissions 21 December 2018, eleven public submissions on the proposed local law had been received (summary below).

The Department of Local Government, Sport and Cultural Industries suggested that the City delete the previously considered definition "surf riding equipment", as the Department correctly pointed out, the phrase does not appear anywhere else within the principal local law so does not need to be defined.

The Department of Local Government, Sport and Cultural Industries also provided feedback on the terminology and preferred styles of the amendment local law, which has no effect on the application of the local law, and has been included as recommended.

The City had previously determined that as the Civil Aviation Safety Authority (CASA) is responsible for regulating and overseeing drone safety in Australia and has developed 'Recreational Drone Safety Rules', the City would align to and abide by those rules rather than introducing provisions to any local laws given the potential for contradiction or duplication.

However, having received strong public engagement relating to the capacity for the city to control the use of drones on local government property, especially areas of "remembrance and quiet solitude", the City has recommended a further amendment to the City of Fremantle's Local Government Property Local Law 2002. This amendment will enable the City to make determinations relating to the use of drones and remotely piloted devices on local government property in Fremantle.

The local government act allows for council to make further amendments following the public submission period providing that those amendments are not significant. The Chief Executive Officer has considered this further amendment (to enable council to propose a determination to prohibit the use of drones on specific local government property) and does not consider it to be a significant amendment as the outcome will only enable further community control after a period of public consultation.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

If Council resolves to amend the local law (by adopting the recommended amendment local law) the procedure is the same as the procedure for making a local law and is set out in Section 3.12 of the *Local Government Act 1995*, as summarised below:

- Council initiate process - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) Local Government (Functions and General) Regulations 1996 - Council to resolve to initiate the local law and include in the resolution the purpose and effect of the local law.
- State-wide public notice – s3.12(3) and (3a) of the Act - The local government must give state-wide and local public notice for at least a six (6) week period, identifying where and during which hours (if appropriate) the proposed local law can be viewed.
- Notification to the Minister - s13.2(3b) of the Act - Send notification to the Minister as soon as the public notice is given (after advertisement appears in the paper).
- Considering Submissions – s3.12(4) of the Act - After the last day for submissions, Council to consider any submissions made and may make the Local Law as proposed or make amendments that are not significantly different from what was proposed (by absolute majority).

- Gazettal notice – s3.12(5) of the Act - After making the local law, the local government is to publish it in the Gazette.
- Giving public notice – s3.12(6) of the Act - After the local law has been published in the Gazette, Council is to give local public notice stating the title of the local law; summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and advising that copies of the local law may be inspected or obtained.
- Explanatory Memoranda – s3.12(7) of the Act - After Gazettal to provide an Explanatory Memoranda to the government (WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).
- Commencement of local laws - s3.14 of the Act - The local law will come into effect the 14th day after publication.
- Review by Government - s3.17 of the Act - Final point on the process where the local law can be amended or repealed via the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

CONSULTATION

Local Government Property Amendment Local Law 2019		
Submissions received for submission period ending 21 December 2018		
No.	Date	Summary of submission
1.	16/12/18	Supports a ban on helium balloons: <ul style="list-style-type: none"> • Because of the dangers they represent to marine life • Because of the littering that balloons leave behind • To support environmental protection.
2.	17/12/18	Supports a ban on helium balloons: <ul style="list-style-type: none"> • Because of the dangers they represent to marine life • To support environmental protection. Supports Casa recreational safety rules in relation to drones.
3.	17/12/18	Supports Casa recreational safety rules in relation to drones providing local rangers make sure that operators are conforming to them. Supports a ban on helium and all other balloons.
4.	17/12/18	Supports a ban on helium balloons: <ul style="list-style-type: none"> • Because they are unnecessary • Because of the dangers they represent to marine life • To support environmental protection. Notes that other local governments have already implemented controls relating to balloons.
5.	18/12/18	Member of the Balloon Industry, local business owner and proud member of PEBA (Pro Environment Balloon Alliance). PEBA is the largest balloon industry association in the world. Does not support a ban on balloons: <ul style="list-style-type: none"> • bans on helium balloons and other balloons in public spaces are negatively impacting industry and livelihoods. • promotes education relating to the importance of not releasing balloons into the atmosphere as well as improving the use and correct disposal of balloons for the overall benefit of our environment. • promotes intelligently and proactively regulating to find a balance between smart environmental management and growing and supporting the balloon industry. • balloon related art form adds much needed fun and happiness to the community

6.	18/12/18	Does not support a total ban on balloons: Fact sheet provided - "Let's Bring the Balance Back" (attachment 1)
7.	19/12/18	Supports a total ban on balloons in all public places. Advocates for a ban on drones in public places: <ul style="list-style-type: none"> • particularly at events such as the ANZAC event and at Monument Hill.
8.	19/12/18	Supports a ban on balloons <ul style="list-style-type: none"> • because of the dangers they represent to our oceans and marine life
9.	19/12/18	Supports a ban on the release of gas filled balloons.
10.	20/12/18	Supports drone control and banning of drone use in specific public places by the City: <ul style="list-style-type: none"> • To prevent noise and disturbance • To respect and protect quiet solitude at places of remembrance, particularly Monument Hill
11.	20/12/18	Supports a ban on helium balloons: <ul style="list-style-type: none"> • Because of the dangers they represent to our oceans and marine life • Because of the littering that balloons leave behind • To support environmental protection.

OFFICER COMMENT

These amendments are not intended to support a total ban on all balloons or drones but simply add a provision to the local law about activities which may be prohibited on specified local government property. The proposed addition to the local law is intended to allow the City to consider making determinations relating to where it is appropriate to prevent the release of unsecured gas filled balloons or the use of drones and other remotely piloted devices on local government property, in consultation with the community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1902-10

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council, in accordance with the provisions and processes of the *Local Government Act 1995*; adopts the proposed City of Fremantle Local Government Property Amendment Local Law 2019 below, which incorporates the changes suggested by the Department of Local Government, Sport and Cultural Industries and considers the submissions received through the community consultation period - the purpose and effect of which is as follows:

Purpose: the purpose of the City of Fremantle Local Government Property Amendment Local Law 2019 is to enable the City of Fremantle to provide additional controls and management for specific activities on local government property to provide increased clarity and to encourage consideration of environmental impacts.

Effect: the effect of the City of Fremantle Local Government Property Amendment Local Law 2019 is that it will provide a framework for the control of specific activities on local government property and will provide authority to enforce the laws and administer fines.

**LOCAL GOVERNMENT ACT 1995
CITY OF FREMANTLE
LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Fremantle resolved on 27 February 2019 to make the following local law.

1. Citation

This local law may be cited as the *City of Fremantle Local Government Property Amendment Local Law 2019*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law amended

This local law amends the City of Fremantle Local Government Property Local Law as published in the *Government Gazette* on 11 November 2002.

4. Clause 1.2 amended

- (1) In clause 1.2 insert the following definition to appear in alphabetical order:
"balloon" means a pliable container of any shape which is inflated with air or gas;
and

5. Clause 2.1(2) deleted

- (1) Delete clause 2.1(2)

6. Clause 2.8(1) amended

- (1) In clause 2.8(1)(g) delete "and"
(2) In clause 2.8(1)(h) delete the full stop and replace with a semi colon.
(3) In clause 2.8(1) insert subclauses (i) and (j) following subclause (h) as follows:
- (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.

7. Clause 5.4 amended

- (1) In clause 5.4 delete "Authorizing" and replace with "Authorising".

8. Clause 5.8 amended

- (1) In clause 5.8(1) delete "3" and replace with "2".

9. Schedule 1 amended

(1) Delete Schedule 1 and insert:

SCHEDULE 1 - PENALTIES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	125
2	3.6(1)	Failure to comply with conditions of permit	125
3	3.13(1)	Failure to obtain a permit	125
4	3.14(3)	Failure to obtain permit to camp outside a facility	125
5	3.15(1)	Failure to obtain permit for liquor	125
6	3.16	Failure of permit holder to comply with responsibilities	125
7	4.2(1)	Behaviour detrimental to property	125
8	4.4	Under influence of liquor or prohibited drug	125
9	4.6(2)	Failure to comply with sign on local government property	125
10	5.2	Consuming food or drink in prohibited area	125
11	5.5	Failure to comply with sign or direction on beach	125
12	5.6	Unauthorised entry to fenced or closed local government property	125
13	5.7	Gender not specified using entry of toilet block or change room	125
14	5.9	Failure to comply with direction of controller or notice on golf course	125
15	6.1(1)	Unauthorised entry to function on local government property	125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
17	7.4	Mooring of boats in unauthorised manner	125
18	7.5	Unauthorised mooring of a boat to jetty	125
19	7.6	Failure to remove moored boat on direction of authorised person	125
20	7.7	Launching of boat from jetty without consent	125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
22	7.9	Unlawful storing of goods on jetty	125
23	7.10	Removing goods from jetty during other than permitted hours	125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	125
25	7.12	Unauthorised deposit of bulk cargo on jetty	125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125
27	10.1	Failure to comply with notice	250

10. Schedule 2 deleted

(1) Delete Schedule 2

11. Schedule 3 amended

- (1) In Schedule 3, delete “Booyembara” and insert “*Booyeembara*”.
- (2) In Schedule 3 amend the title to read as follows:

“Schedule 2 - Golf Course Reserve”

Dated this 27th day of February, 2019.

The Common Seal of the City of Fremantle was affixed by authority of a resolution of the Council in the presence of—

Brad Pettitt, Mayor.
Philip St John, Chief Executive Officer.

ATTACHMENT 1

City of Fremantle Local Government Property Local Law consolidated

Local Government Act 1995 City of Fremantle

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Fremantle* resolved on 21 October 2002 to make the following local law.
Amended on 27 February 2019.

PART 1 - PRELIMINARY

1.1 Citation

(1) This local law may be cited as the City of Fremantle Local Government Property Local Law 2002.

1.2 Definitions

(1) In this local law unless the context otherwise requires -

"Act" means the *Local Government Act 1995*;

"applicant" means a person who applies for a permit under clause 3.2;

"authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"balloon" means a pliable container of any shape which is inflated with air or gas;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"building" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"CEO" means the chief executive officer of the local government;

"commencement day" means the day on which this local law comes into operation;

"Council" means the council of the local government;

"date of publication" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

City of Fremantle Local Government Property Local Law consolidated

"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

"local government" means the City of Fremantle;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law; "permit holder" means a person who holds a valid permit; "person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

City of Fremantle Local Government Property Local Law consolidated

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

1.3 Interpretation

- (1) In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

1.4 Application

- (1) This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

1.5 Repeal

- (1) The following local laws are repealed –
 - (a) *Parks, Recreation Grounds & Public Reserves Local Law gazetted on 6 December 1985 and amended 25 September 1998.*
 - (b) *Swimming Pools Local Law gazetted on 13 January 1971*
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

City of Fremantle Local Government Property Local Law consolidated

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

~~(2) The determinations in Schedule 2 –~~

- ~~(a) are to be taken to have been made in accordance with clause 2.2;~~
~~(b) may be amended or revoked in accordance with clause 2.6; and~~
~~(c) have effect on the commencement day.~~

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.

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- (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).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

- (1) The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

- (1) A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

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Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (j) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (k) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

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2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; ~~and~~
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose-;
 - (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

- (3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

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PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

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Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
- (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

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3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

3.7 Agreement for building

- (1) Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

- (1) A permit is valid for one year from the date on which it is issued, unless it is –
- (a) otherwise stated in this local law or in the permit; or
 - (b) cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

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3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

- (1) A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

3.13 Activities needing a permit

- (1) A person shall not without a permit –
 - (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;

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- (f) carry on any trading on local government property unless the trading is conducted -
 - (g) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (h) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (i) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (j) drive or ride or take any vehicle on to local government property; or
 - (k) park or stop any vehicle on local government property;
 - (l) conduct a function on local government property ;
 - (m) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (n) light a fire on local government property except in a facility provided for that purpose;
 - (o) parachute, hang glide, abseil or base jump from or on to local government property;
 - (p) erect a building or a refuelling site on local government property;
 - (q) make any excavation on or erect or remove any fence on local government property;
 - (r) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (s) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (t) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –
- "facility"** has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

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3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

- (1) A holder of a permit shall in respect of local government property to which the permit relates –
 - (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
 - (b) leave the local government property in a clean and tidy condition after its use;
 - (c) report any damage or defacement of the local government property to the local government; and
 - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Licensing Act 1988 for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (1) A person shall not in or on any local government property behave in a manner which –
 - (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

4.2 Behavior detrimental to property

- (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
“**detrimental to the property**” includes –
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

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4.3 Taking or injuring any fauna

(1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause –

"animal" means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

(1) A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

(1) A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

4.6 Signs

(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is –

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

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PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –
 - (a) in her or his opinion is –
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

5.2 Consumption of food or drink may be prohibited

- (1) A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of surf life saving club members

- (1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf life saving club to perform all or any of the following functions in relation to a beach –
 - (c) patrol any beach;
 - (d) carry out any activity on any beach;
 - (e) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (f) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (g) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

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5.4 Authorizing Authorising other persons

- (1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.
- (2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.
- (4) Where the local government has authorised members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

5.5 Persons to comply with signs and directions

- (1) A person shall -
 - (a) not act in contravention of any sign erected on a beach under clause 5.3(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club; and
 - (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e),

notwithstanding that the sign or the direction was erected or given, as the case may be, by a person referred to in clause 5.4(1).

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

- (1) A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by -
 - (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

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Division 5 - Golf course

5.8 Interpretation

(1) In this Division –

"**controller**" means the person appointed by the local government to direct, control and manage a golf course;

"**golf course**" means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

"**golf course reserve**" means the local government property described in Schedule 3 2 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.9 Observance of special conditions of play

(1) While on a golf course, every player shall observe and comply with a –

- (a) direction of a controller in respect of any special conditions of play; and
- (b) requirement of any notice erected to direct or control play.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - JETTIES AND BRIDGES

Division 1 - Preliminary

7.1 Interpretation

(1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part –

"**jetty**" means any jetty, pier, wharf or landing place which is local government property; and

"**bulk cargo**" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

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Division 2 - Consents and fees

7.2 Application for consent and application fee

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

- (1) A person shall not land at, use or go on any part of a jetty which is –
 - (a) under construction or repair; or
 - (b) closed,unless that person has first obtained the consent of the local government.

Division 4 - Mooring boats to jetties

7.4 Method of mooring boat

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

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Division 5 - When boats may remain at jetty

7.5 When boat may remain moored

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty unless –
- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
 - (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
 - (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or
 - (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Authorised person may order removal of boat

- (1) Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

Division 6 - Launching of boats

7.7 Restrictions on launching

- (1) A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

Division 7 - Cargo or other goods

7.8 Loading and discharging

- (1) A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; or
 - (b) without the consent of the local government –
 - (c) between the hours of 6.00pm to 6.00am on the next day; or
 - (d) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

- (1) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
 - (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

City of Fremantle Local Government Property Local Law consolidated

7.10 Removal of incoming cargo from jetty

- (1) Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.11 Authorised person may direct removal

- (1) An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

- (1) Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

Division 8 - Polluting surrounding area

7.13 Polluting surrounding area

- (1) A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 - Fishing from jetties and bridges

7.14 Limitations on fishing

- (1) A person shall not –
 - (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
 - (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 - OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act

- (1) When the local government makes a decision as to whether it will –

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

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PART 9 - MISCELLANEOUS

9.1 Authorised person to be obeyed

- (1) A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

9.1 Persons may be directed to leave local government property

- (1) An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

9.2 Disposal of lost property

- (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.3 Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –
 - (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
 - (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

City of Fremantle Local Government Property Local Law consolidated

PART 10 - ENFORCEMENT

Division 1 - Notices given under this local law

10.1 Offence to fail to comply with notice

- (1) Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

10.2 Local government may undertake requirements of notice

- (1) Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties Subdivision 1 - General

10.3 Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

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10.5 Form of notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 - Evidence in legal proceedings

10.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

City of Fremantle Local Government Property Local Law consolidated

SCHEDULE 1

PENALTIES

PRESCRIBED OFFENCES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	400-125
2	3.6(1)	Failure to comply with conditions of permit	400-125
3	3.13(1)	Failure to obtain a permit	400-125
4	3.14(3)	Failure to obtain permit to camp outside a facility	400-125
5	3.15(1)	Failure to obtain permit for liquor	400-125
6	3.16	Failure of permit holder to comply with responsibilities	400-125
7	4.2(1)	Behaviour detrimental to property	400-125
8	4.4	Under influence of liquor or prohibited drug	400-125
9	4.6(2)	Failure to comply with sign on local government property	400-125
10	5.2	Consuming food or drink in prohibited area	400-125
11	5.5	Failure to comply with sign or direction on beach	400-125
12	5.6	Unauthorised entry to fenced or closed local government property	400-125
13	5.7	Gender not specified using entry of toilet block or change room	400-125
14	5.9	Failure to comply with direction of controller or notice on golf course	400-125
15	6.1(1)	Unauthorised entry to function on local government property	400-125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	400-125
17	7.4	Mooring of boats in unauthorised manner	400-125
18	7.5	Unauthorised mooring of a boat to jetty	400-125
19	7.6	Failure to remove moored boat on direction of authorised person	400-125
20	7.7	Launching of boat from jetty without consent	400-125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	400-125
22	7.9	Unlawful storing of goods on jetty	400-125
23	7.10	Removing goods from jetty during other than permitted hours	400-125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	400-125
25	7.12	Unauthorised deposit of bulk cargo on jetty	400-125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	400-125
27	10.1	Failure to comply with notice	200-250

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~~SCHEDULE 2~~

~~DETERMINATIONS~~

~~The following determinations are to be taken to have been made by the local government under clause 2.1.~~

~~PART 1 PRELIMINARY~~

~~Definitions~~

~~1.1 In these determinations unless the context otherwise requires—~~

~~"local law" means the Local Government Property Local Law made by the local government;~~

~~Interpretation~~

~~1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.~~

SCHEDULE 3-2

GOLF COURSE RESERVE

The golf course reserve referred to in Part 5 Division 5 of this local law is described below:

"That portion of Reserve Number 6638, bordered by Montreal Street to the west, High Street to the north, Royal Fremantle Golf Club to the east, and ~~Booyembara~~ Booyeembara Park to the south, and commonly known as the Fremantle Public Golf Course."

Carried: 6/0
Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Rachel Pemberton, Cr Jenny Archibald, Cr Andrew Sullivan

ADDITIONAL OFFICER'S COMMENT

The procedure for making a determination under the Local Government Property Local Law is as follows, and it can be seen that in order to make a determination, a further 2 periods of local public notice, at 21 days each must be given. In addition, any submissions received must be considered by Council:

1. Council is to give local public notice of its intention to make a determination.
2. The local public notice 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. Council is to consider any submissions; and
 - a. decide whether or not to amend the proposed determination; or whether to continue with the proposed determination.
 - b. give local public notice of the adoption of the determination, including the effect of any amendments and
 - c. give local public notice that the proposed determination has effect as a determination from the date of publication.

As such, an amendment to the committee recommendation may be considered by Council:

To add a Part 2 to the Committee Recommendation as shown below:

2. Requests that a draft determination, giving consideration to the restriction of the release of gas filled balloons on all City of Fremantle Local Government Property, be presented to the next appropriate Finance, Policy, Operations and Legislation Committee.

COMMITTEE RECOMMENDATION ITEM FPOL1902-10

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council, in accordance with the provisions and processes of the *Local Government Act 1995*; adopts the proposed City of Fremantle Local Government Property Amendment Local Law 2019 below, which incorporates the changes suggested by the Department of Local Government, Sport and Cultural Industries and considers the submissions received through the community consultation period - the purpose and effect of which is as follows:

Purpose: the purpose of the City of Fremantle Local Government Property Amendment Local Law 2019 is to enable the City of Fremantle to provide additional controls and management for specific activities on local government property to provide increased clarity and to encourage consideration of environmental impacts.

Effect: the effect of the City of Fremantle Local Government Property Amendment Local Law 2019 is that it will provide a framework for the control of specific activities on local government property and will provide authority to enforce the laws and administer fines.

**LOCAL GOVERNMENT ACT 1995
CITY OF FREMANTLE
LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Fremantle resolved on 27 February 2019 to make the following local law.

1. Citation

This local law may be cited as the *City of Fremantle Local Government Property Amendment Local Law 2019*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law amended

This local law amends the City of Fremantle Local Government Property Local Law as published in the *Government Gazette* on 11 November 2002.

4. Clause 1.2 amended

- (1) In clause 1.2 insert the following definition to appear in alphabetical order:
"balloon" means a pliable container of any shape which is inflated with air or gas;
and

5. Clause 2.1(2) deleted

- (1) Delete clause 2.1(2)

6. Clause 2.8(1) amended

- (1) In clause 2.8(1)(g) delete "and"
(2) In clause 2.8(1)(h) delete the full stop and replace with a semi colon.
(3) In clause 2.8(1) insert subclauses (i) and (j) following subclause (h) as follows:
- (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.

7. Clause 5.4 amended

- (1) In clause 5.4 delete "Authorizing" and replace with "Authorising".

8. Clause 5.8 amended

- (1) In clause 5.8(1) delete "3" and replace with "2".

9. Schedule 1 amended

(1) Delete Schedule 1 and insert:

SCHEDULE 1 - PENALTIES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	125
2	3.6(1)	Failure to comply with conditions of permit	125
3	3.13(1)	Failure to obtain a permit	125
4	3.14(3)	Failure to obtain permit to camp outside a facility	125
5	3.15(1)	Failure to obtain permit for liquor	125
6	3.16	Failure of permit holder to comply with responsibilities	125
7	4.2(1)	Behaviour detrimental to property	125
8	4.4	Under influence of liquor or prohibited drug	125
9	4.6(2)	Failure to comply with sign on local government property	125
10	5.2	Consuming food or drink in prohibited area	125
11	5.5	Failure to comply with sign or direction on beach	125
12	5.6	Unauthorised entry to fenced or closed local government property	125
13	5.7	Gender not specified using entry of toilet block or change room	125
14	5.9	Failure to comply with direction of controller or notice on golf course	125
15	6.1(1)	Unauthorised entry to function on local government property	125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
17	7.4	Mooring of boats in unauthorised manner	125
18	7.5	Unauthorised mooring of a boat to jetty	125
19	7.6	Failure to remove moored boat on direction of authorised person	125
20	7.7	Launching of boat from jetty without consent	125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
22	7.9	Unlawful storing of goods on jetty	125
23	7.10	Removing goods from jetty during other than permitted hours	125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	125
25	7.12	Unauthorised deposit of bulk cargo on jetty	125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125
27	10.1	Failure to comply with notice	250

10. Schedule 2 deleted

(1) Delete Schedule 2

11. Schedule 3 amended

- (1) In Schedule 3, delete “Booyembara” and insert “*Booyeembara*”.
- (2) In Schedule 3 amend the title to read as follows:

“Schedule 2 - Golf Course Reserve”

Dated this 27th day of February, 2019.

The Common Seal of the City of Fremantle was affixed by authority of a resolution of the Council in the presence of—

Brad Pettitt, Mayor.
Philip St John, Chief Executive Officer.

ATTACHMENT 1

City of Fremantle Local Government Property Local Law consolidated

Local Government Act 1995 City of Fremantle

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Fremantle* resolved on 21 October 2002 to make the following local law.
Amended on 27 February 2019.

PART 1 - PRELIMINARY

1.1 Citation

(1) This local law may be cited as the City of Fremantle Local Government Property Local Law 2002.

1.2 Definitions

(1) In this local law unless the context otherwise requires -

"Act" means the *Local Government Act 1995*;

"applicant" means a person who applies for a permit under clause 3.2;

"authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"balloon" means a pliable container of any shape which is inflated with air or gas;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"building" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"CEO" means the chief executive officer of the local government;

"commencement day" means the day on which this local law comes into operation;

"Council" means the council of the local government;

"date of publication" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

City of Fremantle Local Government Property Local Law consolidated

"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

"local government" means the City of Fremantle;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law; "permit holder" means a person who holds a valid permit; "person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

City of Fremantle Local Government Property Local Law consolidated

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

1.3 Interpretation

- (1) In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

1.4 Application

- (1) This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

1.5 Repeal

- (1) The following local laws are repealed –
 - (a) *Parks, Recreation Grounds & Public Reserves Local Law gazetted on 6 December 1985 and amended 25 September 1998.*
 - (b) *Swimming Pools Local Law gazetted on 13 January 1971*
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

City of Fremantle Local Government Property Local Law consolidated

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

~~(2) The determinations in Schedule 2 –~~

- ~~(a) are to be taken to have been made in accordance with clause 2.2;~~
~~(b) may be amended or revoked in accordance with clause 2.6; and~~
~~(c) have effect on the commencement day.~~

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.

City of Fremantle Local Government Property Local Law consolidated

- (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).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

- (1) The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

- (1) A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

City of Fremantle Local Government Property Local Law consolidated

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

City of Fremantle Local Government Property Local Law consolidated

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; ~~and~~
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose-;
 - (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

- (3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

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PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

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Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
 - (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

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3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

3.7 Agreement for building

- (1) Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

- (1) A permit is valid for one year from the date on which it is issued, unless it is –
- (a) otherwise stated in this local law or in the permit; or
 - (b) cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

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3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

- (1) A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

3.13 Activities needing a permit

- (1) A person shall not without a permit –
 - (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;

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- (f) carry on any trading on local government property unless the trading is conducted -
 - (g) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (h) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (i) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (j) drive or ride or take any vehicle on to local government property; or
 - (k) park or stop any vehicle on local government property;
 - (l) conduct a function on local government property ;
 - (m) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (n) light a fire on local government property except in a facility provided for that purpose;
 - (o) parachute, hang glide, abseil or base jump from or on to local government property;
 - (p) erect a building or a refuelling site on local government property;
 - (q) make any excavation on or erect or remove any fence on local government property;
 - (r) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (s) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (t) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –
- "facility" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

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3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

- (1) A holder of a permit shall in respect of local government property to which the permit relates –
 - (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
 - (b) leave the local government property in a clean and tidy condition after its use;
 - (c) report any damage or defacement of the local government property to the local government; and
 - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Licensing Act 1988 for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (1) A person shall not in or on any local government property behave in a manner which –
 - (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

4.2 Behavior detrimental to property

- (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
“**detrimental to the property**” includes –
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

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4.3 Taking or injuring any fauna

(1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause –

"animal" means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

(1) A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

(1) A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

4.6 Signs

(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is –

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

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PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –
 - (a) in her or his opinion is –
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

5.2 Consumption of food or drink may be prohibited

- (1) A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of surf life saving club members

- (1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf life saving club to perform all or any of the following functions in relation to a beach –
 - (c) patrol any beach;
 - (d) carry out any activity on any beach;
 - (e) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (f) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (g) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

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5.4 Authorizing Authorising other persons

- (1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.
- (2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.
- (4) Where the local government has authorised members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

5.5 Persons to comply with signs and directions

- (1) A person shall -
 - (a) not act in contravention of any sign erected on a beach under clause 5.3(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club; and
 - (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e),

notwithstanding that the sign or the direction was erected or given, as the case may be, by a person referred to in clause 5.4(1).

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

- (1) A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
 - (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

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Division 5 - Golf course

5.8 Interpretation

(1) In this Division –

"**controller**" means the person appointed by the local government to direct, control and manage a golf course;

"**golf course**" means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

"**golf course reserve**" means the local government property described in Schedule 3 2 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.9 Observance of special conditions of play

(1) While on a golf course, every player shall observe and comply with a –

- (a) direction of a controller in respect of any special conditions of play; and
- (b) requirement of any notice erected to direct or control play.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - JETTIES AND BRIDGES

Division 1 - Preliminary

7.1 Interpretation

(1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part –

"**jetty**" means any jetty, pier, wharf or landing place which is local government property; and

"**bulk cargo**" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

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Division 2 - Consents and fees

7.2 Application for consent and application fee

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

- (1) A person shall not land at, use or go on any part of a jetty which is –
 - (a) under construction or repair; or
 - (b) closed,unless that person has first obtained the consent of the local government.

Division 4 - Mooring boats to jetties

7.4 Method of mooring boat

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

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Division 5 - When boats may remain at jetty

7.5 When boat may remain moored

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty unless –
- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
 - (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
 - (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or
 - (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Authorised person may order removal of boat

- (1) Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

Division 6 - Launching of boats

7.7 Restrictions on launching

- (1) A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

Division 7 - Cargo or other goods

7.8 Loading and discharging

- (1) A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; or
 - (b) without the consent of the local government –
 - (c) between the hours of 6.00pm to 6.00am on the next day; or
 - (d) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

- (1) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
 - (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

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7.10 Removal of incoming cargo from jetty

- (1) Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.11 Authorised person may direct removal

- (1) An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

- (1) Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

Division 8 - Polluting surrounding area

7.13 Polluting surrounding area

- (1) A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 - Fishing from jetties and bridges

7.14 Limitations on fishing

- (1) A person shall not –
 - (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
 - (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 - OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act

- (1) When the local government makes a decision as to whether it will –

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

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PART 9 - MISCELLANEOUS

9.1 Authorised person to be obeyed

- (1) A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

9.1 Persons may be directed to leave local government property

- (1) An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

9.2 Disposal of lost property

- (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.3 Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –
- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
 - (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

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PART 10 - ENFORCEMENT

Division 1 - Notices given under this local law

10.1 Offence to fail to comply with notice

- (1) Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

10.2 Local government may undertake requirements of notice

- (1) Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties Subdivision 1 - General

10.3 Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

City of Fremantle Local Government Property Local Law consolidated

10.5 Form of notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 - Evidence in legal proceedings

10.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

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SCHEDULE 1

PENALTIES

PRESCRIBED OFFENCES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	400-125
2	3.6(1)	Failure to comply with conditions of permit	400-125
3	3.13(1)	Failure to obtain a permit	400-125
4	3.14(3)	Failure to obtain permit to camp outside a facility	400-125
5	3.15(1)	Failure to obtain permit for liquor	400-125
6	3.16	Failure of permit holder to comply with responsibilities	400-125
7	4.2(1)	Behaviour detrimental to property	400-125
8	4.4	Under influence of liquor or prohibited drug	400-125
9	4.6(2)	Failure to comply with sign on local government property	400-125
10	5.2	Consuming food or drink in prohibited area	400-125
11	5.5	Failure to comply with sign or direction on beach	400-125
12	5.6	Unauthorised entry to fenced or closed local government property	400-125
13	5.7	Gender not specified using entry of toilet block or change room	400-125
14	5.9	Failure to comply with direction of controller or notice on golf course	400-125
15	6.1(1)	Unauthorised entry to function on local government property	400-125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	400-125
17	7.4	Mooring of boats in unauthorised manner	400-125
18	7.5	Unauthorised mooring of a boat to jetty	400-125
19	7.6	Failure to remove moored boat on direction of authorised person	400-125
20	7.7	Launching of boat from jetty without consent	400-125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	400-125
22	7.9	Unlawful storing of goods on jetty	400-125
23	7.10	Removing goods from jetty during other than permitted hours	400-125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	400-125
25	7.12	Unauthorised deposit of bulk cargo on jetty	400-125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	400-125
27	10.1	Failure to comply with notice	200-250

City of Fremantle Local Government Property Local Law consolidated

~~SCHEDULE 2~~

~~DETERMINATIONS~~

~~The following determinations are to be taken to have been made by the local government under clause 2.1.~~

~~PART 1 PRELIMINARY~~

~~Definitions~~

~~1.1 In these determinations unless the context otherwise requires—~~

~~"local law" means the Local Government Property Local Law made by the local government;~~

~~Interpretation~~

~~1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.~~

SCHEDULE 3-2

GOLF COURSE RESERVE

The golf course reserve referred to in Part 5 Division 5 of this local law is described below:

"That portion of Reserve Number 6638, bordered by Montreal Street to the west, High Street to the north, Royal Fremantle Golf Club to the east, and ~~Booyembara~~ Booyeembara Park to the south, and commonly known as the Fremantle Public Golf Course."

AMENDMENT

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

To add a Part 2 to the Committee Recommendation as shown below:

- 2. Requests that a draft determination, giving consideration to the restriction of the release of gas filled balloons on all City of Fremantle Local Government Property, be presented to the next appropriate Finance, Policy, Operations and Legislation Committee.**

Amendment carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 FPOL1902-10

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council,

- 1 In accordance with the provisions and processes of the *Local Government Act 1995*; adopts the proposed City of Fremantle Local Government Property Amendment Local Law 2019 below, which incorporates the changes suggested by the Department of Local Government, Sport and Cultural Industries and considers the submissions received through the community consultation period - the purpose and effect of which is as follows:**

Purpose: the purpose of the City of Fremantle Local Government Property Amendment Local Law 2019 is to enable the City of Fremantle to provide additional controls and management for specific activities on local government property to provide increased clarity and to encourage consideration of environmental impacts.

Effect: the effect of the City of Fremantle Local Government Property Amendment Local Law 2019 is that it will provide a framework for the control of specific activities on local government property and will provide authority to enforce the laws and administer fines.

**LOCAL GOVERNMENT ACT 1995
CITY OF FREMANTLE
LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Fremantle resolved on 27 February 2019 to make the following local law.

1. Citation

This local law may be cited as the *City of Fremantle Local Government Property Amendment Local Law 2019*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law amended

This local law amends the City of Fremantle Local Government Property Local Law as published in the *Government Gazette* on 11 November 2002.

4. Clause 1.2 amended

- (1) In clause 1.2 insert the following definition to appear in alphabetical order:
"balloon" means a pliable container of any shape which is inflated with air or gas;
and

5. Clause 2.1(2) deleted

- (1) Delete clause 2.1(2)

6. Clause 2.8(1) amended

- (1) In clause 2.8(1)(g) delete "and"
(2) In clause 2.8(1)(h) delete the full stop and replace with a semi colon.
(3) In clause 2.8(1) insert subclauses (i) and (j) following subclause (h) as follows:
- (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.

7. Clause 5.4 amended

- (1) In clause 5.4 delete "Authorizing" and replace with "Authorising".

8. Clause 5.8 amended

- (1) In clause 5.8(1) delete "3" and replace with "2".

9. Schedule 1 amended

(1) Delete Schedule 1 and insert:

SCHEDULE 1 - PENALTIES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	125
2	3.6(1)	Failure to comply with conditions of permit	125
3	3.13(1)	Failure to obtain a permit	125
4	3.14(3)	Failure to obtain permit to camp outside a facility	125
5	3.15(1)	Failure to obtain permit for liquor	125
6	3.16	Failure of permit holder to comply with responsibilities	125
7	4.2(1)	Behaviour detrimental to property	125
8	4.4	Under influence of liquor or prohibited drug	125
9	4.6(2)	Failure to comply with sign on local government property	125
10	5.2	Consuming food or drink in prohibited area	125
11	5.5	Failure to comply with sign or direction on beach	125
12	5.6	Unauthorised entry to fenced or closed local government property	125
13	5.7	Gender not specified using entry of toilet block or change room	125
14	5.9	Failure to comply with direction of controller or notice on golf course	125
15	6.1(1)	Unauthorised entry to function on local government property	125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
17	7.4	Mooring of boats in unauthorised manner	125
18	7.5	Unauthorised mooring of a boat to jetty	125
19	7.6	Failure to remove moored boat on direction of authorised person	125
20	7.7	Launching of boat from jetty without consent	125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
22	7.9	Unlawful storing of goods on jetty	125
23	7.10	Removing goods from jetty during other than permitted hours	125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	125
25	7.12	Unauthorised deposit of bulk cargo on jetty	125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125
27	10.1	Failure to comply with notice	250

10. Schedule 2 deleted

(1) Delete Schedule 2

11. Schedule 3 amended

- (1) In Schedule 3, delete “Booyembara” and insert “*Booyeembara*”.
- (2) In Schedule 3 amend the title to read as follows:

“Schedule 2 - Golf Course Reserve”

Dated this 27th day of February, 2019.

The Common Seal of the City of Fremantle was affixed by authority of a resolution of the Council in the presence of—

Brad Pettitt, Mayor.
Philip St John, Chief Executive Officer.

ATTACHMENT 1

City of Fremantle Local Government Property Local Law consolidated

Local Government Act 1995 City of Fremantle

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Fremantle* resolved on 21 October 2002 to make the following local law.
Amended on 27 February 2019.

PART 1 - PRELIMINARY

1.1 Citation

(1) This local law may be cited as the City of Fremantle Local Government Property Local Law 2002.

1.2 Definitions

(1) In this local law unless the context otherwise requires -

"Act" means the *Local Government Act 1995*;

"applicant" means a person who applies for a permit under clause 3.2;

"authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"balloon" means a pliable container of any shape which is inflated with air or gas;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"building" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"CEO" means the chief executive officer of the local government;

"commencement day" means the day on which this local law comes into operation;

"Council" means the council of the local government;

"date of publication" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

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"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

"local government" means the City of Fremantle;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law; "permit holder" means a person who holds a valid permit; "person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

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"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

1.3 Interpretation

- (1) In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

1.4 Application

- (1) This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

1.5 Repeal

- (1) The following local laws are repealed –
 - (a) *Parks, Recreation Grounds & Public Reserves Local Law gazetted on 6 December 1985 and amended 25 September 1998.*
 - (b) *Swimming Pools Local Law gazetted on 13 January 1971*
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

City of Fremantle Local Government Property Local Law consolidated

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

~~(2) The determinations in Schedule 2 –~~

- ~~(a) are to be taken to have been made in accordance with clause 2.2;~~
~~(b) may be amended or revoked in accordance with clause 2.6; and~~
~~(c) have effect on the commencement day.~~

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.

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- (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).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

- (1) The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

- (1) A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

City of Fremantle Local Government Property Local Law consolidated

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (j) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (k) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

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2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; ~~and~~
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose-;
 - (i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air; and
 - (j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

- (3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

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PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

City of Fremantle Local Government Property Local Law consolidated

Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
- (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

City of Fremantle Local Government Property Local Law consolidated

3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

3.7 Agreement for building

- (1) Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

- (1) A permit is valid for one year from the date on which it is issued, unless it is –
- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

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3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

- (1) A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

3.13 Activities needing a permit

- (1) A person shall not without a permit –
 - (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;

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- (f) carry on any trading on local government property unless the trading is conducted -
 - (g) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (h) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (i) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (j) drive or ride or take any vehicle on to local government property; or
 - (k) park or stop any vehicle on local government property;
 - (l) conduct a function on local government property ;
 - (m) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (n) light a fire on local government property except in a facility provided for that purpose;
 - (o) parachute, hang glide, abseil or base jump from or on to local government property;
 - (p) erect a building or a refuelling site on local government property;
 - (q) make any excavation on or erect or remove any fence on local government property;
 - (r) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (s) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (t) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –
- "facility"** has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

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3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

- (1) A holder of a permit shall in respect of local government property to which the permit relates –
 - (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
 - (b) leave the local government property in a clean and tidy condition after its use;
 - (c) report any damage or defacement of the local government property to the local government; and
 - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Licensing Act 1988 for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

- (1) A person shall not in or on any local government property behave in a manner which –
 - (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

4.2 Behavior detrimental to property

- (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
“**detrimental to the property**” includes –
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

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4.3 Taking or injuring any fauna

(1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause –

"animal" means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

(1) A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

(1) A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

4.6 Signs

(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is –

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

City of Fremantle Local Government Property Local Law consolidated

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –
 - (a) in her or his opinion is –
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

5.2 Consumption of food or drink may be prohibited

- (1) A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of surf life saving club members

- (1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf life saving club to perform all or any of the following functions in relation to a beach –
 - (c) patrol any beach;
 - (d) carry out any activity on any beach;
 - (e) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (f) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (g) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

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5.4 Authorizing Authorising other persons

- (1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.
- (2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorised.
- (3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.
- (4) Where the local government has authorised members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

5.5 Persons to comply with signs and directions

- (1) A person shall -
 - (a) not act in contravention of any sign erected on a beach under clause 5.3(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club; and
 - (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e),

notwithstanding that the sign or the direction was erected or given, as the case may be, by a person referred to in clause 5.4(1).

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

- (1) A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by -
 - (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

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Division 5 - Golf course

5.8 Interpretation

(1) In this Division –

"controller" means the person appointed by the local government to direct, control and manage a golf course;

"golf course" means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

"golf course reserve" means the local government property described in Schedule 3 2 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.9 Observance of special conditions of play

(1) While on a golf course, every player shall observe and comply with a –

- (a) direction of a controller in respect of any special conditions of play; and
- (b) requirement of any notice erected to direct or control play.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - JETTIES AND BRIDGES

Division 1 - Preliminary

7.1 Interpretation

(1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part –

"jetty" means any jetty, pier, wharf or landing place which is local government property; and

"bulk cargo" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

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Division 2 - Consents and fees

7.2 Application for consent and application fee

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

- (1) A person shall not land at, use or go on any part of a jetty which is –
 - (a) under construction or repair; or
 - (b) closed,

unless that person has first obtained the consent of the local government.

Division 4 - Mooring boats to jetties

7.4 Method of mooring boat

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

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Division 5 - When boats may remain at jetty

7.5 When boat may remain moored

- (1) A person in control of a boat shall not moor or make fast the boat to a jetty unless –
- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
 - (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
 - (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or
 - (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Authorised person may order removal of boat

- (1) Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

Division 6 - Launching of boats

7.7 Restrictions on launching

- (1) A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

Division 7 - Cargo or other goods

7.8 Loading and discharging

- (1) A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; or
 - (b) without the consent of the local government –
 - (c) between the hours of 6.00pm to 6.00am on the next day; or
 - (d) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

- (1) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
 - (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

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7.10 Removal of incoming cargo from jetty

- (1) Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.11 Authorised person may direct removal

- (1) An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

- (1) Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

Division 8 - Polluting surrounding area

7.13 Polluting surrounding area

- (1) A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 - Fishing from jetties and bridges

7.14 Limitations on fishing

- (1) A person shall not –
- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
 - (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 8 - OBJECTIONS AND APPEALS

8.1 Application of Division 1, Part 9 of the Act

- (1) When the local government makes a decision as to whether it will –

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

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PART 9 - MISCELLANEOUS

9.1 Authorised person to be obeyed

- (1) A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

9.1 Persons may be directed to leave local government property

- (1) An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

9.2 Disposal of lost property

- (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

9.3 Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –
- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
 - (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

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PART 10 - ENFORCEMENT

Division 1 - Notices given under this local law

10.1 Offence to fail to comply with notice

- (1) Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

10.2 Local government may undertake requirements of notice

- (1) Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties Subdivision 1 - General

10.3 Offences and general penalty

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

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10.5 Form of notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 - Evidence in legal proceedings

10.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

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SCHEDULE 1
PENALTIES
PRESCRIBED OFFENCES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	400-125
2	3.6(1)	Failure to comply with conditions of permit	400-125
3	3.13(1)	Failure to obtain a permit	400-125
4	3.14(3)	Failure to obtain permit to camp outside a facility	400-125
5	3.15(1)	Failure to obtain permit for liquor	400-125
6	3.16	Failure of permit holder to comply with responsibilities	400-125
7	4.2(1)	Behaviour detrimental to property	400-125
8	4.4	Under influence of liquor or prohibited drug	400-125
9	4.6(2)	Failure to comply with sign on local government property	400-125
10	5.2	Consuming food or drink in prohibited area	400-125
11	5.5	Failure to comply with sign or direction on beach	400-125
12	5.6	Unauthorised entry to fenced or closed local government property	400-125
13	5.7	Gender not specified using entry of toilet block or change room	400-125
14	5.9	Failure to comply with direction of controller or notice on golf course	400-125
15	6.1(1)	Unauthorised entry to function on local government property	400-125
16	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	400-125
17	7.4	Mooring of boats in unauthorised manner	400-125
18	7.5	Unauthorised mooring of a boat to jetty	400-125
19	7.6	Failure to remove moored boat on direction of authorised person	400-125
20	7.7	Launching of boat from jetty without consent	400-125
21	7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	400-125
22	7.9	Unlawful storing of goods on jetty	400-125
23	7.10	Removing goods from jetty during other than permitted hours	400-125
24	7.11	Failure to remove cargo on jetty on direction of authorised person	400-125
25	7.12	Unauthorised deposit of bulk cargo on jetty	400-125
26	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	400-125
27	10.1	Failure to comply with notice	200-250

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SCHEDULE 2

DETERMINATIONS

~~The following determinations are to be taken to have been made by the local government under clause 2.1.~~

PART 4 — PRELIMINARY

Definitions

~~1.1 In these determinations unless the context otherwise requires —~~

~~"local law" means the Local Government Property Local Law made by the local government;~~

Interpretation

~~1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.~~

SCHEDULE 3-2

GOLF COURSE RESERVE

The golf course reserve referred to in Part 5 Division 5 of this local law is described below:

"That portion of Reserve Number 6638, bordered by Montreal Street to the west, High Street to the north, Royal Fremantle Golf Club to the east, and ~~Booyembara~~ **Booyeembara** Park to the south, and commonly known as the Fremantle Public Golf Course."

- 2. Requests that a draft determination, giving consideration to the restriction of the release of gas filled balloons on all City of Fremantle Local Government Property, be presented to the next appropriate Finance, Policy, Operations and Legislation Committee.**

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

NOM1902-1 NOTICE OF MOTION - FILM FRIENDLY POLICY - CR HANNAH FITZHARDINGE

Meeting date: 13 February 2019
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil

ELECTED MEMBER SUMMARY

The City of Fremantle is a film friendly location and it would be a positive step forward to support the professional film and television industry to use the City for this purpose.

Fremantle's iconic locations, from our beaches to our working port and heritage West End, provide an abundance of attractive settings for films of all types. A 'Film Friendly Freo' policy will make it quicker and easier for film-makers to gain approvals and support from the City of Fremantle to film in our city."

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM NOM1902-1
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council approves the development of a Film Friendly Freo Policy to be drafted for Council consideration.

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

11.3 Strategic Planning and Transport Committee 20 February 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:

SPD1902-2 Potential scheme amendment and road dedication – No's 2 -8 Harvest Road & No. 4 Thompson Road, North Fremantle – Preliminary engagement & initiation.

SPD1902-4 Container Deposit Scheme Infrastructure position statement - submission

Carried: 13/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

SPD1902-2 POTENTIAL SCHEME AMENDMENT AND ROAD DEDICATION - NOS. 2 - 8 HARVEST ROAD & NO. 4 THOMPSON ROAD, NORTH FREMANTLE - PRELIMINARY ENGAGEMENT & INITIATION

Meeting Date: 20 February 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Schedule of Submissions with Officer Response
2. Site Photos

SUMMARY

The City has undertaken preliminary community engagement on a potential amendment to Local Planning Scheme No. 4 relating to Nos. 2 – 8 Harvest Road, North Fremantle. The amendment proposal involves the creation of a new local planning sub-area which would see the subject lots re-zoned from Residential to Mixed Use, with a base residential density of R25 and potential bonus density of R60 subject to satisfying certain additional development criteria.

In addition, the City has also sought community feedback on the potential dedication of the existing vehicle access way to the rear of the site, No. 4 Thompson Road, North Fremantle. This would allow for formalised vehicle and pedestrian access via a public laneway to the sub-area.

Preliminary community consultation on this proposal was undertaken in October/November 2018. 13 submissions were received during this time, expressing a mixture of views including concern over traffic, parking, potential land uses, residential density and dedication of the laneway.

Notwithstanding some of the concerns expressed during preliminary community consultation, it is considered that there is merit in the amendment and road dedication proposal for the reasons outlined in previous reports on this project (PC1710-8 & SPT1803-3). Concerns over traffic do, however, reinforce the need to adequately resolve access provision to the site as a critical element of any redevelopment.

With this in mind, officers recommend that, subject to payment of the application fee and formal resolution of upgrading options for the rear laneway, Council initiate a complex scheme amendment for the subject lots. This would involve formal community consultation on the proposal in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3. In addition, it is recommended that Council resolve to progress with the laneway/road dedication process, subject to the outcome of formal consultation with external service authorities as part of the City's referral process for the scheme amendment. This would involve the City submitting a written request to the Minister for Lands. The dedication of the laneway will assist with managing potential traffic concerns and consolidating vehicle access to the sub-area.

BACKGROUND

Location and Site Characteristics

A total of five (5) lots comprise the amendment area ('the site'), with a combined area of 2610m². They currently contain three single houses and are located to the east of the North Fremantle Local Centre and Mixed Use zones, bounded by Stirling Highway (west), Harvest Road (south), Thompson Road (east) as well as the North Fremantle Community Hall and associated facilities to the north. The existing vehicle access way (Lot 434 Thompson Road), which is proposed to be converted to a public laneway as part of this proposal, abuts the northern boundary of the subject lots (refer Figure 1).

Topographically, the land is mostly flat with a fall of less than 2.0 metres as measured from west to east, and the lots also fall from south to north (refer site photos attached). The exact difference in levels will be confirmed once a formal feature survey is obtained, which will most likely be submitted with a development application.

The lots are currently serviced by existing vehicle and pedestrian infrastructure (i.e. local roads and footpaths). As detailed in previous reports, a Western Power high-voltage transmission tower is located at the entrance to the vehicle access way off Thompson Road, on the north-eastern corner of the amendment area. Figure 3 in the officer report from October 2017 illustrates this in further detail.

Amendment Progress

The City's Administration has been investigating options for a potential re-zoning of the subject lots since mid-2017, in response to an initial request from the owners of the lots expressing a desire to explore mixed-use development opportunities.

Reports on the progress of preliminary discussions were submitted to Council in October 2017 (PC1710-8), and most recently in March 2018 (SPT1803-3). In summary, it was identified by officers that both a re-zoning of the subject lots to 'Mixed Use' and dedication of a formal public laneway (vehicle access way) to the north of the site would be required to facilitate the desired redevelopment outcomes. The rezoning and road dedication are two separate processes, operating under different sets of legislation, however can occur simultaneously.

At the March 2018 meeting, Council resolved to request confirmation from the landowners of their agreement to fund the full cost of the necessary upgrades to the adjoining vehicle access way to the north of the site, and endorsed a set of principles which would form the basis of preliminary community consultation and development requirements for a new sub-area under Local Planning Scheme No. 4 (LPS4).

In August 2018, the City received written in-principle support from the land owners providing a commitment to covering the full cost of the necessary vehicle access way upgrades. The letter states that the upgrade works will encompass lighting, drainage, resurfacing and provision of relevant turning areas to fulfil Australian Standards, to the satisfaction of the City.

Subsequent to receipt of the abovementioned letter, the City commenced preliminary consultation on a potential amendment to LPS4, as well as dedication of a formal vehicle access way at the rear of the site. At the same time, officers have drafted a set of development provisions which could apply to the subject lots based on the March 2018 Council resolution. The outcomes of consultation, and potential development provisions, are detailed in later sections of this report.



Figure 1: Context map indicating the lots subject to this amendment proposal, and relevant surrounding points of interest.

FINANCIAL IMPLICATIONS

A fee applies to proponent-initiated scheme amendments under the *Planning and Development Regulations 2009*. This should be paid on application (prior to formal initiation of the amendment).

The proponent has also agreed in-principle to fund the full cost of the necessary upgrades to the vehicle access way, as detailed above. Formalisation of this agreement is recommended before the road dedication proceeds.

LEGAL IMPLICATIONS

The process for a complex scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. The WA Planning Commission's approval is required prior to advertising.

As noted in previous reports, upgrading the vehicle access way to a public laneway increases the City's liability under relevant legislation. Upgrading commitments to the laneway are consequently recommended to be formally secured before dedication proceeds.

STRATEGIC ALIGNMENT

The proposal has the potential to make a small contribution to the objectives of the Strategic Community Plan 2015 – 2025, given its potential to increase the number and diversity of residential dwellings within the City as well as improve the number and range of local employment opportunities in Fremantle.

The earlier Local Planning Strategy does not contain any specific recommendations in relation to new mixed use development within the North Fremantle Local Planning Area, however does broadly indicate that controls should be considered for non-residential development in North Fremantle to ensure that their design and function is suitable for a particular locality.

The proposal is considered to generally align with the broad urban consolidation outcomes advocated for under relevant State Government strategic documents including *Perth & Peel @ 3.5 Million* and the *Central Sub-Regional Planning Framework*.

CONSULTATION

The City undertook preliminary consultation on the potential for a rezoning of the subject lots, as well as the formal dedication of the northern vehicle access way as a public road, in accordance with Local Planning Policy 1.3. This consultation ran from 15 October to 12 November 2018 and resulted in 13 submissions being received. Six (6) of these submissions indicated support or conditional support for the proposal, with the remaining seven (7) submissions expressing objection to all, or components of, the proposal. A number of submissions provided commentary on existing traffic and parking issues in the local area, and expressed concern regarding how future development on the subject lots may impact congestion and safety for road users (i.e. vehicles, cyclists and pedestrians). A schedule of submissions is attached to this report with an officer response provided to each, however a summary of the comments made for and against the proposal is provided as follows.

Comments in support:

- The proposal provides the opportunity for redevelopment and infill within an established area, however should be subject to a local development plan to control built form and traffic management outcomes.
- Mixed use development is supported, as accessible shopping facilities within easy walking distance to the east of Stirling Highway would be of great benefit to the community. A small corner shop would be ideal for the area.
- Redevelopment of this area is generally encouraged and will improve amenity.
- Redevelopment will enhance the entrance to the North Fremantle Centre, especially given that the existing housing stock has no particular value.
- Support for improved access to the North Fremantle Community Centre and associated facilities via an upgraded vehicle access way.

Comments against:

- Introduction of commercial uses will change the predominantly residential character of the area. Residential uses should be retained on the site.
- Opposition to the increased density proposed due to the existing impact of heavy vehicle traffic along Harvest Road, traffic calming measures have had little impact on traffic speed.
- Provision of a laneway at the rear of the lots would result in further anti-social activity. The laneway design should not impact upon the existing community facilities.
- Concern regarding traffic safety at the intersection of Harvest Road and Thompson Road. Buildings should be set back to account for vehicle sightlines.

- Concern expressed regarding existing traffic congestion and safety issues at the Harvest Road and Stirling Highway intersection particularly during peak times; any additional development could exacerbate the current traffic problems. Consideration of safety for pedestrians and cyclists should also be considered.
- This development could result in more people using Thompson Road as a 'rat run' to by-pass Stirling Highway, causing further traffic and safety concerns than at present.
- There are many vacant premises within North Fremantle and development on these sites could worsen the issue without providing a solution to the existing problem.
- This area needs more green space to improve the amenity of the locality.
- Low-cost housing will result in social issues in the immediate area; compounded by existing social housing immediately opposite the subject sites.
- Upgrading the laneway at the rear of the site is not supported as it will be for the commercial benefit of developers and not the wider community. All capital costs associated with any private development must be met by the developer.

OFFICER COMMENT

In summary, this amendment proposal involves the creation of a new local planning sub-area under Schedule 8 of LPS4. The sub-area would introduce a new zoning of Mixed Use to the subject lots, with a corresponding base residential density of R25 and potential bonus density of R60 subject to satisfying additional development criteria. This represents a similar approach to that used in other sub-areas under Schedule 8. The following provides an assessment of the proposal, based partly on themes and issues raised in submissions received during preliminary consultation. Also discussed are the draft scheme provisions which form part of the recommendation that concludes this report.

Land Use, Zoning and Residential Density

Base Zoning and Density

In the previous officer report on this proposal, it was concluded that a Mixed Use zone would be the most suitable zoning change, to achieve a style of redevelopment appropriate for the site and its immediate context. This zone would allow for a number of discretionary non-residential land uses under LPS4 (e.g. shop, office, consulting rooms, restaurant). It is important to note that development within this zone could potentially be commercial *and/or* residential in nature; the Mixed Use zoning does not explicitly guarantee a development of that type.

In addition to a commercial component, the lots could be redeveloped with up to 7 single houses, grouped or multiple dwellings based on the size of the entire development site and proposed base density code of R25 (refer *Table 1*). This reflects the current density applicable to the site.

Provisions relating to land use have been included in the draft scheme provisions, which would apply to all development in the sub-area regardless of whether or not the bonus density is sought. Notably, tenancy size is proposed to be restricted to be no greater than 1000sqm. This seeks to ensure that commercial scale is commensurate to the adjacent local centre and mixed use zones. This would allow for mid-sized consulting rooms,

offices and shops (e.g. a deli or corner store; a land use indicated in submissions as being desirable in this location) but would preclude a supermarket.

Bonus Density

In addition, Council resolved in March 2018 to include a bonus density provision of R60 to the sub-area. This gives a potential yield of 21 multiple dwellings, or alternatively 17 single houses or grouped dwellings based on the plot ratio and site area requirements of the R-Codes. Additional development requirements are proposed to achieve this bonus density.

In addition to the minimum tenancy size, further land use provisions are included as additional development criteria to achieve the density bonus. These include the requirement for development to comply with the Scheme definition for 'Mixed Use Development'. This provision has been included to ensure that a land use mix appropriate for this location (and the Mixed Use zone) is achieved on the site, to ensure that development at higher density isn't purely residential in nature. Whilst concern was expressed in some submissions regarding the potential for non-residential development to change the predominantly residential amenity of the area, other submissions also expressed positive remarks on the potential for convenient local services and uses to occupy the site. In this regard, the location of the site adjacent to non-residential land uses to the north and a major road and existing centre to the west is acknowledged, and thus could lend itself to additional uses aside from residential.

Given the above, officers still consider a Mixed Use zoning to be the most appropriate zoning change, given the wider variety of land uses possible, and potential for the City to afford specific land use and built form controls through Schedule 8. Furthermore, a bonus density of R60 is considered appropriate as it mirrors a provision that is already available within Mixed Use areas throughout the City. In this case, more site-specific controls are considered to be relevant in this case, which is why the generic LPS4 provisions of Clause 4.2.5 have not been recommended. Though, in saying this, the local planning policy relating to the R60 density bonus (LPP 2.21) could still be applied to a future development assessment, and might assist with assessing amenity impacts of a proposal in particular.

Building Design

The following table provides a summary of the notable building design requirements which would apply to the sub-area under the base zoning and density, as well as under the bonus density provisions. These reflect Council's resolution of March 2018 which outlined basic principles which would apply to the sub-area.

Table 1: Comparison of built form outcomes			
Element	Residential R25 (current zoning)	Mixed Use R25 (proposed base zoning density)	Mixed Use R60 (proposed bonus zoning and density)
Plot Ratio (Residential)	n/a	n/a	0.7 (floor area of 1827m ²)
Max. Dwelling Yield	7 single houses, grouped dwellings or multiple dwellings	7 single houses, grouped dwellings or multiple dwellings	21 multiple dwellings (assuming 85m ² ea) or 17 single houses/grouped dwellings
Street Setbacks	Min. 5m (ground floor) Min. 7m (upper floor)	<u>Residential</u> Min. 5m (ground floor) Min. 7m (upper floor) (as per LPP 2.9) <u>Non-residential</u> No street setback provision under LPS4 or applicable LPP	Min. 2m (Levels 1 – 2) Min. 7m (Level 3)
Building Height	<u>2 storeys</u> 5.5m external wall	<u>2 storeys</u> 7.5m external wall	<u>3 storeys</u> 9.0m external wall, 10.0m concealed roof, 12.0m roof ridge
Landscaping	n/a	n/a	Min. 12% of development site to be deep planting zone (Min. 8% if mature trees retained).
Local Development Plan	n/a	n/a	Required prior to submission of a development application. To include information on land use mix, vehicle access, landscaping, open space, interface with Harvest Road among other matters.

The proposed built form controls generally align with the comments and suggestions made in submissions during preliminary consultation, with no strong objections raised in relation to the key provisions. One submission did reiterate the importance of the local development plan in determining a quality built form outcome on the site, and some submissions raised concern that not enough design detail is currently available on the proposed amendment to make specific comment.

As outlined in the previous Council report from March 2018, the built form controls applicable to the bonus density are intended to offset the additional development potential proposed. They most notably include additional street setbacks for the third storey, landscaping (deep planting) requirements as well as the requirement for a local development plan to be submitted to the satisfaction of the City prior to a development application. These provisions are essentially unchanged from the set of principles outlined in the previous Council report, and have been included within the draft amendment provisions in the recommendation. In particular, the additional street setback

of 7.0 metres for the third/upper-most level is an important inclusion to reduce the potential bulk and scale impact of the additional storey, noting that building height is usually restricted to 7.5 metres (2 storeys) within the Mixed Use Zone under LPS4.

One change recommended to the principles previously consulted on is to remove the prevention of residential land uses from being located on the ground floor where they are visible from Harvest Road. This would allow greater flexibility in design and the option to concentrate commercial floorspace abutting Stirling Highway, transitioning to residential uses abutting Thompson Road. Given the linear shape and context of the site, this is considered a suitable approach as an alternative to the traditional 'shop top' housing promoted by the original commercial-ground floor only principle.

Traffic, Access and Parking

A prominent theme raised in submissions was the potential for redevelopment of the site to have a significant impact upon traffic volumes, as well as vehicle and pedestrian safety in the local area. Submitters raised concern in particular regarding current safety concerns at the intersection of Stirling Highway and Harvest Road, as well as Harvest Road and Thompson Road.

The current traffic situation in this locality is summarised as follows:

- There have been no reported crashes at the intersection of Harvest Road and Thompson Road over the past 5 years, however there have been some recorded incidents further down Harvest and Thompson (i.e. to the north and east); these crashes were not associated with the intersection.
- By contrast, there have been 10 reported crashes over the past 5 years at the intersection of Harvest Road and Stirling Highway.
- The most recent traffic counts between Thompson Road and Stirling Highway, along Harvest Road, were recorded as being in the vicinity of 3400 movements per day; these are considered to be high for a local access road.
- Traffic counts just north of the Harvest Road/Thompson Road intersection have been most recently recorded at 1750 movements per day.
- The City is aware that Harvest Road and Thompson Road are important local access roads within North Fremantle, and that the intersection of Harvest and Stirling Highway has been of concern in recent years in terms of the number of reported incidents.
- The City has been working with Main Roads on an ongoing basis to identify potential solutions to assist with traffic movement and congestion concerns along Stirling Highway.
- There are no further upgrades currently planned for these intersections. The most recent improvements were undertaken in 2014/15 which introduced a new median treatment and speed calming measures to Harvest Road.

As stated previously, the Mixed Use zoning of the proposal gives the potential for a number of different land uses, many of which are subject to a discretionary planning assessment under LPS4. As such, it is difficult to provide specific comment on future traffic volumes until more finite detail is provided in the form of a local development plan or development application, however the potential increase in density might generate in the order of 84 additional vehicle movements a day. It is also noted that Stirling Highway

is controlled by Main Roads and not the City as it is categorised as a road of regional significance under the Metropolitan Region Scheme.

Because of the current traffic situation, any redevelopment proposals on the site will be closely scrutinised for their potential to influence and/or change local traffic conditions. However, the current situation is not such that it should preclude the rezoning of the site. It is instead recommended that future development of an intensity greater than the current Residential R25 density be supported by a Transport Impact Assessment (TIA), undertaken by a qualified traffic engineer or other professional. This assessment should be in accordance with WAPC assessment guidelines and provide analysis and calculations on anticipated trip numbers and vehicle movements from a development proposal, and may also provide recommendations on mitigation measures if appropriate. This advice may form conditions of development approval with the cost of any necessary upgrades and improvements to be borne by the proponent/developer.

The high traffic counts along Harvest Road also reiterate the importance of restricting vehicle access to the site from that road, hence is why the City is seeking dedication of the access way as a public laneway accessed via Thompson Road.

Redevelopment of the site will also provide an opportunity to secure improved sightline truncations which may assist in mitigating some of the current safety concerns.

Given the site's location adjacent to the Stirling Highway road reserve, a referral to Main Roads will be required as part of the formal scheme amendment process should Council initiate the rezoning, as well as any future development applications for the site. Any feedback and recommendations provided will be incorporated into the administration's final recommendation to Council following the consultation period.

Laneway Dedication

The City also sought community feedback on the proposed conversion of the existing access way to a public laneway. Comments were received during consultation expressing support for this idea given that it would also improve access to the existing community facilities (refer *Consultation* section).

One submission raised a concern that a laneway at the rear of the site would increase instances of anti-social activity. Officers consider that dedication and upgrade (including lighting) of the existing vehicle access way is more likely to improve surveillance and safety. Redevelopment of the site could further assist with active and passive surveillance of the laneway. To reinforce this, a requirement for the bonus residential density has been included in the draft scheme provisions (Additional Development Criteria) requiring major openings to be provided for all dwellings facing the new laneway. This provision goes above and beyond the requirements of the R-Codes and LPS4.

A further comment was made stating that the laneway should not be created as it would benefit the commercial interests of developers. Officers consider that upgrading the laneway will be of benefit to all parties involved given that access to the existing City-owned community facilities will be improved. As already stated the proponent has provided an in-principle agreement to the City to fund all costs associated with the design and upgrade of the laneway.

The key technical issues surrounding the dedication and upgrade of the vehicle access way have already been outlined in previous Council reports on this project. The City's Infrastructure Engineering officers have indicated that their previous advice still stands however further feedback can be provided once a detailed technical plan of the upgrades is presented by the proponent for review. This will occur once formal approval for the dedication is given from the Minister for Lands.

Two outstanding matters remain in relation to the official dedication of this access way as a public laneway:

1. Leading on from the agreement-in-principle previously acquired, a formal legal agreement needs to be provided by the property owners/proponents securing the funding arrangements for the dedication and associated upgrades of the new laneway: Because intensification of the site is not supported unless it is provided rear access, and the City's liability would increase from the date of laneway dedication, this is recommended to occur concurrent with formal initiation of the rezoning.
2. Formal consultation with Western Power is required in relation to the transmission tower, located at the entrance to the existing vehicle access way, No. 4 Thompson Road, North Fremantle. Western Power was contacted for informal comment during preliminary consultation, and verbally advised that the transmission tower is a high-voltage facility, still in use, with a number of connecting underground cables. As part of the City's formal scheme amendment referral process, Western Power will be contacted seeking a formal response on the scheme amendment itself, as well as the transmission tower.

CONCLUSION

Whilst it has been recognised previously that this project does not have a high strategic priority, it is recommended that the proposed amendment be formally initiated given the potential of the site to contribute to the development of the North Fremantle activity centre by providing a link between Queen Victoria Street and the community facilities east of Stirling Highway. On balance, it is considered that matters relating to traffic volumes and safety in the immediate area, whilst being of importance, can be adequately managed and resolved through the formal scheme amendment and subsequent development application processes. Dedication of a formal laneway at the rear of the sites, restricting access from Harvest Road, will further assist in controlling vehicle movements and coordinating access to the proposed sub-area. A legal agreement will need to be drafted and executed by the proponent in respect to formalising of funding arrangements for any upgrades required. It is reiterated that the City is well aware of current vehicle traffic issues within North Fremantle and will continue to monitor the situation and implement solutions as the need arises, in consultation with Main Roads where appropriate.

The recommendation includes a draft set of scheme provisions for the purposes of formal initiation, which have been based on the principles agreed to by Council in March 2018. Given the change in zoning and potential increase in residential density, officers consider that the proposal should be initiated as a 'complex' amendment in accordance with the *Planning & Development (Local Planning Schemes) Regulations*. In addition, it is recommended that Council authorise the City to formally write to the Minister for Lands

seeking dedication of the vehicle access way as a public laneway once appropriate consultation with service authorities is undertaken and the upgrading agreement finalised. This will still ensure that the two separate statutory processes can be coordinated as closely as possible, as outlined in previous officer reports.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COUNCIL DECISION ITEM SPD1902-2
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Note the submissions received during the preliminary community engagement on the potential scheme amendment to rezone Nos. 2 – 8 Harvest Road, North Fremantle and the associated public laneway dedication.
2. Note the following outstanding matters associated with the potential scheme amendment to rezone Nos. 2 – 8 Harvest Road, North Fremantle and the associated public laneway dedication:
 - a. Payment of the rezoning fee by the proponent;
 - b. Requirement for binding legal agreement in relation to the upgrades necessary for the rear laneway prior to the City formally supporting its dedication;
 - c. Confirmation of no ‘in principle’ objection to the laneway dedication and upgrade from Western Power given the location of their asset within the access way.
3. Upon resolution of the outstanding matters listed in (2.) above, pursuant to Section 75 of the *Planning and Development Act 2005* resolves to prepare Amendment No. 74 to the City of Fremantle Local Planning Scheme No. 4 to:-

Insert the following in Schedule 8 – Local Planning Areas (Development Requirements) after Sub Area 3.3.5 Eucla Court.

3.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS
Sub Area 3.3.6 Harvest Road	[Insert map of Nos. 2 – 8 Harvest Road and applicable sub-area] Map shall indicate sub-area as well as provide an indicative vehicle access way (laneway) location to give a visual guide to a future DA assessment.
	Land Use a) Each non-residential tenancy shall have a maximum net lettable area of 1000m ² .

<p>Vehicle access</p> <p>a) Vehicle access to the sub-area is not permitted from Stirling Highway.</p> <p>_____</p> <p>b) Vehicle access to residential land uses is not permitted from Harvest Road and shall be achieved via the adjoining vehicle access way (laneway) to the north of the development site as detailed in (a) and the sub-area map above.</p> <p>_____</p> <p>c) Limited vehicle access for visitor and/or customer parking purposes may be permitted from Harvest Road for non-residential land uses only.</p> <p>_____</p> <p>d) Development applications comprising a non-residential land use, or proposing mixed-use development, shall be supported by a Transport Impact Assessment.</p> <p>Additional development standards</p> <p>In applying Additional Development Standards within sub area 3.3.6, clause 3.2 'Matters to be considered in applying general and specific height requirements' of Local Planning Area 3 does not apply.</p> <p>In addition to the land use and vehicle access standards listed above and the provisions of 4.2.5, additional development standards shall be in accordance with the criteria and standards set out in the table below.</p>	
<p>Requirements (criteria) to be met in order for additional development standards to apply</p>	<p>Additional development standards</p>
<p>Land Use</p> <p>a) Development shall comply with the 'Mixed use development' definition of this Scheme.</p> <p>Street Setbacks</p> <p>a) Minimum street setback of 2.0 metres for buildings with an external wall height up to 6.0 metres or 2 storeys.</p> <p>_____</p> <p>b) Minimum street setback of 7.0 metres for buildings with an external wall height exceeding 6.0</p>	<p>Density</p> <p>a) Residential density code of R60.</p> <p>Building Height</p> <p>b) Maximum building height of 3 storeys as per the Category C height requirements the Residential Design Codes.</p>

metres and up to 3 storeys.	
[REDACTED]	
c) Upper floor balconies on the third level may project forward of the 7.0 metre minimum stipulated above.	
[REDACTED]	
Other Design Requirements	
a) The ground floor finished floor level of all development fronting Harvest Road shall be no greater than 600 millimetres higher than the adjacent footpath level.	
[REDACTED]	
b) Major openings to habitable rooms shall be provided to all dwellings fronting Harvest Road and facing onto the rear vehicle access way, to facilitate active and passive surveillance.	
Trees and Landscaping	
a) A minimum 12 percent of the development site shall be provided as a deep planting zone; or	
[REDACTED]	
b) A minimum 8 percent of the development site shall be provided as a deep planting zone, where existing mature trees with demonstrated ongoing viability are retained on site within areas of open space.	
[REDACTED]	
c) A minimum of 1 mature tree (retained or provided on site) shall be provided per 500m ² of the development site area.	
Local Development Plan	

	<p>a) A local development plan is required to be prepared prior to the approval of any proposed development. The plan is to demonstrate a comprehensive development outcome for the entire sub-area, addressing the following specific considerations:</p> <ul style="list-style-type: none">i. Land use mix.ii. Vehicle and pedestrian access and egress (including sightline truncations).iii. Building setbacks.iv. On-site car parking locations.v. Landscaping provision and retained areas of vegetation (if applicable).vi. Fencing, retaining walls and site levels.vii. Private open space location and treatments.viii. Interface with Harvest Road (south) and vehicle access way (north), with a particular focus on CPTED principles.ix. Transport noise mitigation.	
	<p>b) The local development plan shall be supported by a Transport Impact Assessment and Acoustic Assessment.</p>	

**Note: Where the above criteria are not met:
The residential density code as shown on the Scheme Map applies.
The height requirements in 3.1 of Local Planning Area 3 above apply.**

- 4. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves that Amendment No. 74 is a complex amendment for the following reason:-**

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

- 5. Authorise the Mayor and Chief Executive Officer execute the relevant scheme amendment documentation.**
- 6. Authorise the amendment be submitted to the Environmental Protection Authority for determination of whether an environmental review is required in accordance with the provisions of the *Planning and Development Act 2005*.**
- 7. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the scheme amendment be referred to the Western Australian Planning Commission, and the Commission be informed that the City of Fremantle has resolved to proceed to advertise the amendment.**
- 8. Upon resolution of the outstanding matters listed (2.) above, authorise a formal written request to the Minister for Lands seeking dedication of Lot 434 (No. 4) Thompson Road, North Fremantle as a public laneway to facilitate access to the proposed sub-area and the existing community facilities.**

Carried en bloc: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

SPD1902-4 'CONTAINER DEPOSIT SCHEME INFRASTRUCTURE' POSITION STATEMENT - SUBMISSION

Meeting Date: 20 February 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1 –.Draft 'Container Deposit Scheme Infrastructure' Position Statement

SUMMARY

The purpose of this report is to consider a draft Position Statement released by the Western Australian Planning Commission on Container Deposit Scheme Infrastructure and how it should be managed within the statutory planning regime. The report recommends that Council make a submission on the Statement commending the Commission on its pro-active approach on this issue but suggesting that the Statement and model Local Planning Policy would benefit from being broadened slightly to define how proposals will be assessed as well as when they will be exempt from planning approval.

BACKGROUND

The state government is introducing a Container Deposit Scheme (CDS) to commence early in 2020. The scheme is intended to reduce litter (and increase recycling) by providing a 10c refund for eligible containers. These target drinks commonly consumed away from home (being a high source of litter and less likely to be recycled) including:

- Soft drink cans and bottles;
- Bottled water (both plastic and glass);
- Small flavoured milk containers;
- Beer and cider cans and bottles;
- Sports drinks; and
- Spirit-based mixed drinks.

The initiative complements the *Litter Prevention Strategy for Western Australia 2015-20*. Further information on the scheme is available at <https://www.der.wa.gov.au/our-work/programs/111-wa-container-deposit-scheme>.

In preparation for the introduction of the Scheme, the Western Australian Planning Commission (WAPC) has prepared and released for public comment a draft Position Statement on CDS infrastructure. This is intended to provide guidance on when and how applications for CDS infrastructure will be assessed under the statutory planning regime.

The purpose of this report is to consider the draft Position Statement and to formulate a submission. Because of the timeframe for submissions (closing 19 February), the recommendations of this report have been used as the basis for an 'officer level' submission noting that Council's position will be confirmed and can be communicated following the Council meeting on 27 February.

WALGA is also formulating a submission and is conducting workshops to inform this and the development of common views however the key workshop will be conducted following completion of this report.

Position Statement Summary

The draft Position Statement is available online on the WAPC website and is provided at Attachment 1 to this report.

The Position Statement defines CDS container return points as CDS infrastructure. It indicates that four main types are common, including:

- Container cages (where a refund is unlikely to be payable, but where containers can be deposited);
- In-shop / over-the-counter return points (which are likely to be primarily within existing shops and facilities);
- Reverse vending machines (similar to that trialled in Fremantle's Esplanade, though potentially significantly larger); and
- Large scale facilities: for example, large scale collection points at existing depots, and at processing plants.

The Statement indicates that in many instances, the CDS infrastructure will be ancillary to an existing use (e.g. ancillary to an existing shop or sports facility) and so could be deemed exempt from requiring planning approval except where it is outside of an existing building and / or conflicts with existing conditions of planning approval.

The Statement goes on to outline some common considerations for each of the return point types, and notes the following:

- Container cages (donation points): these return points are largely likely to be on school, sporting or other club land and so many will be exempt from approval under local planning schemes. Management of the return point should be included in lease and management arrangements between the vested authority and management authority / leasee. Applications not automatically exempt from planning approval are covered by the draft Local Planning Policy appended to the Statement (and further discussed further below).
- In-shop / over-the-counter facilities: these return points are considered ancillary to the approved use and, where all infrastructure is contained within the approved building and does not conflict with existing conditions of approval, the Statement indicates should be exempt from planning approval. Interestingly, the Statement goes so far as to suggest that the definition of 'shop' included in the Model Scheme Text within the *Planning and Development (Local Planning Schemes) Regulations* should be read to include this type of operation on the basis that the uses are very similar and that an update to the definition will be included in future amendments to the Regulations.
- Reverse vending machines: the Statement indicates that assessment of these will be variable, depending on context, and should consider:
 - Impact on amenity;
 - Parking;
 - Accessibility;

- Provision for other waste (to avoid dumping); and
- Signage.
- Large scale facilities: These will generally form components of existing waste and recycling facilities which would be assessed in accordance with normal scheme requirements.

The Statement recommends that local governments adopt a policy outlining where they will be exempt from planning approval, and provides a Model Local Planning Policy to assist with this and the standardisation of approach.

OFFICER COMMENT

The City strongly supports the implementation of a best practice Container Deposit Scheme (CDS) in Western Australia. The City has held a number of Cash for Containers events/pilots as part of the Recycling Education Roll Out, and hosted a Reverse Vending Machine in Esplanade Park from September 2015 to September 2018. The City also encouraged schools to participate in a pilot CDS in 2012, where cages were provided for the collection of containers to several schools in the Fremantle area.

The City appreciates the pro-active approach of the Commission in releasing the draft Statement, as planning aspects have been a significant issue in the implementation of the CDS in both NSW and Queensland.

The Department of Water and Environmental Regulation released a Draft Customer Service Standard for the CDS in late 2018. This indicated an approximate number of facilities for the metropolitan area at a rate of approximately 1 per 10,000-20,000 people within major regional centres. This would mean that Fremantle is likely to have 1 – 2 refund points. The Draft Customer Service Standard does not address donation points (container cages) or how many will be required.

The following points are made on draft Position Statement:

1. Container cages (donation points): these points are generally located on reserved land and can provide a revenue stream for clubs (which collect and return donated containers). These facilities require pro-active management (to ensure regular collection, management of dumping of ineligible rubbish etc.) which need to be negotiated with the proposed operator. How this is undertaken depends on the ownership, vesting and leasing arrangements, but has generally proven manageable, with most organisations operating responsibly. Location, amenity and signage considerations are similar to those applicable to reverse vending machines and can be negotiated where the land is vested with the City. In other situations, the City may or may not be provided with the opportunity to comment on proposals. Where placement and management is well planned and negotiated, these can provide an important return point, with flow on community benefits.
2. In-shop / over-the-counter: exemption of these facilities where fully contained within approved shops and not in conflict with existing conditions of approval is supported. This approach has apparently proven successful in ACT where such facilities have proven to be low impact. Uptake is unlikely to be very high as the on-site storage requirements and logistical challenges associated with the scheme often prove problematic, for smaller shops in particular. Communicating these

requirements will be a key role of the CDS Coordinator expected to be appointed within the next few months.

3. Reverse vending machines (RVMs): The Model LPP provides a useful framework for assessing (and potentially exempting) proposals which meet defined location requirements and provide necessary supporting infrastructure, based on the experience of scheme implementation in the eastern states. The Model LPP, for example, draws from the NSW CDS experience relating to bin placement next to the machines to ensure tidy disposal of any containers rejected and of bags and boxes people brought their containers in. Some refinement to these standards is being proposed by WALGA, which the City supports. Further consideration of the draft LPP will occur following finalisation of WALGA's position on it, more detailed assessment, and its finalisation. Poor placement and management of RVMs have presented challenges in the eastern states, and so provision of clear policy direction on these is desirable.
4. Major facilities: The proposed approach of considering these facilities on their merits is supported as the location and operational considerations will be highly variable. As a general rule, it is expected that they will be located in industrial areas, as is the case with other waste facilities.

Overall, it is recommended that the City note the release of the Position Statement and commend the Planning Commission on its pro-active approach to addressing the matter and promoting a consistent approach. The model Local Planning Policy provides a useful initial reference point for assessing proposals but its primary focus on exemption from approval (as opposed to more broadly outlining the considerations and standards then applying exemptions from there) limits its application unnecessarily. Expansion to define assessment criteria for non-exempt applications would be relatively simple to achieve and would increase the utility of the policy. This would also address some more minor issues with the draft about the inclusion of subjective criteria for exemptions (e.g. located to be 'visually unobtrusive' which essentially requires assessment and so is not a sound criterion for exemption from assessment). It could also address potential legal issues around variations to parking standards and existing approvals, by clearly addressing these through a new approval (rather than an exemption).

Inclusion of model conditions around the operation, management and maintenance of infrastructure could also assist in promoting responsible management and consistent regulation.

Additional detailed comments may arise following the City's participation in a workshop being arranged by WALGA however these can be communicated as officer-level as they are likely to be minor in nature.

The City is currently considering preferred locations for CDS points (including the Montreal Street Recycling Centre) and will provide a further update to Council on its conclusions in due course.

Further consideration of the model Local Planning Policy and potential exemption of applications will also occur following finalisation of the Position Statement.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

The draft Position Statement this report discusses is available for public comment. Any development application involving container deposit scheme infrastructure received by the City would be assessed in accordance with Local Planning Scheme No. 4 (or the applicable legislation) and may or may not require public consultation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COUNCIL DECISION ITEM SPD1902-4
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

- 1. Council supports a submission on the '*Container Deposit Scheme Infrastructure*' Position Statement paper which indicates that:**
 - a) The City strongly supports the implementation of a best practice Container Deposit Scheme in Western Australia.**
 - b) The City commends the Western Australian Planning Commission in taking a pro-active approach to addressing planning for Container Deposit Scheme infrastructure and promoting a consistent approach between local governments.**
 - c) The City suggests that the draft Position Statement would benefit from a section which generally outlines the factors likely to require consideration in planning for Container Deposit Scheme infrastructure (which are currently outlined in the section on Reverse Vending Machines but which really relate to all types).**
 - d) The City recommends that the draft model Local Planning Policy appended to the Position Statement be expanded to outline the considerations and default development standards applicable to Container Deposit Scheme infrastructure which is not exempt from approval.**
 - e) The City recommends that the draft model Local Planning Policy appended to the Position Statement be expanded to outline the considerations and default development standards applicable include model conditions of approval relating to operation, management and maintenance.**
 - f) The City suggests that the criteria for exemption of Container Deposit Scheme infrastructure from a requirement for planning approval listed in the draft model Local Planning Policy appended to the Position Statement should be clear cut and definitive: inclusion of subjective criteria (such as location of collection bays to be visually unobtrusive) requires assessment and a subjective judgement which are only appropriate in the assessment of applications, not in the assessment of whether an application is required.**
 - g) The draft model Local Planning Policy should be subject to legal review to ensure the validity of all components.**
- 2. That a copy of the City's submission on the draft Container Deposit Scheme Infrastructure Position Statement be forwarded to WALGA.**

Carried en bloc: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

**SPD1902-1 QUEEN VICTORIA STREET AND PARRY STREET INTERSECTION
UPGRADE - CONCEPT DESIGN**

Meeting Date: 20 February 2019
Responsible Officer: Manager City Design and Projects
Decision Making Authority: Council
Agenda Attachments: 1. Design Scenarios Testing
2. Concept Design

SUMMARY

Queen Victoria Street / Parry Street intersection is one of the important gateways to the low speed shared use core of the City. In its current state, the intersection lacks:

- **Legibility for all road users;**
- **Perception of safety, especially for people cycling and walking;**
- **A sense of arrival to the city centre and a transition to a slower, shared-use environment with a pedestrian focus.**

The purpose of this report is to present a design for a welcoming, safe and legible entry to the city centre, for all modes. It also provides an urban design template that can potentially be applied consistently to other key gateways over time – to further reinforce the pedestrian focus within the city centre.

This report recommends that council approves the concept plan for the purpose of further developing the design, including:

- **Traffic modelling and gaining support from Main Roads WA;**
- **Detailed site investigations (e.g., service locations);**
- **Consultation with local stakeholders.**

BACKGROUND

The Queen Victoria Street / Parry Street intersection has long been identified as a gateway to the pedestrian core of the city that lacks appropriate clarity and sense of arrival/exit. In addition, the vehicle movements are overly complex leading to a notable lack of legibility especially for cyclists. This leads to a perceived lack of safety. In response to this, the Council commenced an application through the Perth Bicycle Network (PBN) for funding in 2016/17. However, the project was later deferred in order to seek a more comprehensive design for this important piece of public realm.

Over the past few months, an urban design approach has been used to investigate the issues, establish design objectives, test scenarios and arrive at a preferred concept plan.

OFFICER COMMENT

Strategic Context

The proposed design is aligned with the City's key strategic documents:

Integrated Transport Strategy (ITS): The ITS promotes Fremantle as a pedestrian and cycle-friendly city, including:

- Low speed, Shared City Centre: A focus on promoting active and public transport by limiting car parking and speed limits.
- Intersections: Improve the pedestrian path network at intersections to achieve clearer, safer crossings.
- Way-finding: Improve the way-finding for cyclists and pedestrians within the city centre and also the approaches to the city centre.
- Active Transport: Make walking and cycling more attractive especially within city centre.
- Amenity: Improve the amenity of footpaths and open spaces such as furniture, shade, shelter and tree planting.
- Adelaide Street: Recognised as an emerging pedestrian Movement Corridor.
- Congestion: Discourage through traffic from using the central Fremantle street network in order to enhance walking, cycling and public transport.

Freo 2029 Transformational Moves - Northern Gateway: Freo 2029 identifies key strategic projects in Fremantle that have the ability to transform the city. One of the key areas identified in Freo 2029 is the Northern Gateway as a great place to live on the edge of the pedestrian core. Freo 2029 identifies the increased pedestrian demand within the area and the important links to the city centre.



Potential 'Template' for City Gateways

The Queen Victoria Street / Parry Street intersection is one of six key gateways into the low speed shared use core of the City (see diagram). The proposed design has been prepared with the view to applying the same design principles, or 'template', to upgrade other city gateways over time. Applying a consistent approach and treatment to all gateways will enhance the legibility of the city centre being a pedestrian focused area with a clear character and sense of place. Although there is no urgency for this work, taking a strategic approach to city design and being consistent in its application is recommended.

Site Analysis

In developing the concept design for Queen Victoria Street / Parry Street intersection, the following site analysis was undertaken:

- Pedestrian and cyclist circulation
- Public Transport, high frequency bus routes and bus stops
- Road hierarchy
- Heritage elements/ sites
- Arboricultural Condition of Proclamation Tree (Tree Protection Zone and Tree structural Zone) – as per Arboricultural Survey December 2016
- Visual analysis – sense of arrival

The assessment of current conditions outlines the following opportunities and constraints:

Constraints:

- **Cycle lanes:** Cycle lanes approaching the intersection stop before reaching the intersection. This leaves a substantial area – at a critical point within the intersection - undefined and without any line marking or priority for cyclists.
- **Pedestrian circulation:** Pedestrian crossings are fragmented within the intersection as a result of undefined shape of the intersection and the addition of slip lanes.
- **Lack of legibility:** There is a general lack of legibility and way-finding especially for pedestrian and cyclists, partly as a result of complex vehicle movements.
- **Proclamation Tree:** The current road layout encroaches into the Proclamation Tree's Tree Protection Zone (TPZ). However, the close proximity of the road does not appear to have a negative impact on tree stability or health (reference: Arboricultural Survey – Rev 1, 2016).

Opportunities:

In addition to addressing the Constraints discussed above, this project has an opportunity to improve the understanding, legibility or connection with the following significant heritage attributes in and around the site:

- **Historic city layout:** The historic pattern of Fremantle is based on the walkable and human scale of its public realm network – urban grids that evolved before the impact of the motor car that do not necessarily align with each other. This creates identifiable areas within city and landmarks to assist pedestrians in finding their way around the city. The subject intersection is a great example of original city layout with unaligned streets that used to cater for pedestrian movement - with the Proclamation tree as a focal point.
- **Proclamation Tree:** The Proclamation tree was planted on 21st October 1890, Trafalgar Day, commemorate the granting of a responsible government to the colony of Western Australia.
- **Marmion Memorial:** William Edward Marmion (1845-96) was a member of the first Fremantle Town Council and a member of the state Legislative Council in 1880.
- **Princess May Reserve:** Incorporates the Fremantle Boys School (1854-1915) and the Girls School (1901) from the Convict period of Western Australia's development. Currently the reserve functions as a park and with its historic buildings, mature trees (Sugar Gum and Ficus Trees) and limestone boundary walls - the place has a landmark quality.

Urban Design Principles

The following principles have been developed for upgrading the intersection:

- **Entry Statement/ Gateway:** Create a clear and welcoming arrival experience to the City Centre.
- **Legibility/ Transition:** Simplify and calm movements whilst increasing awareness of cyclist and pedestrian priority at this transition point into the low-speed City Centre environment.
- **Safety:** Improve safety for all road users, especially pedestrians and cyclists.
- **TPZ of Proclamation Tree:** Reducing the pressure/ movement within the TPZ area for future stability and health of the tree.

Design Scenarios – Safe Connectivity for Cyclists

Before arriving at a preferred concept, five design scenarios were investigated and tested against the urban design principles. In all instances, the key challenge came down to how this intersection could be significantly improved for cyclists. Noting that it represents an important transition into a low-speed environment, and given the physical constraints of the road geometry, it became apparent that the best solution for cyclists was to create a high quality shared environment around the entire intersection. (See Attachment 1 for full set of scenario testing.)

Concept Design

Please refer to Attachment 2 for the full Concept Design proposal. In summary, the key components are:

Entry Statement: The section of Adelaide Street from Parry Street up to St Patrick's Basilica Church is narrowed down to two lanes in order to provide additional space for pedestrians and cyclists on both sides of the road. The same section of the road is also raised to create a levelled platform. These changes will provide significant visual cues to vehicle drivers entering Adelaide Street to encourage a reduction in speed - noting that priority is shifting towards pedestrians & cyclists. This sense of priority could be further reinforced by applying materials with rough surfaces on the road to help calm the traffic.

Legibility: Removing two left-turn slip lanes off Parry Street simplifies the intersection design; provides an improvement for pedestrian and cycle movements; and creates an opportunity for new landscaping and public amenity.

Safety: To create a safe and legible crossing network for pedestrians and cyclists, cycle lanes are directed up onto footpath level at the intersection to create a continuous shared use area. In addition to simplifying the movements into something far more legible, this approach also removes some of the risks and conflict points that currently exist between cars and bicycles. To reinforce these new shared crossings, different material to the

road surface could be applied. The design retains the signalised controls for all users; however, the phasing will need to be modified.

Proclamation Tree TPZ: Reducing the width of some of the road carriageways in proximity of the tree will reduce the pressure from vehicle traffic on the root zone.

FINANCIAL IMPLICATIONS

There are no direct financial implications to this report.

It is anticipated that the total project will cost up to \$700,000, depending upon the extent of new hard and soft landscaping. The City is currently seeking funding of \$175,000 through the Perth Bicycle Network program for 2020/21 as a significant funding contribution to the project.

Following more detailed design work on the project, sequencing of construction and staged funding will be investigated –looking at what needs be done in the first instance, and what enhancement works could possibly be delayed, pending funding.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Once traffic modelling has been undertaken and design development completed to ensure the concept design is a buildable and cost-effective solution, the City will consult with the community over the proposal – with specific engagement with local stakeholders in proximity to the intersection.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION ITEM SPD1902-1 **(Officer's recommendation)**

Moved: Cr Dave Hume

Seconded: Cr Jeff McDonald

Council approves the Concept Design for improvements to Queen Victoria Street / Parry Street intersection, as shown in Attachment 2 to the agenda of the Strategic Planning and Transport Committee meeting dated 20 February 2019, for the purpose of further design development and community consultation, noting that the current target year for implementation is 2020/21.

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'S COMMENT

In the light of points raised during debate on this item at the Strategic Planning and Transport Committee meeting, officers have prepared an amended recommendation to clarify the scope of further work to be undertaken on this project.

COUNCIL DECISION SPD1902-1 **(Amended officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council supports a comprehensive urban design approach to improvements to the Queen Victoria Street / Parry Street intersection, noting that further design development will be undertaken beyond the concept design shown in Attachment 2 to the agenda of the Strategic Planning and Transport Committee meeting dated 20 February 2019, prior to community consultation, to address:

- 1. testing of the cycling connectivity/network;**
- 2. alternative graphics to communicate the key aspects of the design, specifically around movement and connectivity for all modes, and the strategic nature of this project.**

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

SPD1902-3 DRAFT LOCAL PLANNING POLICY 2.23 - REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS - OUTCOMES OF ADVERTISING AND FINAL ADOPTION

Meeting Date:	20 February 2019
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Schedule of Submissions with Officer Response 2. Revised Procedure for Administering the Register of Significant Trees and Vegetation Areas

SUMMARY

The City has drafted and undertaken community consultation on a proposed local planning policy relating to the Significant Trees and Vegetation Areas Register. This policy is intended to complement and expand upon existing provisions under Local Planning Scheme No. 4 (LPS4), which give the ability for Council to establish a register and outline procedures for considering potential nominations.

As part of the formulation of this policy it is also proposed that all trees or vegetation areas located on private land, and currently included on the City's Heritage List, be transferred to the new Register. It is also proposed to remove Heritage-listed trees which are located on public land from the Heritage List, with the exception of the Proclamation Tree which is included on the State Heritage Register. Trees which have been physically removed, but are still currently heritage listed as a historical record, are also proposed to be deleted from the Heritage List.

At its meeting on 26 September 2018, Council adopted a draft Local Planning Policy for public consultation, and authorised consultation to be undertaken with relevant land owners and the Heritage Council on the proposed changes to the City's Heritage List. The City subsequently undertook this consultation between 6 November and 4 December 2018, and received 5 responses, generally in support of the proposal. The State Heritage Office also provided a formal response stating no objections to the proposed Heritage List changes.

This report considers submissions received and recommends that Council proceed with and adopt LPP2.23, subject to some minor modifications to the policy as well as the supplementary procedures and appendices. These modifications do not alter the fundamental provisions of the policy as-advertised.

BACKGROUND

As outlined in the previous officer report on this policy (SPT1809 – 2), the City's Local Planning Scheme contains provisions which allow for a Register of Significant Trees and Vegetation Areas to be established, and also outline the consultation procedures to follow in considering a potential new entry on such a Register.

LPS4 includes an exemption under Schedule A which permits, without requiring development approval, the removal of trees and vegetation areas on a site which are not included in a relevant register.

Creation of a significant tree register and development of planning policy around tree protection are recommendations of the City's *Greening Fremantle Strategy* and *Urban Forest Plan*.

At its meeting on 26 September 2018, Council resolved to adopt a draft local planning policy for advertising, which provides the basic framework for establishment and administration of a significant tree and vegetation area register. It outlined criteria for inclusion or removal of trees from the register, as well as providing guidance on the assessment of development applications for registered sites. The report also authorised consultation to be undertaken on proposed changes to the Heritage List to transfer Heritage Listed trees on private property to the new significant tree register, to create a consolidated list of privately located trees considered to be worthy of protection, as well as removing trees on City-controlled (public) land from the Heritage List given their existing protection status under the City's care and control. Trees which have been physically removed in the past, but remain heritage listed, were also proposed to be deleted from the Heritage List (but remain on the MHI for historical record purposes only).

The City has undertaken consultation on both the draft policy and proposed changes to the Heritage List. The outcomes of this consultation as well as further adjustments to the policy are outlined in this report.

CONSULTATION

As per Council's resolution from September 2018, the City undertook community consultation in accordance with *Local Planning Policy 1.3* and the *Planning and Development Regulations 2015* on the draft local planning policy and proposed heritage list changes. This involved writing to all individual property owners who have a tree included on the heritage list, either informing of the proposed deletion of the listing (for removed trees) or transferral of the listing to the new Register. In addition, notice of the local planning policy and heritage list changes were placed on the City's My Say website as well as in the local newspaper. Two community information sessions on the proposal were also held, attended by City officers. An online survey was included on the My Say web page containing specific questions relating to the local planning policy. Responses to these survey questions are included in Attachment 1 (Part 2).

Consultation ran from 6 November to 4 December 2018, at the conclusion of which a total of five (5) submissions were received. Submissions generally indicated a positive response to the proposed policy, however a summary of some of the key comments is provided below:

- The policy is well intentioned, however it ignores practical issues such as overhanging branches and damage that may be caused by trees protected by the register (such as during a storm event).
- Suggestion made that all trees should be included on the register unless 'opted out' by the property owner i.e. removal of any tree would require development approval.
- The assessment criteria for listed trees need to be broad and inclusive.

- Protection of listed trees should be paramount when considering new development on a site. The built environment should consider tree canopy as a priority for new development.
- All respondents agreed that tree retention on private land was highly important in ensuring urban forest preservation and expansion.
- The City should offer subsidies for the caring and upkeep of significant trees as an incentive for nominations, should provide tips on how to care for old native trees, and provide access to arborists for discussion on enhancing existing gardens and native vegetation.
- The City should allow people to plant mature trees on verges to offset the lack of mature trees on private property.

The State Heritage Office also provided a submission on the proposal, which indicated no objections to the proposed changes to the Heritage List.

The City has not received any objections from relevant property owners in relation to the proposed changes to the Heritage List, or in regard to the proposed deletion of trees from the list which have been removed from a site.

For a full summary of the submissions, and additional officer comments in respect to the points raised, please refer to Attachment 1.

OFFICER COMMENT

Given that no comments were received expressing significant concern with the proposed policy or Heritage List changes, including from the State Heritage Office, officers do not propose any significant modification to the draft local planning policy as-advertised. The relatively small number of submissions received on the proposal could indicate that the City has achieved a reasonable balance between the public interest in tree preservation against the private interests of relative autonomy over private property.

Some comment was made on the idea of the removal of all trees on private property requiring development approval, or an 'opt out' approach to the register. This approach is outside the scope of the City's existing scheme provisions. Designation of all trees as 'significant' unless otherwise nominated, via a policy, under the current scheme provisions could not be sustained in a statutory planning context. Amendment to the scheme to enable this type of approach has previously been considered but not pursued in large part because of the resourcing implications.

One submission raised a concern that the registering of large trees on private property could result in an increased risk to personal safety and property damage, such as during a destructive storm event, if their removal was prohibited by the policy. Whilst pertinent, this policy does not intend to override existing legal/civil protections for property owners which deal with these matters, and it is reiterated that the policy provisions have been drafted with flexibility to consider relevant ongoing safety factors during the assessment of nominations and applications for removal. A case in point are the exemptions contained within the last section of the draft policy and Schedule A of Local Planning Scheme No. 4, which allow for 'works' urgently necessary for public safety to be undertaken without a development approval. This clause would address the concern regarding trees causing damage during damaging weather events.

The policy also clarifies that pruning of registered trees or vegetation areas is permitted where it does not constitute removal. Finally, the assessment criteria in the draft policy include consideration of a tree's proximity existing buildings, neighbouring properties and established infrastructure as an assessment factor to take neighbour interface and impacts into account.

Some submissions suggested that the City consider introducing subsidies and providing access to professional advice for property owners of trees on the Register, as an incentive for new nominations and to ensure preservation and upkeep of existing nominated trees. Budget provision is not currently available to support this however this suggestion could be further considered in the future taking into account the ongoing performance of the Register and uptake of nominations. Some information on tree health and management is likely to be made available through the assessment process associated with listing and the City could explore the potential to expand this.

Whilst final adoption of the policy without significant modification is recommended, some minor formatting and wording improvements are proposed to

- Clause 1.1 – Re-word to recognise the need for landowners (*plural*) to make (or formally approve) application for inclusion on the list, to cover situations where multiple owners exist.
- Clause 1.3 – Re-word to clarify that the dot point list of considerations relates specifically to nominated trees or vegetation areas (i.e. not those proposed to be removed).
- Clause 1.6 – Include an additional wording to link to any relevant procedures.

More significantly, deletion of the Botanical/Horticultural criteria stating that nominated trees or vegetation areas may be considered if they have the '*potential*' to become significant is, after careful consideration, recommended. This criterion was added by Council in September 2018. Whilst the intent to extend protection to significant trees of the future is understood, there is little capacity to make an objective judgement on whether many trees will indeed grow to be significant early on in their lifespan, and this criteria is likely to fail very quickly at any legal challenge. Where landowners wish to protect trees on their own property, they are obviously able (and encouraged) to do so without registration. Where landowners are selling property and wish to protect trees on their property, private mechanisms exist to allow this. Inclusion of trees on a register of significant trees when they are clearly not significant, but may simply become so, does not align with the approach established by the scheme or one of the primary drivers of the clause, being to protect existing tree canopy. If Council wish to retain this provision, clearer definition as to how potential significance is determined would be recommended. This might include listing preferred species where suitably located.

Whilst not forming a part of the policy, Council may wish to note that some minor refinements to the wording and formatting of the associated procedure and application form are also proposed. These include creation of sub-headings and inclusion of some additional detail within the procedure and adding additional detail on the nomination form to clarify the method of measuring tree circumference. The revised documents are provided at Attachment 2 for Council's information.

With the above comments in mind, and considering the submissions received during the advertising process, it is recommended that Council adopt the local planning policy with minor modifications as outlined in the recommendation, authorise officers to formally establish the new Register and update the modifications recommended to the Heritage List.

FINANCIAL IMPLICATIONS

As noted in the previous report, arborist reports relating to nominations or modifications to the register are estimated to cost in the order of \$500 each. There is no annual operating budget for this work and budget may have to be allocated in the future. It is noted that the commissioning of an arborist report by the City may not be required in every instance of a new nomination or request for physical removal.

LEGAL IMPLICATIONS

The Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local schemes allow for the City to prepare and adopt local planning policies: *“In respect of any matter related to the planning and development of the Scheme area.”*

It is reiterated that this local planning policy is not intended to conflict or interact with any existing protections under civil legislation which might apply to property owners in relation to property safety and damage considerations.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

COMMITTEE RECOMMENDATION ITEM SPD1902-3
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Note the submissions received as detailed in the Officer's report and Attachment 1.
2. Adopt Local Planning Policy 2.23 – 'Register of Significant Trees and Vegetation Areas', with modification, in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 part 2 clause 4, as shown below:

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.23

REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS

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

AUTHORITY: LOCAL PLANNING SCHEME NO.4 and PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

STATUTORY BACKGROUND

The Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 are to be read as though part of City's Local Planning Scheme (LPS4).

Clause 67 of the Deemed Provisions defines matters to be considered by local government in determining a development application and includes, amongst other things:

- *whether any trees or vegetation should be preserved; and*
- *any local planning policy for the Scheme area.*

Clause 3 of the Deemed Provisions allows local government to prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.

LSP4 permits tree and vegetation removal on private land without approval unless the tree or vegetation is identified on a significant tree or vegetation register:

6.12 Schedule A – Supplementary provisions to the deemed provisions.....

Clause 61 Note: Development that does not require the approval the Council....

- (k) Removal of trees or vegetation areas except where trees and vegetation areas are identified in the register of significant trees or vegetation areas.*

Schedule A of LPS4 makes provision for Council to create and maintain a register:

Clause 13A Conservation of Significant Trees or Vegetation Areas

- (1) The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions*

of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.

- (2) In considering a proposal to include a place on the register of significant trees, the Council shall -
- (a) notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 and the reasons for the proposed entry,
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice,
 - (c) carry out such other consultations as it thinks fit, and
 - (d) consider any submissions made and resolve to enter the place on the register of significant trees with or without modification or reject the proposal after consideration of the submissions.

This policy applies as a Local Planning Policy prepared under Clause 3 of the Deemed Provisions.

PURPOSE

The purpose of this policy is to:

- *Define criteria for the inclusion or removal of trees and vegetation areas on the Significant Trees and Vegetation Areas Register ('the Register').*
- *Provide guidance for the assessment of development applications for sites including trees and vegetation areas listed on the Register.*

APPLICATION

This policy applies to land subject to the provisions of LPS4. Land and development outside the control of LPS4 (including works on reserved land by a public authority) are not bound by the provisions of LPS 4 or this policy and so there is a presumption against inclusion of trees and vegetation areas on the Register which are not on zoned land.

POLICY

1. Criteria for Inclusion on Significant Trees and Vegetation Areas Register

- 1.1 *Nominations for trees or vegetation areas must be authorised by the owner(s) of the land on which the tree is located at the time of nomination.*
- 1.2 *Nominations will be assessed against the following criteria:*
- a) *Healthy specimen with ongoing viability.*
 - b) *Species not a weed of national interest.*
 - c) *Particular significance based on at least one of the following:*
 - i. *Botanic/Horticultural value*
Tree(s) or vegetation may:
 - *be a rare or endangered species;*
 - *be of a significant size or specimen for its species; or*

- *have special scientific value.*

ii. Visual/Aesthetic/Landmark value

Tree(s) or vegetation may:

- *have significant visual and aesthetic qualities e.g. size/form/shape/ colour/texture; or*
- *create a significant landmark.*

iii. Heritage value

Tree(s) or vegetation may:

- *be of high cultural heritage significance defined against historic, social, spiritual, rarity and representativeness values.*

iv Ecological value not otherwise protected through environmental legislation

Tree(s) or vegetation may:

- *provide significant habitat and/or seed source;*
- *represent remnant pre-European tree or vegetation;*
- *have special ecological significance; or*
- *provide substantial canopy cover.*

1.3 In assessing the ongoing viability of the nominated tree / vegetation, consideration may be given to the following:

- *The development potential of the site and prospects for retaining the tree or vegetation in future development.*
- *Proximity to and impact on buildings and / or infrastructure.*
- *Proximity to boundary and impact on neighbouring property.*
- *The root structure and attributes of the plant and its propensity to be affected by changes to the environment outside the lot boundaries (e.g. development on neighbouring land).*

Trees with a limited prospect of long term retention or lifespan will not be included.

1.5 In assessing the ecological value of trees and vegetation areas, consideration will be given to proximity to recognised ecological linkages or biodiversity corridors.

1.6 Nominations for inclusion, and requests for removal of trees and vegetation areas from the Register made independent of a development application will be assessed annually, in accordance with any applicable procedure.

2. Development Application for Sites including a Tree / Vegetation Area on the Register

2.1 Development shall avoid detrimental impact on the registered tree / vegetation where feasible.

- 2.2 *Applications to remove a tree or vegetation area on the Register not associated with other development will be assessed against the criteria and considerations listed in 1 above. Withdrawal of the support of the owner of the land (or subsequent owner of the land) will not be considered sufficient reason for removal.*
- 2.3 *Applications for other forms of development involving or likely to result in removal of a tree or vegetation areas on the Register will be considered under the following circumstances:*
- (i) *Where retention is likely to cause damage or injury to infrastructure, services, buildings or health and safety*
Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree/vegetation roots and/or branches are likely to cause damage or injury to –
- a. water, stormwater, power, gas, telecommunications or sewer lines, or*
 - b. the structural integrity of a building or structure of value, or*
 - c. the safe and efficient operation of an existing public road, private road, right-of-way, or formed accessway, or the integrity of a base course of an existing public road, private road, right-of-way, or formed vehicle accessway; or*
 - d. health and safety of a person/s; and*
 - e. all other reasonable remedial treatments have been determined to be ineffective.*
- (ii) *Where the tree or vegetation is structurally unsound or in poor health*
Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree / vegetation is:
- a. imminently dangerous (refer Exempted Development below); or*
 - b. in poor health with a low chance of survival; and*
 - c. all other reasonable remedial treatments have been determined to be ineffective.*
- (iii) *Where the retention of tree/vegetation on a development site would preclude permissible development*
Tree/vegetation removal is permissible where it has been clearly demonstrated that the location of the tree / vegetation:
- a. renders development of the site in accordance with its zoned purpose unfeasible.*
- 2.3 *In assessing proposals, applicants may be requested to provide professional evidence such as an arboricultural report or a structural engineers report demonstrating compliance with the above criteria.*
- 2.4 *Where removal is supported, replacement of the tree or vegetation in a suitable location may be sought as a condition of approval.*
- 2.5 *Development on lots containing registered tree or vegetation shall comply with AS 4970 – 2009 Protection of trees on development sites.*

ADVISORY NOTES:

Exempt Development: Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment is exempt from the requirement to obtain development approval under LPS4.

Demonstration of compliance with this definition may be sought where works are undertaken without approval.

Pruning: Pruning of a tree or vegetation on the Register is permitted where it does not constitute removal. Pruning is encouraged to comply with Australian Standards (AS 4373- 2007 Pruning of amenity trees) and may:

- (i) Involve removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or*
- (ii) Address risk to public or private safety where other alternatives are not viable; or*
- (iii) Address damage to buildings or structures of value where other alternatives are not viable; or*
- (iv) Maintain the aesthetic appearance and structural integrity of the tree or vegetation.*

3. Authorise for the following revisions to be undertaken to the City's Heritage List and Municipal Heritage Inventory:

- a) delete the following established trees and vegetation areas from the Heritage List and place them on the Register of Significant Trees and Vegetation Areas:
 - Tree, 11 Harvest Road, North Fremantle
 - Trees, 15 Harvest Road, North Fremantle
 - Tree Grove, 21 Harvest Road, North Fremantle
 - Trees, 45 Henderson Street, Fremantle
 - Moreton Bay Fig, 195 High Street, Fremantle
- b) delete the following removed trees and vegetation areas from the Heritage List and reclassify each as a historical record on the Municipal Heritage Inventory:
 - 1 Bannister Street, Fremantle
 - 8 John Street, North Fremantle
- c) delete all trees and vegetation areas on public land from the Heritage List, with the exception of the Proclamation Tree which is included on the State Register of Heritage Places, and transfer their record to the City's internal tree asset register or reserve master plans, as applicable.

4. Formally call for nominations for trees and vegetation areas for inclusion on the Significant Trees and Vegetation Areas Register, and undertake formal assessment of those nominations previously submitted.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Dave Hume

Amend Clause 1.2 (c) of the draft policy as outlined in recommendation 2 to include the following additional criterion (v):

- (v) The potential of a juvenile tree to become significant by virtue of height at maturity, native food source and rarity. Species will only to be considered if endemic to the area, listed in the Urban Forest Plan and a minimum of 6m of height.

Amendment carried: 12/1

For

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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, Cr Dave Hume

Against

Cr Jon Strachan

COUNCIL DECISION ITEM SPD1902-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. Note the submissions received as detailed in the Officer's report and Attachment 1.
2. Adopt Local Planning Policy 2.23 – 'Register of Significant Trees and Vegetation Areas', with modification, in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 part 2 clause 4, as shown below:

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.23

REGISTER OF SIGNIFICANT TREES AND VEGETATION AREAS

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

AUTHORITY: LOCAL PLANNING SCHEME NO.4 and PLANNING AND
DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS
2015

STATUTORY BACKGROUND

The Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 are to be read as though part of City's Local Planning Scheme (LPS4).

Clause 67 of the Deemed Provisions defines matters to be considered by local government in determining a development application and includes, amongst other things:

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Clause 3 of the Deemed Provisions allows local government to prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.

LSP4 permits tree and vegetation removal on private land without approval unless the tree or vegetation is identified on a significant tree or vegetation register:

6.12 Schedule A – Supplementary provisions to the deemed provisions.....

Clause 61 Note: Development that does not require the approval the Council....

- (k) Removal of trees or vegetation areas except where trees and vegetation areas are identified in the register of significant trees or vegetation areas.

Schedule A of LPS4 makes provision for Council to create and maintain a register:

Clause 13A Conservation of Significant Trees or Vegetation Areas

- (1) The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.
- (2) In considering a proposal to include a place on the register of significant trees, the Council shall -
 - (a) notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 and the reasons for the proposed entry,
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice,
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PURPOSE

The purpose of this policy is to:

- Define criteria for the inclusion or removal of trees and vegetation areas on the Significant Trees and Vegetation Areas Register ('the Register').
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This policy applies to land subject to the provisions of LPS4. Land and development outside the control of LPS4 (including works on reserved land by a public authority) are not bound by the provisions of LPS 4 or this policy and so there is a presumption against inclusion of trees and vegetation areas on the Register which are not on zoned land.

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1.2 Nominations will be assessed against the following criteria:

- a) Healthy specimen with ongoing viability.
- b) Species not a weed of national interest.
- c) Particular significance based on at least one of the following:
 - i. Botanic/Horticultural value
Tree(s) or vegetation may:
 - be a rare or endangered species;
 - be of a significant size or specimen for its species; or
 - have special scientific value.
 - ii. Visual/Aesthetic/Landmark value
Tree(s) or vegetation may:
 - have significant visual and aesthetic qualities e.g. size/form/shape/ colour/texture; or
 - create a significant landmark.
 - iii. Heritage value
Tree(s) or vegetation may:
 - be of high cultural heritage significance defined against historic, social, spiritual, rarity and representativeness values.
 - iv Ecological value not otherwise protected through environmental legislation
Tree(s) or vegetation may:
 - provide significant habitat and/or seed source;
 - represent remnant pre-European tree or vegetation;
 - have special ecological significance; or
 - provide substantial canopy cover.
 - v. *The potential of a juvenile tree to become significant by virtue of height at maturity, native food source and rarity. Species will only to be considered if endemic to the area, listed in the Urban Forest Plan and a minimum of 6m of height.*

1.3 In assessing the ongoing viability of the nominated tree / vegetation, consideration may be given to the following:

- The development potential of the site and prospects for retaining the tree or vegetation in future development.
- Proximity to and impact on buildings and / or infrastructure.
- Proximity to boundary and impact on neighbouring property.
- The root structure and attributes of the plant and its propensity to be affected by changes to the environment outside the lot boundaries (e.g. development on neighbouring land).

Trees with a limited prospect of long term retention or lifespan will not be included.

1.4 In assessing the ecological value of trees and vegetation areas, consideration will be given to proximity to recognised ecological linkages or biodiversity corridors.

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2.3 Applications for other forms of development involving or likely to result in removal of a tree or vegetation areas on the Register will be considered under the following circumstances:

- (i) Where retention is likely to cause damage or injury to infrastructure, services, buildings or health and safety**
Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree/vegetation roots and/or branches are likely to cause damage or injury to –
- a. water, stormwater, power, gas, telecommunications or sewer lines, or**
 - b. the structural integrity of a building or structure of value, or**
 - c. the safe and efficient operation of an existing public road, private road, right-of-way, or formed accessway, or the integrity of a base**

course of an existing public road, private road, right-of-way, or formed vehicle accessway; or
d. health and safety of a person/s; and
e. all other reasonable remedial treatments have been determined to be ineffective.

(ii) Where the tree or vegetation is structurally unsound or in poor health

Tree/vegetation removal is permissible where it has been clearly demonstrated that the tree / vegetation is:

- a. imminently dangerous (refer Exempted Development below); or
- b. in poor health with a low chance of survival; and
- c. all other reasonable remedial treatments have been determined to be ineffective.

(iii) Where the retention of tree/vegetation on a development site would preclude permissible development

Tree/vegetation removal is permissible where it has been clearly demonstrated that the location of the tree / vegetation:

- a. renders development of the site in accordance with its zoned purpose unfeasible.

2.4 In assessing proposals, applicants may be requested to provide professional evidence such as an aboricultural report or a structural engineers report demonstrating compliance with the above criteria.

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2.6 Development on lots containing registered tree or vegetation shall comply with AS 4970 – 2009 Protection of trees on development sites.

ADVISORY NOTES:

Exempt Development: Works urgently necessary for public safety, safety or sectary of plant or equipment, maintenance of essential services, or protection of the environment is exempt from the requirement to obtain development approval under LPS4. Demonstration of compliance with this definition may be sought where works are undertaken without approval.

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- (i) Involve removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or**
- (ii) Address risk to public or private safety where other alternatives are not viable; or**
- (iii) Address damage to buildings or structures of value where other alternatives are not viable; or**
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- 3. Authorise for the following revisions to be undertaken to the City's Heritage List and Municipal Heritage Inventory:**
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- 4. Formally call for nominations for trees and vegetation areas for inclusion on the Significant Trees and Vegetation Areas Register, and undertake formal assessment of those nominations previously submitted.**

Carried: 12/1

For

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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, Cr Dave Hume**

Against

Cr Jon Strachan

SPD1902-5 CITY CENTRE LAND USE MIX

Meeting Date: 20 February 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

In December 2017, Council resolved to request that officers prepare a draft local planning policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as a Tavern or Hotel within the City Centre zone. Various options were considered but no policy finalised. More recent discussions with elected members have identified a broader concern with the maintenance of an appropriate land use mix in the City Centre. The purpose of this report is to consider this issue and propose a framework through which the concern might be addressed. The report recommends that Council authorise officers to prepare a new local planning policy broadly outlining its land use objectives for the City Centre, and prepare a parallel amendment to the planning scheme to transfer the current 'Fremantle-specific' development exemptions framework in the scheme into a local planning policy, to allow land use exemptions within the City Centre to be refined to reflect Council's objectives.

BACKGROUND

On 13 December 2017, Council resolved:

Council request that the administration prepare a draft Local Planning Policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as Tavern or Hotel within the City Centre zone. This policy shall not address issues ordinarily dealt with through the Liquor Licensing process but shall consider relevant planning issues and specifically include consideration of the proportion of the licenses area to the site area occupied by other proposed uses, with a view to ensuring new proposals include an appropriate mix of complementary land uses. (N1712-1, see attachment 1)

The reason for the request was to provide greater guidance in the exercise of discretion in the determination of planning applications for new Tavern or Hotel uses within the City Centre zone. The resolution was passed following receipt and consideration of a number of applications involving reasonably substantial licensed areas and a public concern expressed through submissions on them that Fremantle might become dominated by alcohol-based uses to the detriment of its function and character.

Options for a policy were discussed with elected members at an informal forum in February 2018 and draft policies considered by Council in May, June and July but were deferred. Subsequent discussion on this matter has indicated a broader concern with the maintenance of an appropriate land use mix within the City Centre. The purpose of this report is therefore to consider that issue and propose a framework through which it might

be addressed (to the extent that is feasible and appropriate within the land use planning legislative system currently operating in WA).

Existing Planning Framework

The Strategic Community Plan identifies a clear vision for Fremantle as a 'destination city', with more people living in, working in and visiting the city.

The Local Planning Strategy (2001) recommends that the City Centre be developed as a major regional centre and town centre for local residents with a 'diversified, balanced and compatible mix of land uses ...that provides for the cultural, social and economic needs of the local population, workers and visitors'. It recommends the development of functional land use precincts and provides direction on preferred uses within these. The Strategy informed the preparation of the current local planning scheme but is in need of review.

The City's Local Planning Scheme indicates that development within the City Centre zone should "*provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role for the centre and including residential uses...*"

State Planning Policy 4.2 (Activity Centres for Perth and Peel) (SPP4.2) identifies Fremantle as a Strategic Metropolitan Centre (1 of 10) which are intended to be "*the main regional activity centres. They are multi-purpose centres that provide a diversity of uses. These centres provide the full range of economic and community services necessary for the communities in their catchment*". They are intended to include a range of retail (including department stores, discount department stores, supermarket and a full range of speciality shops), office development (including major offices, state government agencies) and service a population of between 150,000 and 300,000.

The SPP includes a land use diversity performance target which suggest that, for a centre of above 20,000m² of shop retail floorspace (such as Fremantle), retail floorspace should be a maximum of 40% of the centre's total floorspace. Given that Fremantle's office floorspace is nearly double its retail floorspace, this target is easily met. (It also demonstrates the superficiality of the measure which was formulated, it is understood, with newer, more retail based shopping centres in mind as a tool to promote more mixed use development of these as they expand).

The SPP also promotes inclusion of community, civic and cultural facilities in larger (district and above) centres, and incorporation of residential densities meeting defined density targets of a minimum of 30 dwellings per hectare and a target of 45 dwellings per hectare.

The City's planning scheme defines a range of land uses and designates these as either P (permitted), D (discretionary), A (discretionary, requiring public consultation) or X (not permitted). Uses can also sometimes be deemed incidental to the predominant use. Most land uses other than industrial uses are discretionary or permitted in the City Centre zone.

Council can adopt a policy to guide it in the determination of discretionary planning applications (e.g. those involving D or A land uses). Currently in the City Centre zone D and A uses include:

Convention Centre, Health studio, Nursery, Trade Display, Veterinary Hospital, Liquor Store, Restricted Premises, Motor Vehicle, Boat or Caravan Sales, Petrol Filling Station, Amusement Parlour, Hotel, Licenced Premises – Other, Night Club, Public Amusement, Restaurant, Short Stay Dwelling, Small Bar, Tavern, Tourist Accommodation, Child Care Premises, Educational Establishment, Family Day Care, Funeral Parlour and Hospital.

However, under an initiative to reduce ‘red tape’, in 2013 the City amended the planning scheme to make a change in use to Shop, Office, Restaurant, Small Bar and Consulting Rooms uses exempt from requiring approval in the City Centre zone.

Permitted uses include:

Bank, Exhibition Centre, Hardware Store, Market, Office, Showroom, Veterinary Consulting Rooms, Convenience Store, Lunch Bar, Shop, Consulting Rooms, Medical Centre, Betting Agency, Cinema Theatre, Club Premises, Fast Food Outlet, Motel, Private Recreation, Reception Centre, Civic Use, Community Purpose and Place of Worship.

OFFICER COMMENT

Issue of Concern

In an active urban centre, land use mix will constantly evolve as individual businesses come and go, and economic, demographic and other trends influence commercial activity. Fremantle established as an active port and town centre providing a range of commercial, retail, administrative, entertainment and community uses from the 19th century. It has also traditionally incorporated residential uses. The changing economic context has seen a decline in many traditional uses as the functions of the port changed, corporate centralisation occurred and office and residential populations consequently reduced. The rise of suburban shopping centres and chain retail, and more recent global shopping trends including on-line shopping have seen a reduction in retail tenancies. Changing community spending patterns, evolution of the socio-economic character of Fremantle’s catchment and the increasing appeal and promotion of Fremantle as a ‘lifestyle’ and tourist destination have seen a rise in hospitality uses, notably food and beverage outlets such as cafes, restaurants, breweries, distilleries and small bars.

The City’s economic development strategy recognises the multiple roles the city centre plays, providing a retail and service centre to local residents, higher order shopping and services to a larger regional catchment, a strong tourism focus (all population-driven industries), a focus for knowledge-based, arts and creative industries, and retention of port related uses and businesses. It takes a pro-active approach to promoting investment and visitation to Fremantle, in contrast to the regulatory nature of the statutory planning regime.

Recent concern expressed relates to the potential for predominance of certain land uses over others to create an imbalance or monoculture to the detriment of the overall health of the city centre, and/or the character of particular streets. The growth in food and beverage outlets, for example, has in some locations become quite dominant, replacing

many of the other uses which used to make up a more diverse street fabric. Whilst such uses are a vital component of the City's character and economy, concern has been expressed this should be managed to avoid undermining the diverse and fine grain fabric of the traditional city centre.

Particular concern has been expressed in relation to Market Street and High Street, which have seen a reduction in traditional retail uses at ground floor and an increase in hospitality uses, potentially representing an extension of the character of the South Terrace 'Cappuccino Strip' to these more traditionally retail and mixed commercial based streets.

Proposed Approach

A number of approaches are available to 'manage' land use mix, from the pro-active promotion of economic development strategies and business support initiatives, city-design initiatives which influence placement, to strategic and statutory planning approaches. A combination is generally most successful, with recognition of the statutory and practical limitations of the City's role necessary as well. (A traditional centre such as Fremantle with complex patterns of urban form and property ownership is very different form a 'big box' retail centre where a single owner/managing body can exercise a high degree of detailed control over tenancy mix).

As previously outlined, Council ultimately has the option of refusing discretionary land uses where it is of the view that these are inconsistent with the objectives of the scheme and zone, and/or have other demonstrably adverse impacts in planning terms (e.g. impact on local amenity). A policy can assist in guiding such decisions. There are, however, limitations to this approach as the planning system was not designed to exercise very fine grained control over land use and tenancy mix. Refusal of applications (rather than encouragement of the 'right' applications) should also be viewed as the last resort in promoting land use mix, particularly in a challenging economic climate.

Stipulation of any kind of formula for land use mix can be challenging, particularly in a changing and competitive economy. This approach also needs to respond to the variations in character and land use focus (or 'precincts') across the centre, adding further complexity. A simpler and less resource-intensive (though also less nuanced) alternative might be to elaborate on Council's land use objectives for the City Centre in a more generic policy and to give increasing consideration to land use mix and patterns in the assessment of discretionary applications. This could be built on over time, as other priority policy initiatives are completed.

To enable this approach, it would be necessary to ensure that land uses at risk of undue predominance or very localised over-concentration are subject to determination by Council and are not automatically permitted.

If Council wishes to pursue this approach, the following specific actions would be required:

1. Adoption of a local planning policy setting out land use objectives for the city centre and considerations for assessing applications for discretionary land uses in the City Centre zone, focusing on maintaining and promoting a balanced mix of land use diversity in the centre.
2. Amendment of the local planning scheme to delete current 'Fremantle-specific' exempt development provisions from the scheme and transfer those provisions into a local planning policy (separate from the policy referred to in 1 above). Inclusion within a policy would enable simpler, quicker adjustments to be made to the categories of development/uses exempted from requiring planning approval.
3. Adoption of a local planning policy as referred to in 2 above, defining Fremantle-specific categories of development/uses exempted from requiring planning approval under the local planning scheme.
4. Amendment of the local planning scheme (separate from the scheme amendment referred to in 2 above) to change the land use permissibility of certain uses which are currently Permitted ('P') uses in the City Centre zone (and therefore exempt from requiring planning approval) to Discretionary ('D' or 'A'). This would make such uses subject to approval through an application which could be assessed against the policy referred to in 1 above.

These actions are explained in more detail below.

City centre uses planning policy (action1)

Should Council agree that it wishes to further define its position in relation to land use mix in the City Centre in a broad statutory planning policy, it is suggested that the policy be based on the following key elements:

- Fremantle is recognised as Perth's second city, and the city performs multiple important roles including:
 - Port support centre
 - Regional service, education and employment centre
 - Regional retail and entertainment centre
 - Local shopping, service and town centre
 - Major tourism destination
 - Mixed use residential neighbourhood
 - Focus for boutique industries including the arts, creative and knowledge industries.
- Fremantle City Centre is based on a traditional model of town centre development and is characterised by a diverse mix of retail, commercial, port, residential, civic, cultural and tourism related uses, and quality natural and built heritage features. The City Centre's character, diversity and heritage represent intrinsic values which the council wishes to maintain.

- Council wishes to accommodate sustainable new development that meets the needs of a major activity centre in the 21st century and assist the centre's continued ability to perform its many functions within a contemporary economic context while balancing the protection of those special features that make Fremantle quintessentially 'Freo'.
- In considering new discretionary land use proposals, Council will consider how these proposals contribute to the above objectives for the City Centre and its continued performance and diversity.
- Council will not support the concentration of multiple similar discretionary land uses in any specific street or area where this undermines the City Centre's ability to function in line with the above objectives, or the ability for other traditional land uses to continue or re-establish as part of a functional mixed use environment.

If Council supports the overall approach recommended in this report, officers will draft a local planning policy based on the above principles for further consideration by Council.

Transfer of exempt development/uses provisions from scheme to policy (actions 2 and 3)

This could be relatively simply achieved by modification to the Scheme to remove the exemptions currently contained in clause 61 within 6.12 Schedule A of the Scheme, and relocation of its content to a policy. Dealing with exempt development through a local planning policy has, since 2015, been provided for under the 'Deemed Provisions' in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* (the Regulations). Because of its administrative nature and alignment with the Regulations, a scheme amendment to transfer exempt development provisions from the scheme into a local planning policy would be classified as a 'Basic' amendment under the Regulations, meaning that public advertising of the amendment prior to its referral to the WAPC is not automatically required.

Refinement of the exemptions for particular uses within the policy is then a relatively straightforward process, as it only involves amendments to a policy which is a process entirely within the Council's jurisdiction (unlike a scheme amendment which is a longer, more complex process requiring a final decision by the Minister for Planning on advice from the WAPC). An advantage of this approach is that it enables more nimble modification of the policy from time to time to exempt (or remove from exemption) other uses/development as the need arises (e.g. Container Deposit Scheme Infrastructure, as discussed in a separate report on this agenda).

If this approach was adopted, it would include the transfer into a local planning policy of the current scheme provision exempting a change in use to Shop, Office, Restaurant, Small Bar and Consulting Room uses from requiring approval in the City Centre zone. Any subsequent modifications to these exemptions as part of the suggested new policy could be limited to particular areas/streets of concern. For example, the current exemption for a change of use to a Restaurant might be modified so that it no longer applies to properties in Market Street or High Street, but continues to apply elsewhere in the City Centre zone. This might help to strike a balance between greater control over certain uses with the City's broader efforts to streamline approvals processes and encourage investment. If Council supports this approach in principle, officers recommend

that the detail of any changes to current exemptions for particular uses and/or locations should be dealt with in a further report to Council setting out the draft content of the proposed policy.

Scheme amendment to change some Permitted uses to Discretionary (action 4)

To fully implement the recommended approach, Council would also need to ensure that any uses of concern (in terms of the impacts of their over-concentration) are not already classified as 'Permitted' under the local planning scheme (and thus exempt from planning control). Because the overall classification of land use permissibility in different zones is contained in a standardised part of the scheme prescribed by the Regulations, any change to this classification would require a scheme amendment that would not be accepted by the WAPC as a 'Basic' amendment. This would consequently be better advanced separately to actions 1 to 3 above, and could be undertaken at a later date. Uses which Council may potentially wish to make Discretionary (rather than Permitted) previously identified by the City's officers include Fast Food Outlet (to give this use the same level of discretionary permissibility as Restaurant land uses, for consistency reasons).

However, before proceeding with this action officers consider it would be prudent to informally discuss with the Department of Planning, Lands and Heritage the WAPC's likely view on the classification on such an amendment, as this could have implications for how the amendment might be progressed and the scope of matters dealt with in the amendment. The outcome of these discussions could be included in a further report on a review of the current levels of land use permissibility, so that the implications of making any changes can be fully considered before Council decides whether to proceed to initiate a scheme amendment for this purpose.

FINANCIAL IMPLICATIONS

The preparation of a basic scheme amendment and policy could be undertaken in house.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Consultation is required in the formulation of local planning policies 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 SPD1902-5
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council endorse the following actions being taken to address the issue of maintaining an appropriate land use mix in Fremantle city centre, and request officers to prepare further reports on each action for consideration by the Strategic Planning and Transport Committee:

- 1. Preparation of a draft Local Planning Policy recognising the multiple complimentary functions of the City Centre, encouraging their maintenance and promoting continued land use diversity within the city centre.**
- 2. Preparation of a basic category amendment to the local planning scheme to transfer the provisions of clause 61, Schedule A (Supplementary provisions to the deemed provisions) of the scheme which identifies types of development and changes of use not requiring development approval into a local planning policy (as provided for in the Deemed Provisions of the Planning and Development (Local Planning Schemes Regulations 2015)).**
- 3. Preparation of a draft Local Planning Policy defining Fremantle-specific exemptions from the requirement to obtain development approval, based on the current scheme provisions referred to in (2) above, but also including further additions or alterations to categories of exempt development. The draft policy may include restrictions on locations within the City Centre zone where provisions exempting certain changes of use from requiring approval shall apply.**
- 4. Review of the current levels of permissibility of land uses in the City Centre zone as contained in Table 1 – Zoning of Local Planning Scheme No. 4, for the purpose of considering whether to initiate a scheme amendment to change some current ‘P’ (Permitted) uses to discretionary (‘D’ or ‘A’) uses.**

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

**SPD1902-6 LOCAL PLANNING POLICY 3.20 - FREO ALTERNATIVE -
FINALISATION**

Meeting Date: 20 February 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The 'Freo Alternative' diverse housing Local Planning Scheme Amendment No. 63 has recently been gazetted incorporating a series of minor modifications required by the Minister for Planning. Updates to the associated Local Planning Policy 3.20 are consequently required to reflect the changes to the Scheme Amendment (including some reduction in the areas to which the provisions apply).

This report recommends that Council adopt the revised Local Planning Policy 3.20 reflecting the gazetted amendment provisions and minor grammatical corrections.

BACKGROUND

On 28 March 2018, Council considered the comments received on Local Planning Scheme Amendment No. 63 (Freo Alternative) and the associated local planning policy and resolved to adopt the Amendment in a modified form and request the Minister for Planning to grant it final consent (SPT1803-1). Council also resolved to adopt the associated Local Planning Policy 3.20 – Special Control Area Provisions for Infill Development to complement the Amendment (subject to its finalisation).

The Amendment was considered by the Minister for Planning late last year, who specified a series of minor modifications she required to it, including to:

1. Modify (slightly reduce) the areas to which it applies;
2. Designate the Special Control Area on the Scheme Map;
3. Incorporate a 5 year 'sunset' clause;
4. Make a series of minor rewording and administrative changes.

The Amendment (incorporating the modifications required by the Minister) was gazetted on 12 February 2019.

OFFICER COMMENT

Whilst the modifications to the scheme amendment required by the Minister are largely minor in nature, they do require related updating of the associated Local Planning Policy to ensure alignment and consistent terminology between the two documents. Updates to the policy have consequently been drafted and are submitted to Council for final approval. This has been done at the earliest possible date following gazettal of the scheme amendment, to ensure that the scheme and policy provisions can come into operation concurrently to enable development applications reliant upon these provisions to be assessed efficiently and effectively.

Several very minor grammatical corrections have also been incorporated.

As the modifications do not alter the policy direction originally adopted and are essentially administrative in nature, consultation is not required under Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The procedure for the development and adoption of local planning policies is stipulated in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Local Planning Policies may not conflict with the associated Local Planning Scheme.

CONSULTATION

As the modifications do not alter the policy direction originally adopted and are essentially administrative in nature, consultation is not required under Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM SPD1902-6
(Committee recommendation)

Moved: Cr Rachel Pemberton

Seconded: Cr Dave Hume

Council adopt Local Planning Policy 3.20 incorporating minor modifications to reflect the gazetted version of Amendment 63 to Local Planning Scheme No. 4 and minor grammatical corrections as follows:



CITY OF FREMANTLE

LOCAL PLANNING POLICY 3.20

SPECIAL CONTROL AREA PROVISIONS FOR SMALL INFILL DEVELOPMENT

ADOPTION DATE: 28 MARCH 2018
AMENDED DATE: X FEBRUARY 2019
AUTHORITY: PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 & LOCAL PLANNING SCHEME NO. 4

PURPOSE

The purpose of this policy is to complement the planning controls set out in Local Planning Scheme No. 4 (LPS4) Clause 5.7 - *Special control area provisions for small infill development*. The purpose of these controls is to allow for an alternative development type, in select areas, that provides for smaller dwelling options to what would normally be available under the conventional zoning and density (R-Code).

APPLICATION

This policy applies to areas designated on the scheme map of LPS4 as Special Control Area 5.7 (SCA 5.7). These areas are also indicated in Part 1 (Location) of this policy.

The policy is set out in the themes derived from the community engagement on the 'Freo Alternative' (refer to Figure 1). The Freo Alternative was a community engagement process that ran in late 2016, exploring the idea of smaller housing in Fremantle with the community. Each theme derived from the Freo Alternative has an objective which needs to be met. The deemed-to-comply criteria are one way to achieve the objective. The design principles are an alternative way of meeting the theme's objective. For some themes additional guidance is provided. Note: not all themes have deemed-to-comply, design principles or design guidance.

Policy Key

DEEMED-TO-COMPLY – The requirement to meet the objective

DESIGN PRINCIPLES – An alternative way to meet the objective

DESIGN GUIDANCE – Guidance on how to meet the deemed-to-comply requirement

STATUTORY BACKGROUND

Clause 5.7 in LPS4 sets out the requirements for development under this policy.

Where not provided for in this policy all definitions are as per LPS4 or the Residential Design Codes of WA (R-Codes).

There are other planning provisions that apply to development within Special Control Area 5.7, which should be recognised and understood as part of the application process. Other applicable planning documents will include:

- Part 5 of the R-Codes, with the exception of the following:
 - Part 5.1.1 – Site area;
 - Part 5.1.3 – Lot boundary setback (rear setback calculation only);
 - Part 5.1.4 – Open space;
 - Part 5.1.5 – Communal open space;
 - Part 5.2.1 – Setback of garages and carports (specific provisions only);
 - Part 5.3.1 – Outdoor living areas;
 - Part 5.3.3 – Parking (specific provisions only); and
 - Part 5.3.5 – Vehicular access (specific provisions only).
- Local Planning Scheme No.4.
- Other local Planning policies relating to development control; such as *LPP 2.4: Boundary Walls in Residential Development*, *LPP 2.8: Fences Policy* and *LPP 2.9: Residential Streetscape Policy*.

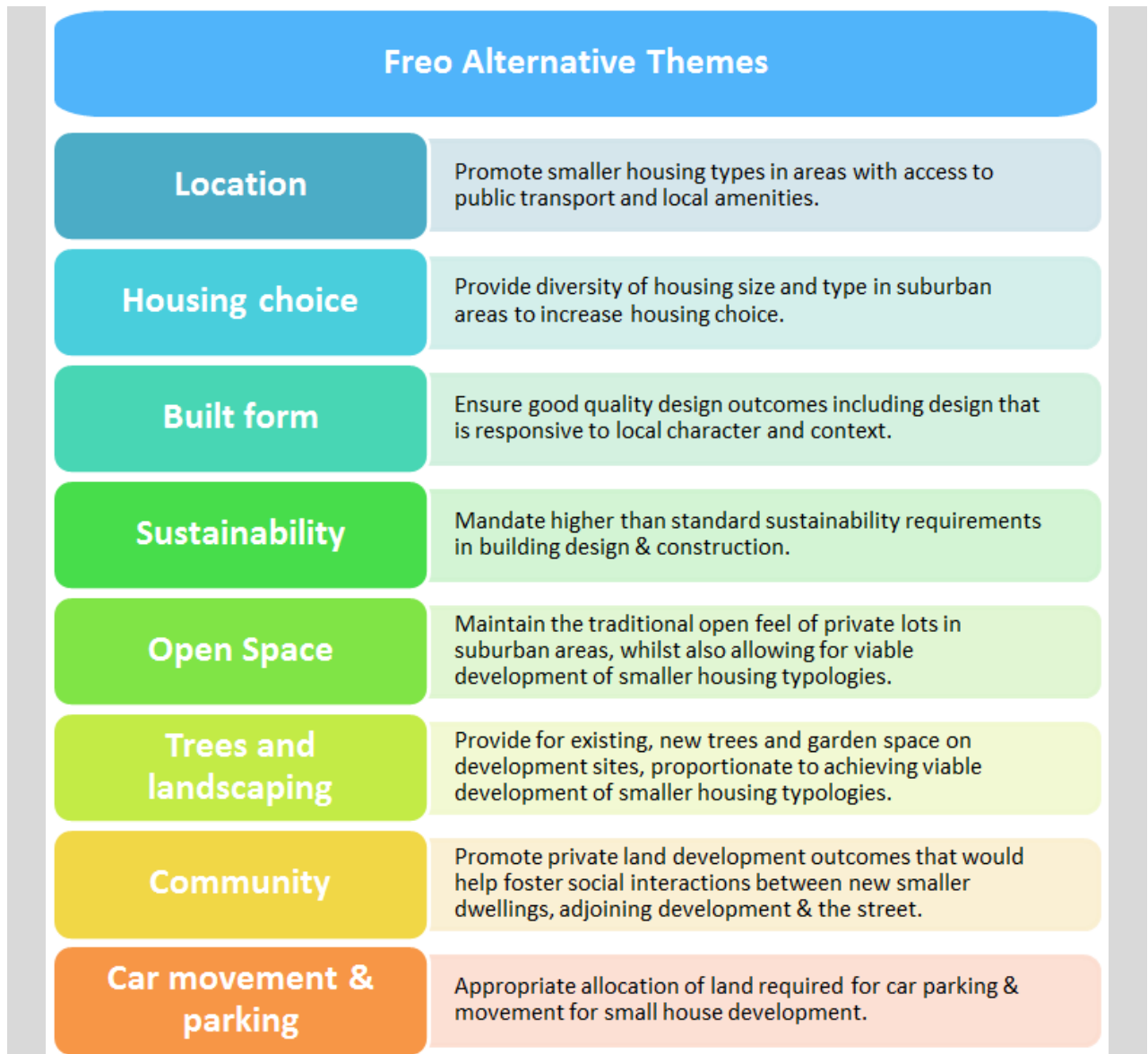


Figure 1: Eight themes as derived from the community during the engagement on the Freo Alternative.

1. LOCATION

Objective: Promote smaller housing types in areas with access to public transport and local amenities.

A key objective of the policy is to provide for a diversity of smaller housing sizes in Fremantle’s suburban areas located near public transport, commercial areas, public parks and amenities.

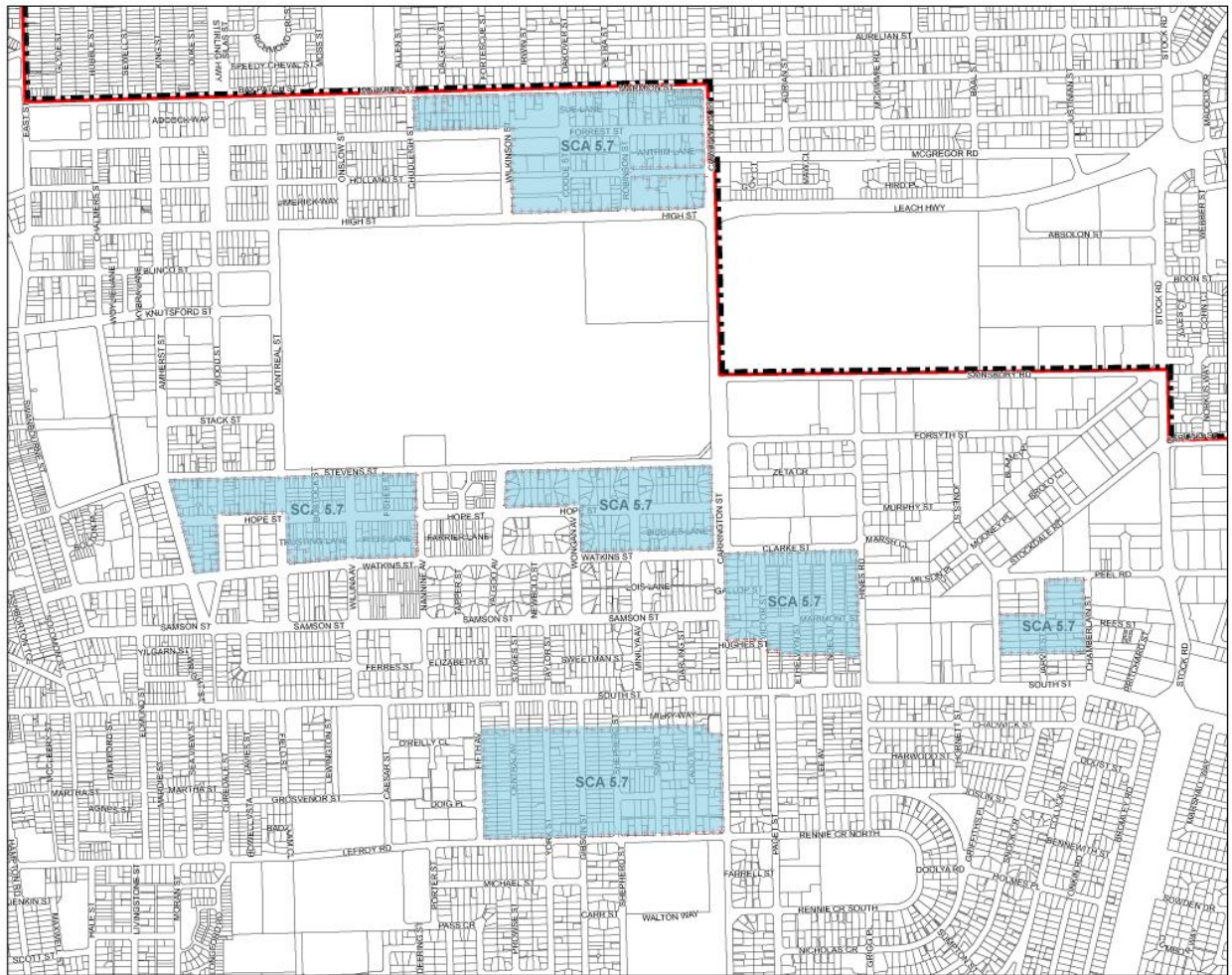


Figure 2: Areas designated on the LPS4 map as ‘SCA 5.7’, where this policy applies.

As per the requirements of clause 5.7 of LPS4, development of housing under this policy can be considered on properties in areas identified on the scheme map as SCA 5.7, and where the site is 600m² or over.

The development would additionally need to meet all the requirements of the Local Planning Scheme No. 4 and this local planning policy.

2. HOUSING CHOICE

Objective: Provide diversity of housing size and type in suburban areas to increase housing choice.

Household sizes have reduced in the City of Fremantle in recent times, while new housing being built is the largest yet. The purpose of this policy is to give smaller households an alternative option in areas losing diversity of housing size.

As per the requirements of the clause 5.7 of LPS4 the following applies to development under this policy:

- Any new dwelling shall have a maximum floor area of 120m².**

— A maximum of three dwellings, including existing dwellings, on lots 750m² or less. On lots over 750m² an additional dwelling for every 150m² in excess of 750m².

These requirements are provided in the City's Local Planning Scheme No. 4 provisions. There are no variation criteria applicable to these requirements.

3. BUILT FORM

Objective: Ensure good quality design outcomes including design that is responsive to local character and context.

3.1 Visual appearance

The design of a development contributes greatly to the visual interest of the building and the character of a local area. A building's aesthetics and articulation not only adds to the composition and detailing of a building's facade but also the appearance of the building and perceived bulk and scale.

To satisfy the visual appearance requirement of this policy guidance will be taken from the City of Fremantle's Design Advisory Committee (DAC) on the visual appearance of the place. Proponents are highly encouraged to seek preliminary feedback from the DAC prior to submission of a formal development application.

3.2 Rear setback

Setbacks are the spaces between buildings and lot boundaries. Setbacks are important to the amenity of new development and buildings on adjacent sites.

In established suburbs the rear setback, compared to a side setback, is more important as traditionally large backyards adjoin each other and the setback between the rear adjoining boundaries has, in the past, been substantial. The rear setback area is also generally where the mature vegetation on a site is located. The purpose of the rear setback requirement is therefore to maintain this separation, retain the existing pattern and mature trees.

DEEMED-TO-COMPLY

All buildings shall be set back a minimum 5.0m from the rear boundary of the development site.

DESIGN PRINCIPLES

Council may consider a reduction to the 5.0m rear setback requirement where:

- The adjoining property to the rear has:
 - A building with a wall 5.0m or more in length located within 2m of the common boundary; or
 - An existing ground level 1.0m or more higher than the subject site at the rear boundary.
- Greater protection of existing mature trees could be attained than would otherwise be achieved with the 5.0m setback requirement.
- Outdoor living areas and/or some of the Deep Planting Zone would be more suitably located centrally on the site so as to gain better use of the northern aspect for development.
- The property's rear boundary does not adjoin a privately owned residential lot e.g. the rear boundary abuts a laneway, right of way or other pedestrian or

vehicular access way.

3.3 Private outdoor living

Private outdoor living spaces are outdoor living areas, including balconies, courtyards and terraces for private use. These spaces enhance the amenity and indoor/outdoor lifestyle of residents and support indoor-outdoor living.

DEEMED-TO-COMPLY

- A minimum 30m² of outdoor living area shall be provided per dwelling, with minimum length and width dimension of 4.0m, directly accessible from a habitable room. 20m² of this area is to be without a permanent roof cover.
- The outdoor living area (balcony) may be reduced to a minimum 15m² where the outdoor living area is to an upper floor dwelling only.
- Outdoor living areas and balconies shall predominantly face north, east or west.

4. SUSTAINABILITY

Objective: Mandate higher than standard sustainability requirement in building design & construction.

Buildings designed and constructed to sustainably deliver greater environmental, social and economic outcomes.

4.1 Sustainable design

Sustainable buildings utilise passive environmental design that responds to local climate and site conditions to provide optimal orientation, shading, thermal performance and natural ventilation. Sustainable design additionally reduces reliance on heating and cooling technology and minimises energy use, resource consumption and operating costs over the life of the building. Other sustainable design measures include the use of sustainable construction materials, recycling, material re-use, energy & water efficient features, harnessing of renewable energy sources and appropriate water management.

- A sustainability report is to accompany the development assessment application. The report is to outline the sustainability commitments of the development proposal and demonstrate:

DEEMED-TO-COMPLY

1. The development achieves a star rating of one star in excess of the current energy efficiency requirement of the National Construction Code. The star rating shall be certified by an accredited energy assessor.
2. The development includes at least two of the following:
 - The provision of a minimum 1.5kw photovoltaic solar panel system per dwelling.
 - The provision of holding at least 1000 litres of rainwater per dwelling. The rainwater is to be connected to water use in a dwelling(s), e.g. toilet or washing machine, and/or used for irrigation on private or communal outdoor areas, preferably the deep planting zone(s) on the development site.

- Approved grey water system for all dwellings.
- At least one dwelling is fully accessible suitable for independent living (Platinum standard – Livable Housing Australia).

DESIGN PRINCIPLES

In cases where the deemed-to-comply requirements of Part 2 cannot reasonably be met, Council may consider the achievement of an additional half (0.5) star as an alternative means of complying with this policy.

Alternative options to those provided in Part 2 proposed as an option to meet the Part 2 requirements will be considered by Council on a case-by-case basis and against the objective of the theme.

Alternative building methods that cannot meet the requirements above will be considered on their own merits and deemed acceptable where they demonstrate significantly higher sustainability outcomes through the submitted sustainability report.

5. OPEN SPACE

Objective: Maintain the traditional open feel of private lots in suburban areas, whilst also allowing for viable development of smaller housing typologies.

Open space is generally the area of the lot not occupied by building(s). This includes areas under eaves, usable flat roof areas, uncovered driveways and car parking and also patios and verandahs where open on at least two sides. Traditionally, suburban lots had a high open space percentage (approximately 70%).

5.1 Open space

Designing new development with a larger open space requirement (as defined by the R-Codes) maintains the traditional feel of suburban areas and increases the amenity for residents of the development.

DEEMED-TO-COMPLY

- A minimum 70% of the entire development site shall be open space.

DESIGN PRINCIPLES

Council may consider a reduction in open space to a minimum of 60% open space where -

- an existing dwelling is retained or adapted with no significant enlargement or other alteration to the existing building footprint; or
- a building assessed as having 'some' or more cultural heritage significance is retained; or
- a building with a high degree of embedded energy is retained; or
- a minimum of 50% of the available open space includes areas that are developed as water permeable uncovered:
 - outdoor living areas,
 - communal areas and/or

- deep planting zones.

6. TREES AND LANDSCAPING

Objective: Provide for existing and new trees on development sites, proportionate to achieving viable development of smaller housing typologies.

Established tree and garden areas (landscaping) play an important role in integrating new buildings into their surrounding streetscape and the existing neighbourhood context. There are also many positive environmental benefits of trees and gardens including urban cooling through shade, clean air from ecological processes, habitat for wildlife, aesthetic appeal to the urban landscape and rain and storm water benefits.

6.1 Canopy cover

Trees contribute to the local environment, while creating a varied, interesting and attractive landscape that builds on sense and character of place. Existing trees on private land represent a significant proportion of tree canopy within our urban areas. Significant loss of urban tree canopy, due to private development, is an increasing focus of community concern. Retaining existing trees or planting new trees is critical for urban ecology and maintaining a liveable environment.

DEEMED-TO-COMPLY

Retain or plant at least one tree on site that meets the following requirements -

- Healthy specimen with ongoing viability as identified by a suitably qualified arborist.
- At least 3m in height and/or have a trunk with a diameter of at least 100mm, one metre from the ground and/or has a canopy of 3.0m or more or the potential to reach these measurements.
- Specimen from the list of preferred tree/plant species in Appendix 1 of this policy.

DESIGN GUIDANCE

- Prior to lodging a development application, obtain an arboricultural report on health and structural condition of existing trees. Healthy existing trees should be retained where possible. If trees are identified for retention seek specialist arboricultural advice on 'rootable soil area', management during construction and post construction monitoring to ensure the health of trees.
- A condition of planning approval for the retained or planted tree to be maintained and not removed will be included on all developments assessed under this planning policy.

6.2 Deep planting zone

Deep planting zones support healthy plant and tree growth and green spaces. Mandating a deep planting zone ensures the loss of vegetation to make way for new development is reduced and a sufficient uncovered and unpaved open space area is set aside and protected from further development.

The mandatory requirement for a deep planting zone from LPS4 is as follows:

- A minimum 25% of the development site area shall be provided as deep planting zone.

- The deep planting zone can be included as part of the open space percentage for the development, and 50% of the deep planting zone must be provided on the rear proportion of the site.
- A minimum of 1 tree, to Council specification, is required to be retained or planted in the deep planting zone on site.

Deep planting zone means an area of the lot for the exclusive use of supporting plant life. The deep planting zone shall:

- *Be landscaped, water permeable, unpaved and uncovered*
- *Be a minimum length and width dimension of 3.0 metres*
- *Not be used for vehicle parking or access*
- *Contain no buildings, patios, pergolas, swimming pools or external fixtures.*

DEEMED-TO-COMPLY

- The deep planting zone shall be reticulated and landscaped with waterwise plants.
- A waterwise landscaping plan shall be included with the development application.
- 50% of the deep planting zone must be provided on the rear portion of the site.

DESIGN PRINCIPLES

Council may consider a reduction to the requirement for 50% of the deep planting zone to be provided on the rear portion of the site where:

- The development site has an irregular lot shape which restricts placement of the deep planting zone to the rear; or
- An alternative location of the deep planting zone would ensure areas of established trees and shrubs are retained.

DESIGN GUIDANCE

- A waterwise landscaping plan shall be included with the development application.
- Deep planting zones are to be considered early in site planning, especially where existing trees are identified for retention.
- The deep planting zone can be included as part of the open space for the development.
- A condition of planning approval for the deep planting zone to be retained as a deep planting zone (as per the definition) will be applied to all approved development applications.

7. COMMUNITY

Objective: Promote private land development outcomes that would help foster social interactions between new smaller dwellings, adjoining development & the street.

The interaction of a private development internally and externally between residents and the existing neighbourhood and street is important to improve safety and enhances social interactions of residents and the wider community.

7.1 Communal space

Communal spaces provide opportunities for casual social interaction among residents and can assist with social integration. Communal space also contributes to the appeal of a development and the wellbeing of residents.

The size, location and design of communal space will vary depending on the site context and the scale of development. In designing these spaces, an emphasis should be placed on their quality and potential to deliver benefit to residents and visitors.

DEEMED-TO-COMPLY

Where three or more dwellings are proposed, usable and effective communal space shall be provided that is accessible to all residents of a development site, with a minimum dimension of 3.0m.

DESIGN GUIDANCE

- Design solutions for communal space that is usable and effective may include seating at building entries, near letter boxes and adjacent to streets or shared gardens, outbuildings, laundries etc.
- Communal space should be consolidated into a well-designed, easily identified and usable area.
- Communal space can be internal or external space and may be co-located with deep soil areas or can be provided as a landscaped roof top terrace or a common room.
- Communal space in larger developments should consider greater dimensions.

7.2 Development fronting the street

The street interface is the transition area between the dwelling, its private or communal space at the street edge and public domain. The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

DEEMED-TO-COMPLY

- Direct access from the street to front of at least one dwelling, and may include an existing retained dwelling.
- Major openings to habitable room windows and porches overlooking the street in at least one dwelling within a development, this may be provided for within an existing retained dwelling.
- The development should positively address adjoining public parks, open space or bushland where applicable.

DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement where-

The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

8. VEHICLE MOVEMENT AND PARKING

Objective: Appropriate allocation of land required for car parking & movement for smaller house development.

Design, location and integration of parking garages/carports and driveways are essential for:

- The efficient use of land on a development site;
- Tree retention;
- The amenity of the streetscape;
- Limiting the impact on ecological factors such as water permeability; and
- Safety of residents and pedestrians.

8.1 Vehicle access and movement

Vehicle access points are important connections between the street and the site, however can have negative impacts on the streetscape and pedestrians. Additionally, the land required for driveways and movement circles on a development site increases the impermeable surface of the site. Vehicle access should be designed to maximise safety and reduce impermeable surfaces.

DEEMED-TO-COMPLY

The deemed-to-comply criteria of the R-Codes [5.3.5 Vehicle access] is amended as follows:

- Driveways shall be water permeable in construction; no hardstand or impermeable paved driveways will be approved on site.
- The minimum width of a driveway shall be 2.75m.
- The maximum width of a driveway shall be 3.0m.
- If the existing driveway/crossover doesn't allow access to the rear of the site, then an additional crossover is permitted subject to a 3.0m maximum width and in aggregate width of crossovers on a development site to not be over 6.0m.
- Reduced or no turning circles can be considered where it is demonstrated clear sight lines are provided at pedestrian and vehicle access points for pedestrian and cycle safety, and vehicles can safely enter and exit the site and street. This does not apply where the site abuts a primary distributor road or distributor A road.

DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement for a water permeable driveway and the 2.75m minimum and 3.0m maximum driveway width where the driveway is existing and has been proven to be existing on the site for at least two years.

8.2 Vehicle parking

In order to provide a diverse and attractive streetscape the space required for cars needs to be carefully considered.

The mandatory requirement for a vehicle parking from LPS4 is as follows:

- **A maximum of 1 vehicle parking bay shall be provided for each new dwelling and a maximum of two car bays for any existing dwelling on the development site.**
- **The vehicle parking bay requirement above, can be waived where one small dwelling within a development achieves a floor area of 60m² or less.**
- **Visitor parking shall not be provided for development less than 5 dwellings.**

DEEMED-TO-COMPLY

- **A maximum of two car bays shall be provided to the front of the development.**
- **The existing dwelling parking space can be used for rear development(s).**
- **Parking surfaces shall be water permeable in construction; no hardstand or impermeable paved vehicle parking will be approved on site.**
- **No double garages will be permitted fronting the street (unless existing).**
- **Carport requirements as per Local Planning Policy 2.9 – Residential Streetscape Policy**

DESIGN GUIDANCE

- **Car share facilities are strongly encouraged.**
- **Council will not provide on street resident parking permits for development under this policy.**

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 12 February 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 Jeff McDonald

The following items be adopted en bloc as recommended:

- ARMC1902-1 Information report – Purchasing policy exemptions November 2018, December 2018 and January 2019
- ARMC1902-3 Adoption of purchasing policy
- ARMC1902-4 Overdue debtors report as at 31 December 2018

Carried: 13/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

ARMC1902-1 INFORMATION REPORT - PURCHASING POLICY EXEMPTIONS NOVEMBER 2018, DECEMBER 2018 AND JANUARY 2019

Responsible Officer: Senior Contracts and Procurement Officer
Agenda Attachments: Confidential Attachment

BACKGROUND

At the Ordinary Council Meeting of 27 September 2017, Council adopted a new purchasing policy. The policy contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and policy exemptions. Under this policy all exemptions used by the City are to be reported to the Audit and Risk Management committee.

November 2018

The total value of exemptions from the City of Fremantle Purchasing Policy is \$15,155.00 for the month of November 2018.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultant	\$15,155.00
Total	\$15,155.00

Details regarding individual exemptions can be found in the confidential attachment.

December 2018

The total value of exemptions used under the City of Fremantle Purchasing Policy is \$153,570.00 for the month of December 2018.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultant	\$13,095.00
Original Equipment Manufacturers (OEM)	\$143,724.00
Total	\$153,570.00

Original Equipment Manufacturers (OEM) are parts suppliers for specific items of plant and equipment used by the City. Parts are required from specific suppliers for warranty provision.

Details regarding individual exemptions can be found in the confidential attachment.

January 2019

The total value of exemptions used under the City of Fremantle Purchasing Policy is \$34,854.00 for the month of January 2019.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$34,854.00
Total	\$34,854.00

The process for requesting Artist exemptions was amended to require exemptions before contracts or Purchase orders are awarded. This has resulted in the artists required for One Day, being agreed in early January 2019, at a cost of \$34,854.00.

Details regarding individual exemptions can be found in the confidential attachment.

COUNCIL DECISION ITEM ARMC1902-1 (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council receive the purchasing policy exemptions information report for November 2018, December 2018 and January 2019.

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

ARMC1902-3 ADOPTION OF PURCHASING POLICY

Meeting Date: 12 February 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Purchasing Policy adopted by Council 27 September 2017

SUMMARY

The City's current Purchasing Policy has recently been reviewed, in order to ensure ongoing compliance with Section 3.57 of the *Local Government Act 1995* (the Act) and Part 4, Division 1 and Division 2 of the *Local Government (Functions and General) Regulations 1996* (the Regulations). Analysis of the City's spending patterns and ability to comply with the policy has shown a need to amend parts of the policy to reflect changes in the market and improve efficiency of the City's purchasing practices.

This report recommends that Council approve the deletion of the current Purchasing Policy (adopted by Council on 27 September 2017 – attached); and adopt the revised Purchasing Policy as outlined in the officer's recommendation (below).

BACKGROUND

The current Purchasing Policy was adopted by Council at the Ordinary Meeting of Council of 27 September 2017.

The policies of the City, determined by Council, as required by Section 2.7(2)(b) of the Act, guide and inform management and the public about key Council principles. The purpose of the Purchasing Policy is to monitor expenditure appropriately, reduce financial risk and ensure ongoing compliance with the Act and the Regulations in relation to the Council's purchasing strategy and policy requirements.

Recommended best practice (by WALGA and the Chartered Institute of Procurement and Supply – CIPS) is to review a Purchasing Policy on a two year basis to; ensure ongoing compliance with legislation, reflect changes in market conditions, reflect changes to the operation of the City and maintain efficient, effective and transparent procurement practices.

FINANCIAL IMPLICATIONS

The revised Purchasing Policy is designed to manage financial risk and increase the likelihood of the City receiving quotations at the lower end of expenditure.

The Policy also continues to ensure a best value for money approach by directing officers to justify expenditure when not accepting the lowest quotation and requiring management oversight of decision making.

LEGAL IMPLICATIONS

The Policy complies with the requirements of Section 3.57 of the Local Government Act 1995 and Part 4, Division 1 and Division 2 of the Local Government (Functions and General) Regulations 1996.

CONSULTATION

Nil.

OFFICER COMMENT

The proposed policy outlines the City's position to achieve the requirements of Regulation 11A (within Part 4, Division 1) of the Local Government (Functions and General) Regulations 1996 in order to maintain effective, efficient economical and sustainable purchasing of goods and services.

Following a review of the policy against current expenditure, market conditions, other Council Procurement Policy's, minor changes to State Legislation and officer's experiences, the following changes are recommended:

- Purchasing Thresholds

The following table shows the current and proposed amendments to the purchasing thresholds:

Current Threshold	Current No. Quotes Required	Proposed Revised Threshold	Proposed No. Quotes Required
\$0 - \$499	None	\$0 - \$1,999	1 verbal quote
\$500 - \$4,999	Request 3 quotations and obtain at least one (1) quote. Can be verbal or written	\$2,000 - \$9,999	Request 2 quotations and obtain at least one (1) quote. Can be verbal or written.
\$5,000 - \$19,999	Request 3 quotations and obtain at least two (2) written quotations	\$10,000 - \$49,999	Request 3 quotations and obtain at least two (2) written quotations. Quotations to be requested in writing, through an ePortal (eg WALGA eQuotes) or via email

\$20,000 - \$149,999	Obtain at least three (3) formal written quotations (RFQ) in consultation with the procurement team.	\$50,000 - \$149,999	Obtain at least three (3) formal written quotations (RFQ) in consultation with the procurement team. Can be issued via an ePortal (eg WALGA eQuotes) or via email
\$150,000 +	Conduct a full public tender process in accordance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996.	\$150,000 +	Conduct a full public tender process in accordance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996 OR Obtain a minimum of 3 written quotations through the WALGA Preferred Supplier Program

- **Statutory Exemptions from Tender Requirements**
Due to changes in the State Government organisation currently administering the WA Aboriginal Business Directory, the exemption from tender for Aboriginal Businesses is no longer relevant. The Policy has been update to reflect this;
- **Policy Exemptions**
The policy includes an exemption to the purchasing thresholds for the procurement of artists up to the value of \$9,999. At the request of the Audit and Risk Committee, the City has included in the new Policy, a definition of an Artist:
 - For the purposes of this policy Artists are defined as entertainers and performers who work in performing arts (e.g. actor, musician, public performer) or practices fine arts (e.g. painter, sculptor), writers, film-makers or providers of aboriginal welcome to country performances.
- **Sole Source of Supply**
The new policy now correctly notes that requests to nominate a Supplier as a Sole Source Supplier, above an annual expenditure of \$50,000 must be agreed by Council; and
- **Sustainable Procurement**
The new Policy now includes a requirement for all purchases over \$50,000 to include a sustainability assessment criteria, weighted at no less than 10%.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM ARMC1902-3 (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council:

1. Approve deletion of the current Purchasing Policy, adopted by Council 27 September 2017 (attached); and
2. Adopt the new Purchasing Policy (*as amended*), as set out below:

Purchasing Policy

Policy statement

This policy has been adopted to achieve the requirements of Regulation 11A of the Local Government (Functions and General) Regulations 1996.

Intent

The intent of the policy is to ensure the City of Fremantle achieves effective, efficient, economical and sustainable purchasing of all goods and services by:

- Ensuring a high level of transparency, probity and accountability in purchasing decisions, whilst allowing for flexibility in the City's operations;
- Adopting a "best value" approach to purchasing;
- Conducting competitive quotation and tendering processes in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996; and
- Incorporating the City's sustainability goals in all purchasing activities.

1. Legislative Requirements

(Summary only; refer to relevant legislation for further detail)

This policy is to be read in conjunction with Section 3.57 of the Local Government Act 1995 and Regulations 11A - 24AJ of the Local Government (Functions and General) Regulations 1996. These statutory requirements cover the following items:

- Section 3.57 of the Act requires the City to tender for goods or services and incorporates the Regulations for purchasing;
- Regulation 11A sets out the requirement for local governments to have a purchasing policy, the number and type of quotations to be obtained for all purchases up to \$150 000 and the retention of written information relating to the quotations;

- Regulations 11 to 21A outline the method of and requirements for calling public tenders. Areas covered includes when tenders have to be publically invited, any exemptions for the requirement to tender, how long tenders need to be advertised for, how and when tenders are to be opened and how a local government is to assess and respond to tenders;
- Regulations 21 to 24 outline the procedure for limiting who may provide a tender. The regulations discuss Expressions of Interest (EOI) responding to EOI, shortlisting of respondents to EOI and informing respondents of the outcome of EOI; and
- Regulations 24AA to 24AJ outline the methods and procedures for a local government to initiate and operate panels of pre-qualified suppliers of goods and services.

Statutory Exemptions from Tender Requirements

Regulation 11(2) specifies the criteria when public tenders do not have to be invited. The following list outlines the circumstances where the City is exempted from publically calling tenders:

- When the purchase is made from expenditure authorised in an emergency (Chief Executive Officer approval required); or
- When the purchase is made through a WALGA Preferred Supplier Program; or
- When the City has (in the last 6 months) publically invited submissions to tender or canvassed for expressions of interest and no suitable supplier was identified through the process; or
- When the contract is to be entered into by auction after being expressly authorised by a resolution of Council; or
- When the goods or services are to be supplied by the Commonwealth Government (or its agencies) or the State Government (or its agencies) or from a Local or Regional Government; or
- When the goods or services are believed to be unique in nature and it is unlikely there is another supplier (sole source – Chief Executive Officer or Council approval required)
- The goods to be supplied are petrol or oil or any liquid or gas used in internal combustion engines; or
- the purchase is acquired from an Australian Disability Enterprise and represents value for money; or
- The Contract is a renewal or extension of the term of the original contract, where the original contract contained an option to extend; and
- The goods or services are to be supplied by a pre-qualified supplier under Division 3 of the Regulations.

Note: These exemptions to tender do not exempt the purchaser from gaining the required number of quotations and from following the requirements of this policy.

Anti-avoidance

Regulations 12(1) and 12(2) state the City will not enter into two or more contracts, or create multiple purchase order transactions of a similar nature, to avoid the

requirement to go to public tender or to take the value of a purchase below a purchasing threshold specified in the policy.

Other legislative requirements

Retention of documents related to purchasing activities is to be in accordance with the requirements of the *State Records Act 2000*. In particular:

- (i) Tender/quotation documentation.
- (ii) Internal documentation.
- (iii) Evaluation documentation.
- (iv) Enquiry and response documentation.
- (v) Notification, award and Contract documentation;

Is to be retained and stored by the city for a period of 21 years.

2. Policy

Purchase thresholds

Amount of purchase (ex GST) or Total Contract Value	Quotations Required	Decision Making Process
Up to \$1,999	One (1) verbal quote	None
\$2,000 to \$9,999	Request 2 quotations and obtain <i>at least one (1) written quote. Can be verbal or written</i>	Lowest priced quote to be accepted or officer to document the best value offer
\$10,000 to \$49,999	Request 3 quotations and obtain <i>at least two (2) written quotations. Quotations to be requested in writing, through an ePortal (eg WALGA eQuotes) or via email</i>	Lowest priced quote to be accepted or officer to document the best value offer
\$50,000 to \$149,999	Obtain <i>at least three (3) formal written quotations (RFQ) in consultation with the procurement team. Can be issued via an ePortal (eg WALGA eQuotes) or via email</i>	A written evaluation is to be made of the offers by the requesting officer.
\$150,000 and above	Conduct a full public tender process in accordance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996 <u>OR</u> Obtain a minimum of 3 written quotations through the WALGA Preferred Supplier Program	Full written evaluation by an evaluation panel, approval from the Major Procurement Approval (MPA) panel and Chief Executive Officer. Purchases above \$500,000 will require approval from Council. Director approval is required before requesting tenders or quotes for goods or services over \$150,000

Purchases made on City Purchasing Cards

Purchases made on a City issued Purchasing Card, have the following requirements:

Amount of purchase (ex GST) or Total Contract Value (excluding options to extend)	Quotations Required	Decision Making Process
Up to \$999	Direct purchase or One (1) verbal quote	Purchases \$1,000 and above on a purchase card require Director approval and are required to meet the quotation requirements outlined above

Exemptions from Purchasing Policy Thresholds

The following purchasing decisions are exempt from the purchasing thresholds of this policy:

- Purchases where costs are:
 - Fixed; (e.g. state wide advertising, postal services, memberships and subscriptions, taxis / cab charges / ride sharing and industry based training)
 - Available only through a sole source of supply (e.g. some utilities);
 - and
 - From Original Equipment Manufacturers (OEMs) where warranty provisions may be void (e.g. plant and equipment supplies);
- Artists for festivals and events where it can be demonstrated that the act has appropriate artistic merit and the decision is consistent with the purpose and intent of the event and have no conflicts of interest, up to a value of \$9,999. The decision is to be approved by the relevant Director;
 - For the purposes of this policy Artists are defined as entertainers and performers who work in performing arts (e.g. actor, musician, public performer) or practices fine arts (e.g. painter, sculptor), writers, film-makers or providers of aboriginal welcome to country performances.
- Purchasing of specialist Legal services or specialist Consultancy services , as required and determined by a Director or the Chief Executive Officer, provided their approval is in writing, prior to the purchase, and the details are reported to the Audit and Risk Committee;
- Purchases made from a ‘Panel of Pre-qualified Suppliers’ (must follow the City of Fremantle panel purchasing conditions);
- Exemptions exercised by the Chief Executive Officer and Directors are to be reported to the Audit and Risk Committee;

Sole Source of Supply

In the circumstances of Sole Source providers, for purchases where the total contract value does not exceed \$50,000:

- a) The procurement of goods and/or services available from only one private sector source of supply, (that is the manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there is reasonable evidence that there is genuinely only one source of supply. Every endeavour to find alternative sources must be made;
- b) Written confirmation, in the form of a memo to the Chief Executive Officer, of this must be kept on file for later audit;
- c) The application of provision 'sole source of supply' must only occur in limited cases. Procurement experience indicates that generally more than one supplier is able to provide the requirements;
- d) The decision to purchase goods or services from a sole supplier must be approved, in writing, by the Chief Executive Officer;
- e) The decision to procure goods or services from a sole source provider must be reported to the Audit and Risk Committee.

For purchases where the total contract value exceeds \$50 000 the decision to purchase goods or services from a sole must be approved by Council.

(Refer to Delegation 2.12 of the City's Delegation Authority Register)

1. Panels of Pre-qualified suppliers

- a) In accordance with Regulation 24AC of the Local Government (Functions and General) Regulations 1996, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:
- b) The Chief Executive Officer determines that a range of similar goods and services are required to be purchased on a continuing and regular basis.
- c) There are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money'.
- d) The purchasing activity under the intended Panel is assessed as being of a low to medium risk.
- e) The Panel will streamline and will improve service delivery and procurement processes.
- f) The Chief Executive Officer has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Chief Executive Officer will endeavour to ensure that panels will not be created unless most of the above factors are firmly and quantifiably established.

A separate policy will outline the operation of Panels of Pre-Qualified Suppliers.

2. Ethics and Integrity

All officers and employees of the City of Fremantle are to observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner that supports the standing of the City.

Further detail regarding the City’s expectations can be found in the City’s Code of Conduct.

An Independent Probity Auditor may be engaged by the City for projects assessed as high risk of reputational, financial or community risk, through the project risk assessment process.

3. Value for Money

When evaluating quotations and tenders value for money is an overarching principle governing the purchasing of goods and services for the City.

For purchases \$10,000 and above, where a higher priced conforming offer is recommended for purchase, there should be clear and demonstrable benefits to the City over and above the lowest priced, conforming offer. A written evaluation outlining the clear and demonstrable benefits should be approved by a Manager, before the purchase is made.

4. Sustainable Procurement

A preference will be provided to suppliers that demonstrate sustainable business practices and high levels of Corporate Social Responsibility (CSR). Where it is appropriate and practicable, an advantage will be provided to suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. Sustainable and CSR considerations will be balanced against value for money outcomes in accordance with the City’s sustainability objectives.

All Requests for Tender (RFT) and Requests for Quotation (RFQ) above \$50,000 will have a minimum weighted score of 10% for sustainable criteria.

Tender specifications will include a requirement for organisations to comply with the principles of No Business in Abuse and include sustainable specifications within the request.

Where practical, it is the City’s preference to purchase goods with minimal or no single use plastic in its content or packaging.

Appendix A – Tender Evaluation Criteria

Construction Works

Definition: All infrastructure projects such as building, demolition, roads, car parks, footpaths, drainage, park and bridge construction.

Description of Criteria	Weighting
Compliance Criteria	
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, OSH questionnaire, Insurances, Gantt Charts, Price Schedule, Financial information	Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration

Qualitative Selection Criteria							Default	Range										
Relevant Experience / Service Delivery Plan Demonstrated relevant experience of the Company in providing the same or similar services to local government or private sectors for the last 5 years. Include the following							10%	10% – 15%										
Project	Client	Duration	Value	Deliverables	Results													
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills <table border="1" data-bbox="193 728 858 875"> <thead> <tr> <th>Name</th> <th>Qualifications</th> <th>Years in industry</th> <th>Roles and Responsibility</th> <th>Experience</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>							Name	Qualifications	Years in industry	Roles and Responsibility	Experience						15%	10% - 20%
Name	Qualifications	Years in industry	Roles and Responsibility	Experience														
Organisational / Project Team Structure Contingency Current utilisation Support facilities Plant & Equipment Financial Capacity (credit reference check may be applied)																		
Demonstrated Understanding Tenders should provide a detailed methodology detailing the process to achieve the Requirements of the Specification for this project. Include a detailed Risk / Environmental Management Plan to protect the environment which is appropriate to the size and nature of the project Provide a detailed GANTT Chart with the tasks required to undertake the project in a specified timeframe							20%	10% - 30%										
Sustainability Tenderers should outline the source of materials of construction and their environmental performance / impact Tenderers should provide methods for reducing the amount of construction material waste sent to landfill Tenderers should provide information on the environmental performance of their building/construction activities during project delivery.							10%	10%-20%										

Occupational Health & Safety (OH&S)	10%	10%
Price	35%	25% - 50%
Total	100%	100%

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.

Appendix B – Tender Evaluation Criteria

Professional and Consultant Services

Definition: Delivery of legal, accounting, auditing, governance or similar services. The services may be delivered as a one-off or on an ongoing basis.

Description of Criteria	Weighting													
Compliance Criteria														
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, OSH questionnaire, Insurances, Gantt Charts, Price Schedule, Financial information)	Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration													
Qualitative Selection Criteria														
	Default	Range												
Relevant Experience / Service Delivery Plan Demonstrated relevant experience of the Company in providing the same or similar services to local government or private sectors for the last 5 years. Include the following <table border="1" data-bbox="183 1377 869 1456"> <thead> <tr> <th>Proj ect</th> <th>Client</th> <th>Duratio n</th> <th>Value</th> <th>Deliverabl es</th> <th>Result s</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Proj ect	Client	Duratio n	Value	Deliverabl es	Result s							10%	10% – 20%
Proj ect	Client	Duratio n	Value	Deliverabl es	Result s									
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills <table border="1" data-bbox="183 1579 853 1736"> <thead> <tr> <th>Nam e</th> <th>Qualificat ions</th> <th>Years in industry</th> <th>Roles and Responsi bility</th> <th>Experien ce</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Nam e	Qualificat ions	Years in industry	Roles and Responsi bility	Experien ce						20%	10% - 30%		
Nam e	Qualificat ions	Years in industry	Roles and Responsi bility	Experien ce										
Organisational / Project Team Structure Contingency Current utilisation Support facilities Plant & Equipment Financial Capacity (credit reference check may be applied)														

Demonstrated Understanding Tenders should provide a detailed methodology detailing the process to achieve the Requirements of the Specification for this project. Include a detailed Risk / Environmental Management Plan to protect the environment which is appropriate to the size and nature of the project Provide a detailed GANTT Chart with the tasks required to undertake the project in a specified timeframe	25%	20% - 30%
Occupational Health & Safety (OH&S)	10%	10%
Price	35%	25% - 50%
Total	100%	100%

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.

Appendix C – Tender Evaluation Criteria

Architectural Services

Definition: Delivery of architectural design, heritage, planning or similar services. The services may be delivered as a one-off or on an ongoing basis.

Description of Criteria	Weighting							
Compliance Criteria								
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, OSH questionnaire, Insurances, Gantt Charts, Price Schedule, Financial information)	Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration							
Qualitative Selection Criteria								
	Default	Range						
Relevant Experience / Service Delivery Plan Demonstrated relevant experience of the Company in providing the same or similar services to local government or private sectors for the last 5 years. Include the following	10%	10% – 20%						
<table border="1"> <tr> <td>Proj ect</td> <td>Clie nt</td> <td>Durati on</td> <td>Valu e</td> <td>Deliver ables</td> <td>Resul ts</td> </tr> </table>	Proj ect	Clie nt	Durati on	Valu e	Deliver ables	Resul ts		
Proj ect	Clie nt	Durati on	Valu e	Deliver ables	Resul ts			

<p>Key Personnel, Skills and Resources Capacity to deliver the services including:</p> <p>Key personnel / Professional skills</p> <table border="1" data-bbox="193 320 858 465"> <thead> <tr> <th data-bbox="193 320 284 394">Name</th> <th data-bbox="284 320 419 394">Qualifications</th> <th data-bbox="419 320 571 394">Years in industry</th> <th data-bbox="571 320 722 465">Roles and Responsibility</th> <th data-bbox="722 320 858 394">Experience</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Qualifications	Years in industry	Roles and Responsibility	Experience						<p>15%</p>	<p>10% - 20%</p>
Name	Qualifications	Years in industry	Roles and Responsibility	Experience								
<p>Organisational / Project Team Structure Contingency Current utilisation Support facilities Plant & Equipment Financial Capacity (credit reference check may be applied)</p>												
<p>Demonstrated Understanding Tenders should provide a detailed methodology detailing the process to achieve the Requirements of the Specification for this project. Include a detailed Risk / Environmental Management Plan to protect the environment which is appropriate to the size and nature of the project Provide a detailed GANTT Chart with the tasks required to undertake the project in a specified timeframe</p>	<p>20%</p>	<p>10% - 30%</p>										
<p>Sustainability Tenderers should outline the source of materials of construction and their environmental performance / impact Tenderers should provide methods for reducing the amount of construction material waste sent to landfill Tenderers should provide information on the environmental performance of their building/construction activities during project delivery.</p>	<p>10%</p>	<p>10%-15%</p>										
<p>Occupational Health & Safety (OH&S)</p>	<p>10%</p>	<p>10%</p>										
<p>Price</p>	<p>35%</p>	<p>25% - 50%</p>										
<p>Total</p>	<p>100%</p>	<p>100%</p>										

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.
Appendix D – Tender Evaluation Criteria

Professional and Consultant Services

Definition: All services with the exception of Professional Services (see Appendix A) and Architectural Services (see Appendix C). For example traffic impact reports, environmental reports etc. The services may be delivered as a one-off or on an ongoing basis.

Description of Criteria						Weighting													
Compliance Criteria																			
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, OSH questionnaire, Insurances, Gantt Charts, Price Schedule, Financial information)						Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration													
Qualitative Selection Criteria																			
						Default	Range												
Relevant Experience / Service Delivery Plan Demonstrated relevant experience of the Company in providing the same or similar services to local government or private sectors for the last 5 years. Include the following <table border="1" data-bbox="181 1064 858 1142"> <thead> <tr> <th>Proj ect</th> <th>Client</th> <th>Durati on</th> <th>Value</th> <th>Deliverab les</th> <th>Results</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Proj ect	Client	Durati on	Value	Deliverab les	Results							15%	10% – 20%
Proj ect	Client	Durati on	Value	Deliverab les	Results														
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills <table border="1" data-bbox="181 1265 858 1422"> <thead> <tr> <th>Name</th> <th>Qualific ations</th> <th>Years in industry</th> <th>Roles and Responsi bility</th> <th>Experien ce</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Name	Qualific ations	Years in industry	Roles and Responsi bility	Experien ce						20%	10% - 30%		
Name	Qualific ations	Years in industry	Roles and Responsi bility	Experien ce															
Organisational / Project Team Structure Contingency Current utilisation Support facilities Plant & Equipment Financial Capacity (credit reference check may be applied)																			

Demonstrated Understanding Tenders should provide a detailed methodology detailing the process to achieve the Requirements of the Specification for this project. Include a detailed Risk / Environmental Management Plan to protect the environment which is appropriate to the size and nature of the project Provide a detailed GANTT Chart with the tasks required to undertake the project in a specified timeframe	25%	15% - 25%
Occupational Health & Safety (OH&S)	10%	10%
Price	35%	25% - 55%
Total	100%	100%

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.

Appendix E – Tender Evaluation Criteria

Plant and Equipment

Definition: All light vehicles, fleet vehicles, heavy vehicles, earthmoving and ground care machinery plus ancillary equipment such as mechanical saws and static pumps.

Description of Criteria	Weighting
Compliance Criteria	
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, Insurances, Gantt Charts, Price Schedule, Financial information)	Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration
Qualitative Selection Criteria	
Meets Technical Specification Tenderer to provide evidence that the piece of plant or equipment meets or exceeds the technical specification and functional requirements of the City.	40%
Meets the City's Delivery Timeframes Tenderer to provide a timeframe for delivery to the City, from Contract award	5%

Sustainability Tenders should provide alternative energy sourced plant or equipment to reduce emissions Tenderer to provide information regarding noise levels of plant and equipment when in use Tenderer to provide information regarding the amount of sustainably sourced components in the piece of plant or equipment	10%
Occupational Health & Safety (OH&S)	10%
Price	35%
Total	100%

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.

Appendix F – Tender Evaluation Criteria

General Goods and Merchandise

Definition: All other goods, stores and merchandise, not otherwise covered in previous appendices.

Description of Criteria	Weighting						
Compliance Criteria							
Tenders submitted by the due date and time prescribed in the tender documentation Submitted mandatory requirements (as specified e.g. conditions of contract, Insurances, Gantt Charts, Price Schedule, Financial information)	Mandatory criteria must be addressed, no weighting applied. Failure to meet mandatory criteria will remove responses from consideration						
Qualitative Selection Criteria							
Relevant Experience / Service Delivery Plan Demonstrated relevant experience of the Company in providing the same or similar services to local government or private sectors for the last 5 years. Include the following	10%						
<table border="1"> <tr> <td>Project</td> <td>Client</td> <td>Duration</td> <td>Value</td> <td>Deliverables</td> <td>Results</td> </tr> </table>	Project	Client	Duration	Value	Deliverables	Results	
Project	Client	Duration	Value	Deliverables	Results		

<p>Key Personnel, Skills and Resources Capacity to deliver the services including:</p> <p>Key personnel / Professional skills</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Qualifications</th> <th>Years in Industry</th> <th>Roles and Responsibility</th> <th>Experience</th> </tr> </thead> <tbody> <tr> <td colspan="5"> </td> </tr> </tbody> </table> <p>Organisational / Project Team Structure Contingency Current utilisation Support facilities Financial Capacity (credit reference check may be applied)</p>	Name	Qualifications	Years in Industry	Roles and Responsibility	Experience						10%
Name	Qualifications	Years in Industry	Roles and Responsibility	Experience							
<p>Demonstrated Understanding</p> <p>Tenders should provide a detailed process to achieve the Requirements of the Specification Tenderers should provide a process that will deliver the sustainable goals of the City Provide a detailed GANTT Chart with the tasks required to undertake the project in a specified timeframe</p>	10%										
<p>Sustainability</p> <p>Tenders should provide alternative energy sources to reduce carbon emissions Tenderer to provide information regarding the amount of sustainably sourced components in the goods Tenders to provide information on the approximate percentage of single-use plastic contained in the product Tenderer to confirm they deliver product without packaging or with 100% recyclable packaging (if answer is no – maximum score weighting possible in sustainability category is 4 out of 10)</p>	10%										
Occupational Health & Safety (OH&S)	10%										
Price	50%										
Total	100%										

Note: Weightings may only be amended outside of these parameters by written consent of the relevant Director or Chief Executive Officer. Weightings are to be established before going to tender.

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

ARMC1902-4 OVERDUE DEBTORS REPORT AS AT 31 DECEMBER 2018

Meeting Date:	12 February 2019
Responsible Officer:	Finance Manager
Decision Making Authority:	Council
Agenda Attachments:	Summary of Overdue Debts above Threshold (Confidential Attachment)

SUMMARY

This Debtors report with a confidential attachment is provided to the Audit and Risk Management Committee together with details of overdue debts that exceed a threshold value of \$10,000.

This report recommends that Council note \$134,721 of overdue debts that were overdue in excess of ninety (90) days and the combined value those debt(s) exceed \$10,000 as at 31 December 2018.

BACKGROUND

The report provides details to the Audit and Risk Management Committee on overdue debtors. The following information is provided on a quarterly basis:

- The amount of total debtors outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- The value of debt that is in excess of ninety (90) days overdue and the combined value of those debt(s) exceed \$10,000.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the audit and risk management committee.
- A confidential report containing the individual debtor information in relation to the outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments, background and a comparison to the previous quarters report.
- Debtors' days ratio - the average number of days required for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

It is a requirement that annual financial statements include a provision for any potential doubtful debts owed to the Local Government to be recognised as a cost to the budget in the year in which the provision is made.

As at year ending 30 June 2018 an amount of \$171,105 was held for bad debt provision. As at the 31 December 2018 the current balance held for bad debt provision is \$171,002.

During this financial year the following reportable write-offs and waivers have been processed against this account:

Total Write-offs	\$NIL
Total Waivers	\$NIL

LEGAL IMPLICATIONS

Section 6.12 (1) (c) of the Local Government Act 1995 provides authority for the Council to write off outstanding monies.

In accordance with section 5.42 and 5.44 of the Local Government Act 1995 the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$20,000 per account where in the opinion of the Chief Executive Officer all other reasonable avenues of recovery have been exhausted.
- Directors and Managers have various sub-delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$10,000 per account where in the opinion of the Director or Manager all other reasonable avenues of recovery have been exhausted.

All records of the uses of this delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the audit and risk management committee.

Any amount in excess of \$20,000 is to be written off by Council resolution. A council resolution authorising the write off of any bad debt does not prevent Council from reinstating the debt if the future circumstances change and the debt becomes collectable.

CONSULTATION

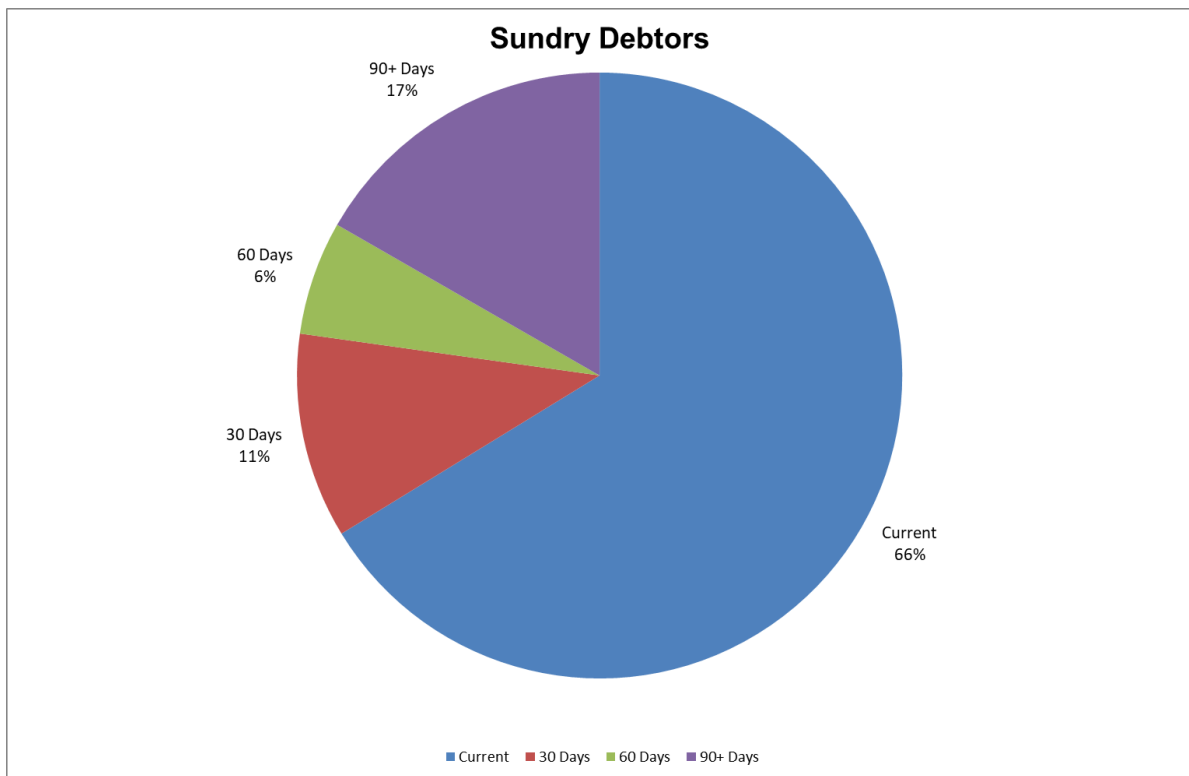
Nil

OFFICER COMMENT

The total of debtors outstanding as at 31 December 2018 is \$998,549. A breakdown of aged debt for the current period compared to prior year for the same period is tabled below.

Period Ending December	Current	30 Days	60 Days	90+ Days	Total
September 18 – December 18	66%	11%	6%	17%	100%
	661,636	109,363	60,699	166,851	998,549
September 17 – December 17	524,216	197,407	43,763	215,704	981,090

Of the total debt balance, the amount outstanding for 90+ days is \$166,851 or 17%. Below is a graph of the aged debt balances as at 31 December 2018.



Compared to the report of overdue debtors as at 30 September 2018, presented to Audit and Risk Management Committee at the 20 November 2018 meeting, the total value of outstanding debtors has increased by \$303k.

Outstanding debt over 90 days has increased from \$133k at the end of the previous quarter to \$166k. The number of overdue debtors above reporting threshold remains at 4 with a total value of \$134,721.

Since the last report, no exercise of delegated authority to waive or write off debts valued at \$1,000 or above per debtor by officers has occurred. Currently \$89,190 has been identified for potential write-off.

Summary of Sundry Debtor's Debts Written-off

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

Summary of Sundry Debtor's Debts Waived

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

In accordance with delegated authority, any debts over \$20,000 will be submitted to Audit and Risk Management Committee for approval and all recorded use of delegated authority by Chief Executive Officer, Directors and Managers will be reported to Audit and Risk Management Committee.

The confidential attachment contains debtor information in relation to the \$134,721 of outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments and background.

Debtors Outstanding

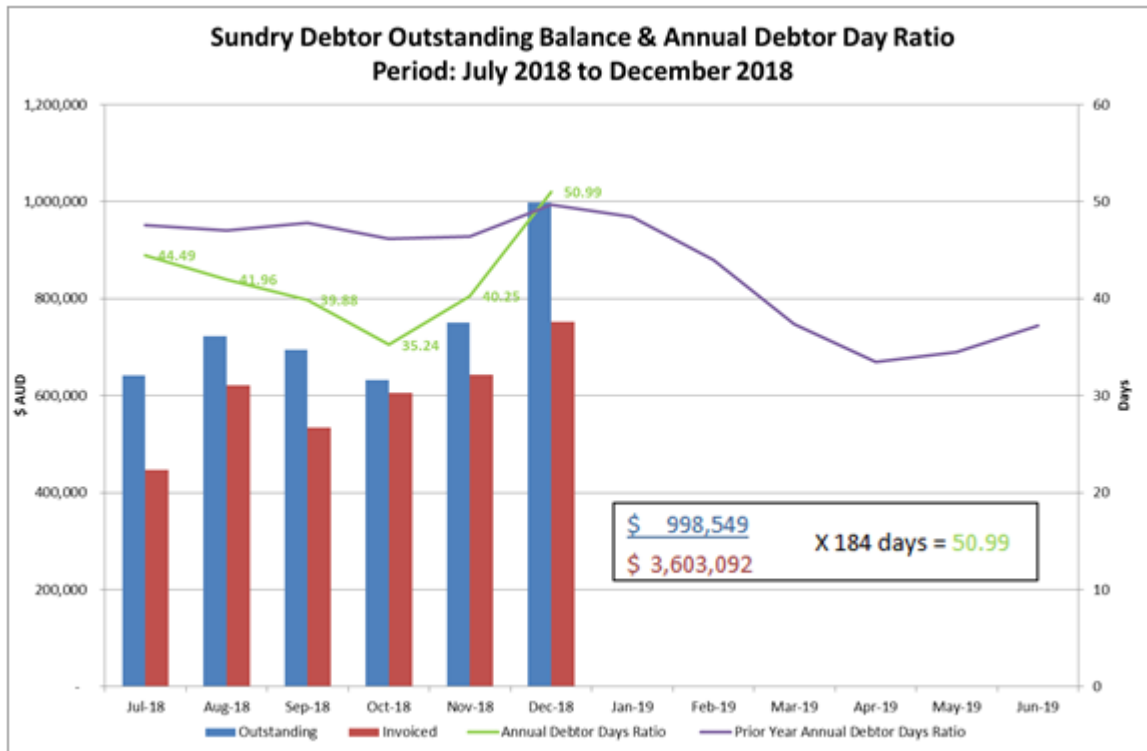
In response to Council's request to provide information about the effectiveness of the City's collection processes, Officers were unable to find an industry benchmark against which to measure performance. After consultation with the City auditors, Moore Stephens, it is recommended the debtors' days ratio is used for reporting purposes.

The debtors' days ratio measures how quickly cash is being collected from debtors. The longer it takes for an organisation to collect, the greater the number of debtors days.

The calculation of the ratio considers the total amount outstanding at the end of the period over the total amount invoiced to that period for the financial year by the total number of days from 1 July to the end of the period. See calculation in graph below.

Prior financial year information is presented together with the current financial year as a comparative to demonstrate the City's ability to collect funds owed to the City when due.

At 1 July 2018, \$749,886 of invoices raised in 2017/18 was outstanding resulting in outstanding debt exceeding the amount invoiced during July 2018. Identified write-offs amount to \$89,190 and have resulted primarily from the declaration of bankruptcy of a number of the City's commercially leased properties.



At reporting date, the debtors days ratio was 50.99, a significant increase from the prior period. Seasonal invoicing and a one off invoice raised for the FOGO project (\$165k) have contributed to this increase. Of outstanding debt, 66% related to current invoices that were not yet due. It is anticipated that the ratio will reduce in the next period.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM ARMC1902-4 (Committee recommendation)

Moved: Cr Jeff McDonald

Seconded: Cr Jenny Archibald

Council:

1. Receives the overdue debts above threshold report with \$134,721 of outstanding debtors exceeding 90 days and the combined value exceeding \$10,000 as at 31 December 2018
2. Accept the debtors' day ratio as an appropriate reporting measure of the City's effectiveness in the collection of amounts owed

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

ARMC1902-2 ADOPTION OF THE 2018 COMPLIANCE AUDIT RETURN

Meeting Date:	12 February 2019
Responsible Officer:	Manager Governance
Decision Making Authority:	Council
Agenda Attachments:	Peyton Consultancy Summary Report Peyton Consultancy Confidential Report – (under confidential cover)

The 2018 Compliance Audit Return (CAR) has now been completed by an independent auditor and is presented to Council for adoption in accordance with the requirements set by the Department of Local Government, Sport and Cultural Industries.

It is recommended that Council:

1. Acknowledges that the 2018 Compliance Audit Return has been reviewed by the Audit and Risk Management Committee on 12 February 2019.
2. Adopt the 2018 Compliance Audit Return included below and approve its submission to the Minister for Local Government.

BACKGROUND

In accordance with the *Local Government Act 1995* (the Act), each local government authority is required to carry out a compliance audit for the period 1 January to 31 December of each year as instructed by the department.

The City appointed Peyton Consulting as an independent consultant to undertake the 2018 CAR. Peyton has provided a confidential in depth review report and a summary of findings report. Both of these reports have been made available for elected member information for consideration of this report.

The 2018 CAR contains 89 questions relating to the local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk". Questions are generally asked in a positive phrase where a 'yes' response indicates compliance and a 'no' response indicates non-compliance. In some cases an 'NA' response may be recorded which indicates that the question did not apply to the City during the return period.

Under section 14 (3A) of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Management Committee is required to review the compliance audit return and make recommendations to Council on any action required in response to the audit findings. The Council are required to adopt the CAR prior to it being submitted to the Minister for Local Government before the deadline of 31 March 2019.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

In accordance with Section 7.13(1)(i) of the *Local Government Act 1995* and Regulations 13, 14 and 15 of the *Local Government (Audit) Regulations 1996*, local governments are required to carry out an audit of compliance for the period 1 January to 31 December each year.

After carrying out the compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

Following preparation of the return a local government is to:

- a. Review the audit report at its audit committee,
- b. Present the audit report to council,
- c. Adopt the audit report, and
- d. Record the audit report in the minutes of that meeting.

The return is to be signed by the Mayor and Chief Executive Officer before it is submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March following the period to which the return relates.

CONSULTATION

In order to provide an appropriate response to each question, the auditor consulted with a variety of officers within the City seeking information and evidence in relation to the questions asked in the return.

OFFICER COMMENT

The City has achieved a 99% compliance rating for the period covered by the 2018 CAR, which is well above the City's intended target of achieving at least 95% compliance with its legislative requirements, and shows continued improvement from previous years: 96.5% in 2016 and 98% in 2017.

In response to the 89 questions contained in the CAR, the auditor has examined the City's documents and records relevant to these questions and recorded responses based on these findings. One question of non-compliance is recorded in the CAR, as detailed below:

Question	Auditors findings
Did the local government invite tenders on all occasions(before entering into contracts for the supply of goods and services) where the consideration under the contract was, or was expected to be worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General)Regulations(Subject to Functions & General Regulation 11(2))	A procurement was conducted in 2018 that was in excess of \$150 000, without a tender being called

Officer response

Tender FCC475/16 for the Construction of Insitu Concrete Footpaths was awarded in November 2016 and the contract commenced in December 2016. In December 2017, the contractor terminated the Contract, leaving the city without a contractor to undertake concrete paving works. The termination was outside the period allowed for awarding a contract to the second placed respondent to the tender.

To cover the period of time to re-tender, an RFQ (134/18) was issued to cover the period February 2018 to June 2018. In April 2018 the monthly Supplier Expenditure Report noted that expenditure to date, with the 'RFQ awarded contractor', had increased from \$35k in February/March to \$87k in April, with a further \$152k in committed forward purchase orders raised.

Following the end of April 2018 financial month the Procurement Team alerted the Engineering Manager and the Team Leaders / Coordinators at the City's depot in writing advising that purchases with the 'RFQ awarded contractor' must cease immediately. However, by this time, works were already underway that required completion and payment. The final amount of expenditure was \$226k, which is \$76k above the legislated Tender threshold limit.

The process of awarding a new Tender for Insitu Concrete Footpaths (Tender FCC514/18) was delayed as the preferred tenderer withdrew before the contract was awarded. The evaluation for the Tender had noted that the 'RFQ contractor' as the 2nd preferred tenderer, and a contract was eventually awarded to them in August 2018. All current works with Insitu Concrete footpaths are undertaken under tender.

The City informed the auditor undertaking the Compliance Audit Return 2018 of the breach and the steps taken to rectify the issue. It is acknowledged that process and procedural improvement is still required and the City has taken steps to improve processes and procedures.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM ARMC1902-2 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council

- 1. Acknowledges that the 2018 Compliance Audit Return has been reviewed by the Audit and Risk Management Committee on 12 February 2019.**
- 2. Adopt the 2018 Compliance Audit Return included below and approve its submission to the Minister for Local Government.**

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Fremantle - Compliance Audit Return 2018

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2018.	Yes	1 major trading undertaking in 2018: South Fremantle Solar Farm	N Weller
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2018.	N/A	No major land transactions in 2018	N Weller
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2018.	N/A	As above	N Weller
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2018.	Yes		N Weller
5	s3.59(5)	Did the Council, during 2018, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes	1 major trading undertaking in 2018: South Fremantle solar farm (adopted OCM 26/09/18)	N Weller

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes	Refer minutes of OCM 27 June 2018	D Baker
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		D Baker
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		D Baker
5	s5.18	Has Council reviewed delegations to its committees in the 2017/2018 financial year.	Yes	Refer minutes of OCM 27 June 2018	D Baker
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		D Baker
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	Refer minutes of OCM 27 June 2018	D Baker
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		D Baker
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		D Baker
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	Refer minutes of OCM 27 June 2018 – amendments included in this review	D Baker
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		D Baker
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2017/2018 financial year.	Yes		D Baker
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		D Baker
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A	No s. 5.68(1) decisions by Council in 2018	D Baker
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		D Baker
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes	1 fresh election in 2018	D Baker
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		D Baker
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2018.	Yes		D Baker
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2018.	Yes		D Baker
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		D Baker
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		D Baker
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		D Baker
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		D Baker
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		D Baker
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A	No disclosures made in 2018	D Baker
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A	No disclosures made in 2018	D Baker
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes	Maintained on the City's website	D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		D Baker
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes	Sample checking of advertisements showed the City is meeting the requirements of s. 3.58(4)	D Baker

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		D Baker
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No powers delegated to audit committee per Part 7 of the Act	D Baker
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	David Tomasi, Wen Shien Chai and Greg Godwin of Moore Stephens	D Baker
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	OCM 24 February 2016 for a 3 year term	D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government within 30 days of completion of the audit.	Yes	Provided on 16 November 2018	D Baker
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government by 31 December 2018.	Yes	Presented to Council's Audit and Risk Management Committee on 20 November 2018	D Baker
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No matters raised	D Baker
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		D Baker
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		D Baker
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		D Baker
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		D Baker
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		D Baker
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		D Baker
15	Audit Reg 17	Has the CEO reviewed the appropriateness and effectiveness of the local government's systems and procedures in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.	No	This review was underway at the time of writing	D Baker
16	Audit Reg 17	If the CEO has not undertaken a review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, is a review proposed and when.	No	See above	D Baker

Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Under review at time of writing	C Clarke
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A	See above	C Clarke

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3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Currently under review for the period 2015-2025	C Clarke
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A	See above	C Clarke
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A		C Clarke
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	Adopted in 2015 (2015-2015). Review commenced in 2017	D Baker
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A		D Baker

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	No change of CEO in 2018.	D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	No vacancy of CEO or senior employees' positions in 2018	D Baker
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	No change of CEO in 2018.	D Baker
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	No change of CEO in 2018.	D Baker
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	No senior employees appointed or dismissed in 2018	D Baker

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	CEO is complaints officer	C Clarke
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		C Clarke
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		C Clarke

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
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4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes	C Clarke
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes	C Clarke
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes	C Clarke

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	1 instance of procurement that was over \$150,000 that did not go to tender: construction of concrete path – awarded to G&G Di Martino Family Trust	D Baker
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		K Porter
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		K Porter
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	Sample checking of the City's records indicated advertisements are compliant	D Baker

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and Cultural Industries**

5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes	Via TenderLink	K Porter
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		D Baker
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes	Via TenderLink	K Porter
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	Sample checking of the City's records indicated assessment reports are compliant	D Baker
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		K Porter
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		K Porter
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes	1 EOI in 2018: new administration building	K Porter
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes	All EOI's were rejected	K Porter

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and Cultural Industries**

13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes	As above	K Porter
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	As above	K Porter
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A	The City does not have pre-qualified supplier panels	K Porter
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		K Porter
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		K Porter
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		K Porter
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		K Porter

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20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A	K Porter
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A	K Porter
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A	K Porter
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	K Porter
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A	K Porter
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes	D Baker

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

Signed Mayor / President, Fremantle

Signed CEO, Fremantle

14 of 14

Carried: 13/0
**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

ARMC1902-6 LONG TERM FINANCIAL PLAN DEVELOPMENT PROCESS

Meeting Date:	12 February, 2019
Responsible Officer:	Glen Dougall
Decision Making Authority:	Council
Agenda Attachments:	Nil (Presentation to be provided at Committee meeting)

SUMMARY

City officers have carried out a comprehensive process to build the new Long Term Financial Plan (LTFP) for the next ten years.

Officers have refined the corporate project management framework and project development process to ensure that many of the proposed projects now have developed scopes and costs and a process of peer review undertaken to ensure that sufficient detail and weighting is provided when considering cost, priority and future operating management.

The current project analysis process provides:

- Structure
- Transparency
- Planned approach
- Forecasting budgets and resources vs projects and plans

A detailed LTFP is now complete that will allow the City to forecast its budget and resources in line with strategic plans and projects.

A draft LTFP for the next 10 years is in progress which will be presented at Council workshops over the next month with the view to adopt with the annual budget and Corporate Business Plan (CBP) in June 2019.

This report seeks to confirm the timing and process of finalising the LTFP, CBP and annual budget.

BACKGROUND

Long Term Financial Plan

The current LTFP was adopted by Council on 2 July 2014. The LTFP is a part of the local government planning framework which focuses on the City's future financial capacity and the ability to meet future strategic and operational needs. The LTFP is aligned to other core planning documents and Council's commitments to the community including the Strategic Community Plan and the Corporate Business Plan. Information contained in other plans such as the Asset Management and Workforce Plans.

Project Management Audit

In July 2018 the Paxon Group Pty Ltd carried out an internal audit of project management at the City. The report recommended the need for improved procedures,

clarity and detail of instructions, documentation and controls in order to minimise risk and to achieve sound project governance and compliance. Officers have implemented a new Corporate Project Management Framework which covers the processes and documentation required to address the recommendations. The audit report was received at the Audit and Risk Management Committee Meeting on the 20th November 2018.

Integrated Planning Framework

The City is improving its approach to corporate planning. The CBP relies on Informing strategies in the corporate planning framework to provide the outline of major activities for the City over the next four years. Where the LTFP provides a higher level view of the City's financial capacity needs, the CBP focusses more on the detail of the next four years.

Asset Management Policy

The City of Fremantle Asset Management Policy was adopted in June 2018. The Policy is designed to help guide the City in its consideration of asset management when adopts the annual budget and Long Term Financial Plan. The Asset Management Policy states that:

- Council, in adopting the annual budget and Long Term Financial Plan, shall give due consideration to the priorities identified in the City's Corporate Asset Management Plan.
- The City's Asset Management Plans will be used to provide an objective basis for consideration of the annual budget allocated to renewal and maintenance of assets, and priorities within this budget and City work programmes.
- As part of the budget process the City will produce a prioritised listing of capital works projects. Priorities will be based on sustainability, risk, safety, legislation, strategic alignment and cost. This will be available for consideration as part of the annual budget process. In adopting the annual budget and Long Term Financial Plan Council shall give due consideration to the priorities identified through this process.

FINANCIAL IMPLICATIONS

The LTFP, CBP and corporate project management framework informs the budgeting process. It supports sustainable financial management and will deliver a considered process to determining each annual budget.

LEGAL IMPLICATIONS

In the preparation of the annual budget Section 6.2 of the Local Government Act 1995 requires the local government to have regard to the contents of the plan for the future of the district made in accordance with section 5.56.

Section 5.56 of the Local Government Act 1995 requires a plan for the future:

- (1) A local government is to plan for the future of the district.

- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The Plan for the Future comprises the Strategic Community Plan and Corporate Business Plan.

CONSULTATION

There may be an opportunity to consider advertising the LTFP for community input during the process. This will depend on timing. Council has previously discussed the opportunity to undertake a participatory budget process. There are benefits and challenges to this. The LTFP may provide a better overview perspective than an individual budget or an allocation of funding for community comment.

OFFICER COMMENT

Corporate Project Management Framework

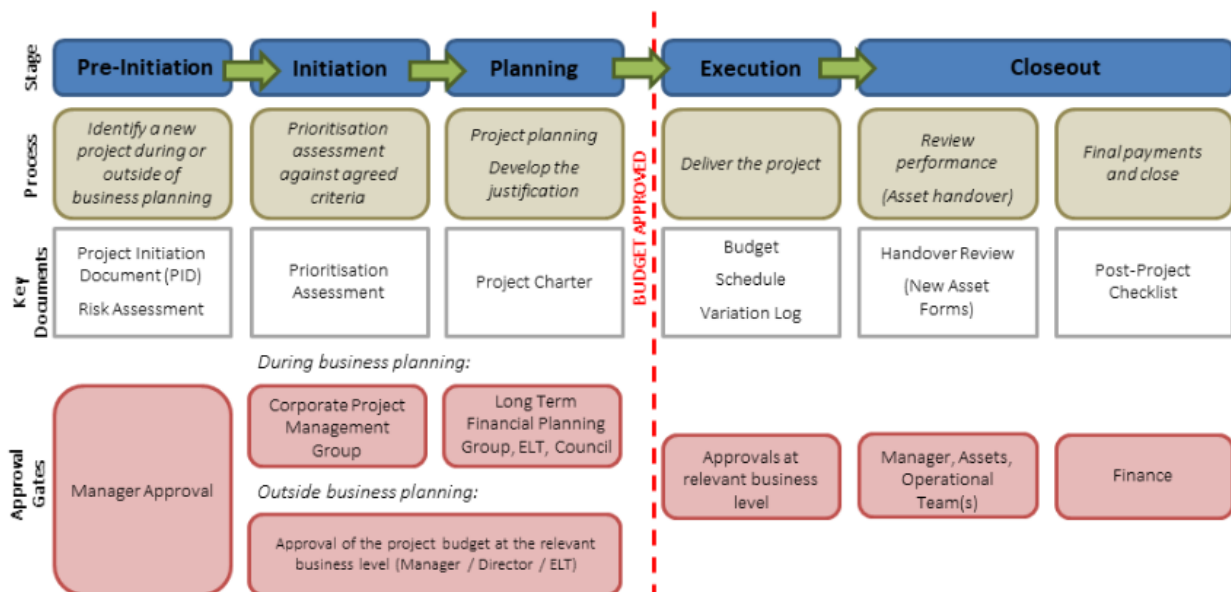
The Corporate Project Management Framework has been designed so that it complements the business planning process and brings about improved control and transparency. The first step in identifying a potential project is the development of a Project Initiation Document (PID). The PID includes details of the scope, the duration, the cost, risk and justification of the project.

The Corporate Project Management Group, made up of managers from across all directorates, met in November 2018 to prioritise the projects planned for delivery in the next 10 years. Projects score more highly if there is a contract already in place, there is a legislative requirement, the project is strongly aligned with the strategic objectives, funded by grants or has political significance.

The Long Term Financial Planning Group met in December 2018 and considers the affordability of the proposed projects. The LTFP Group discusses the funding of each proposed project and allocates budget based on priority and resources available. The LTFP Group considers targets for renewal, new and one-off operational projects. The total expenditure for each of the three areas (renewal, new and one-off operational) are determined by balancing community needs, affordability and the Department of Local Government Financial Ratios.

The output of this process is a schedule of projects for the next 10 years based on specific project needs, priorities and risk. This forms the capital expenditure basis of the LTFP and allows projects to be prepared early, and the City to plan its resources for delivery of the projects and operation of the eventuating assets.

The Project Management Process



Budget Timeline

The LTFP will provide details on what Council proposes to deliver over the next ten years as a means of ensuring the City's financial capacity to deliver. The forecasts and predictions for the first four years of the LTFP are being developed with reasonable accuracy and will reference back to the CBP. The annual budget preparation will primarily be informed by these long term financial projections and planning therefore ensuring alignment with the LTFP and CBP. Due to the close connection of these plans it is recommended that the CBP, LTFP and draft budget be adopted together in June 2019.

The suggested timetable for this process is below;

DATE	ITEM
12 Feb 2019	Preview of draft LTFP at Audit and Risk Committee
11 March 2019	IEM to workshop draft LTFP
15 April 2019	IEM to finalise draft LTFP and CBP
8 May 2019	1 st Budget Workshop
22 May 2019	2 nd Budget Workshop
6 June 2019	3 rd and final Budget Workshop
26 June 2019	Adopt Annual Budget, LTFP and CBP

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM ARMC1902-6
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council approves the below timeframe (*as amended*) for the development and adoption of the Long Term Financial Plan (2019-2029), Corporate Business Plan (2019-2022) and 2019/20 Annual Budget;

DATE	ITEM
12 Feb 2019	Preview of draft LTFP at Audit and Risk Committee
11 March 2019	IEM to workshop draft LTFP
15 April 2019	IEM to finalise draft LTFP, CBP <i>and risk profile review</i>
8 May 2019	1 st Budget Workshop
22 May 2019	2 nd Budget Workshop
6 June 2019	3 rd and final Budget Workshop
26 June 2019	Adopt Annual Budget, LTFP and CBP

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

11.5 Library Advisory Committee 13 February 2019

LAC1902-1 TOY LIBRARY QUARTERLY REPORT OCTOBER - DECEMBER 2018

Meeting Date: 13 February 2019
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

To provide information to the Committee on the operation and performance of the Fremantle Toy Library during the quarter October to December 2018.

This report recommends that the Committee receive the information.

BACKGROUND

The City of Fremantle operates the Fremantle Toy Library providing early years based toys and educational materials to the residents of the cities of Fremantle and WA.

FINANCIAL IMPLICATIONS

The Fremantle Toy Library and its services are jointly funded by:
City of Fremantle
Town of East Fremantle
Department of Social Services

LEGAL IMPLICATIONS

Gazetted 02.03.1956 Folio 633 (amended 15.07.1959 F1869; 28.11.1968 F3464; 29.11.1985 F4485) Reviewed/Amended 2001 & 2007

Pursuant to its powers under the Local Government Act 1995 the City of Fremantle resolved on the 19th March 2001 to make the Local Law.

Library Advisory Committee shall comprise:

- (i) The Mayor of the City of Fremantle and one Councillor of each Ward of the City of Fremantle.
- (ii) One Council member of the Town of East Fremantle as appointed by the Council of the Town of East Fremantle.

A maximum of four (4) members of the library not being a Councillor of the City of Fremantle at the time of appointment or a representative of the Town of East Fremantle.

CONSULTATION

Nil

OFFICER COMMENT

Statistics- October to December 2018



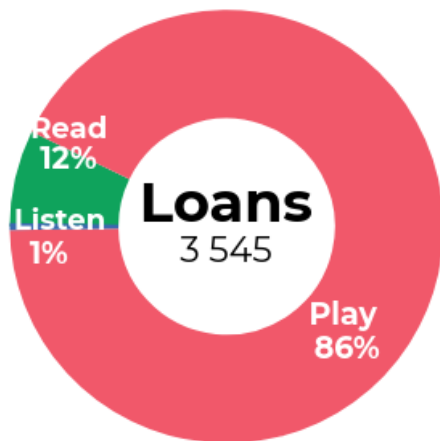
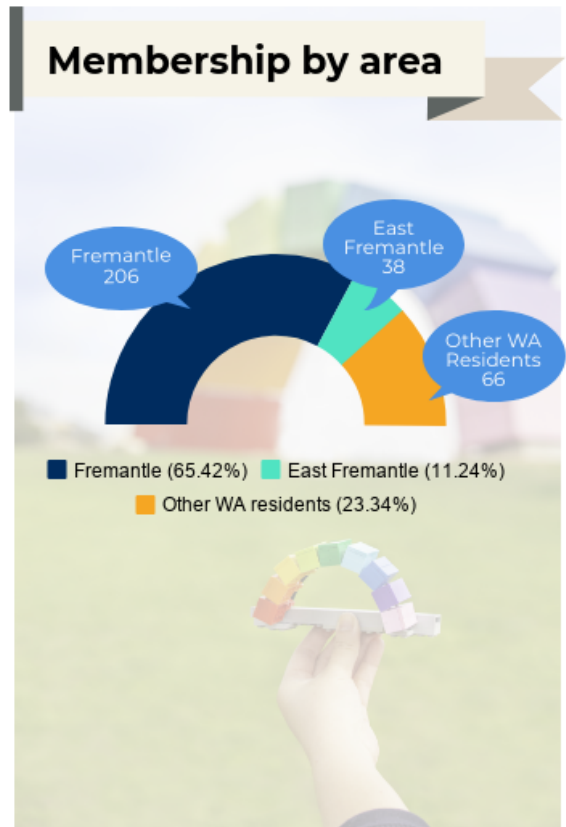
Fremantle Toy Library

October - December 2018


Big fun for small people


Toy Library members 347 Toy Library visits 1,882
New members 40

Membership by area



Average weekly attendance

 **0 - 2 years**
28

 **3 - 5 years**
13

 **2 - 3 years**
17

 **5+ years**
6



Collection size 2,085 items
Items on loan 40%

Fremantle Toy Library continues to strengthen community capacity through the provision of quality resources to support parents as their child's first teacher. During this reporting period there has been an overall increase in the total membership number. The Toy Library was also successful in the application for the Budget Based Funding grant from the Department of Social Services. The grant which provides just over \$20,000 over two years will allow for an increase in the quality and quantity of resources delivered by the service.

To support the work during the previous quarter on the new marketing campaign, the Toy Library team hosted the Fremantle Toy Library Open Day, which saw over 250 people attend. During the day, held on October 4th, attendees were able to interact with Buster It's All About Play and make use of the Fremantle Library's LEGO collection, as well as face painting and a sensory play area provided by the Freedom Fairies and drive around a Cozy Coupes race track. There was also a sausage sizzle run by the PCYC staff, information available for joining the Toy Library, and a special storytime and drawing session with local author Wendy Binks. Attendees to the event were thrilled with the attractions and expressed an interest in making this an annual occurrence.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM LAC1902-1 **(Committee recommendation)**

Moved: Cr Doug Thompson

Seconded: Cr Jenny Archibald

Council receives this Toy Library report October to December 2018.

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

**LAC1902-2 LIFELONG LEARNING QUARTERLY REPORT OCTOBER -
DECEMBER 2018**

Meeting Date: 13 February 2019
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

To provide information to the Committee on the operation and performance of the Fremantle Library during the fourth quarter of 2018.

This report recommends that Council receives the Lifelong Learning Quarterly Report October to December 2018.

BACKGROUND

The City of Fremantle operates the Fremantle Library providing lifelong learning services to the residents of the city of Fremantle and the Town of East Fremantle.

FINANCIAL IMPLICATIONS

The Fremantle Library and its services are jointly funded by:
City of Fremantle
Town of East Fremantle
State Library of WA

LEGAL IMPLICATIONS

Gazetted 02.03.1956 Folio 633 (amended 15.07.1959 F1869; 28.11.1968 F3464; 29.11.1985 F4485) Reviewed/Amended 2001 & 2007

Pursuant to its powers under the Local Government Act 1995 the City of Fremantle resolved on the 19th March 2001 to make the Local Law.

Library Advisory Committee shall comprise:

- (i) The Mayor of the City of Fremantle and one Councillor of each Ward of the City of Fremantle.
- (ii) One Council member of the Town of East Fremantle as appointed by the Council of the Town of East Fremantle.
- (iii) A maximum of four (4) members of the library not being a Councillor of the City of Fremantle at the time of appointment or a representative of the Town of East Fremantle.

CONSULTATION

Nil

OFFICER COMMENT

The October to December 2018 quarter has been busy with changes and achievements.

The new Biblio-Lounge and 'hot reads' collection are proving very popular with customers, new staff have been inducted into the team and the most successful maker event to date was run in December.

Statistics



Fremantle Library Jul-Sep 2018

Wanjoo

Library members
20 984
New members
369

Library visits
45 215



East Fremantle Parking Permits issued 4
Total 135



In-person
33 498



Most visited day
Monday 31 July
606 people

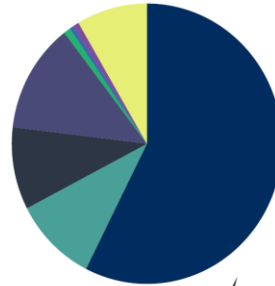


Virtual
11 717

Population

Fremantle 32 482 **East Fremantle** 7 860

Membership by area



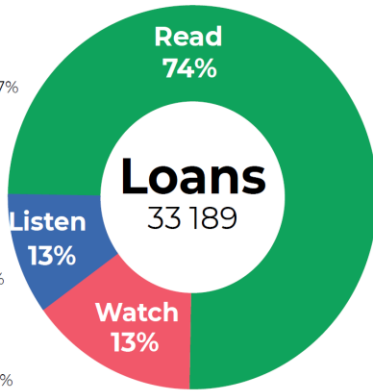
East Fremantle
2 088

Fremantle
12 064

- **Adult Books** 34%
- **Children's Books** 27%
- **Magazines** 2%
- **eMagazines** 2%
- **eBooks** 9%

- **Music CDs** 2%
- **Audiobooks** 3%
- **eAudio** 6%
- **Music downloads** 2%

- **DVDs** 12%
- **Streaming movies** 1%

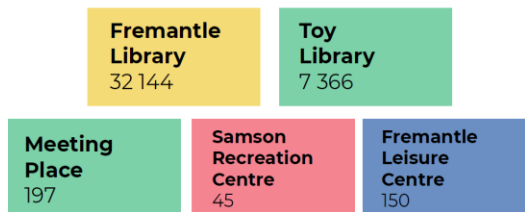


Over **600** hand made poppies donated to the library from community members for the Centenary of Armistice 2018



Collection size 23 701 items
Self check machine loans 67.3%

In the community: loans, returns and renewals



1285
Facebook fans



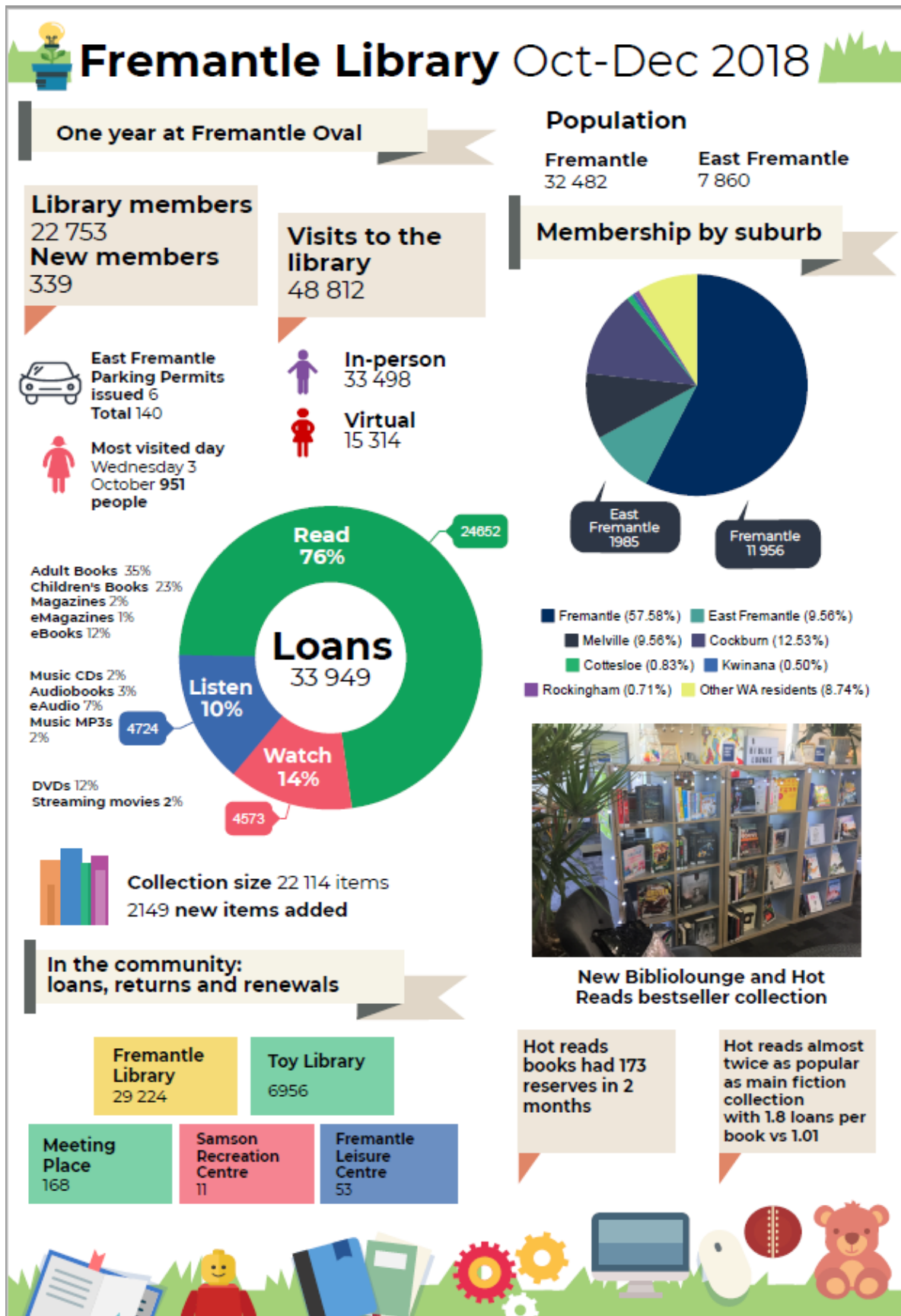
1845
email newsletter readers



584
attended events



5565
public computer users



Community Connections and Learning

Creating opportunities for community learning has been the focus of this quarter's Curious program. In conjunction with Greening Australia, residents were invited to a free workshop on 'How to Create a Verge Garden' that enhances bird life and is water wise. The three hour hands-on workshop included design, plant choice and site visits to several local verge gardens in South Fremantle. The workshop was attended by 21 people and feedback was very positive with particular appreciation of the useful and practical nature of the session.

The year ended with the hugely successful, Makerspace: Sustainable Christmas event in the Library. Creative activities led by both staff and the community included: No Sew T-shirt bags, Mini-terrariums, Boomerang Bags, Bees Wax Wraps, Xmas wrapping paper plus recycled book decorations. A ukulele jam/singalong added a fun and festive feel to the evening. Community members had the chance to create their own Fremantle history moment at Vintage Photo Booth. The event attracted a wide range of ages and had its largest crowd to date with 250 people enjoying the Makerspace and free BBQ in the courtyard hosted by the Hilton PCYC.

Inspired by the expanding interest in the genre of Young Adult (YA) fiction, Curious featured an author talk with WA writer, AJ Betts. In collaboration with Saga Books, South Fremantle, the event was an intimate evening of conversation, discussion and food that gave the community a unique opportunity to gain insights into the creative process of a highly successful local YA writer, the world of publishing and what it's like to have one's novel turned in to a successful American TV series. The event was held at Saga Books and attracted a diverse audience of 25 people from the ages of 15 to 70.

Book clubs have been very popular, with two groups held at the library and one at The Meeting Place. The groups are near to full capacity. Continuing on from the YA fiction author event, there are plans to trial a new book club aimed at young adults and featuring the YA genre in the first quarter of 2019.

Ongoing social groups, classes and support groups continue to be a vital part of The Meeting Place activities. French and Italian conversation groups are very popular and have waitlists wanting to attend. Participants in beginners' language classes have expressed interest in an ongoing, developing language program and opportunities to extend the current program are being explored for 2019.

The Curious program continues to provide a central focus point for the community to discover the wide range of course and program opportunities the City provides. Over the final quarter of 2018, Curious included 77 program and event listings across the across the City's community program areas.

Operations

The Library has seen an average of 359 through the doors each day during the spring quarter. With the weekend football season finishing, weekend numbers have remained steady, with a noticeable increase in the use of the Children's Library. Team members continue to be actively involved with promoting the libraries e-resources, with regular Tech Help sessions continuing through the quarter.

Library staff have also been involved with the Makerspace event held in the library in December, helping the attendees create sustainable Christmas gifts. As part of activating the library space, a 'Biblio-Lounge' has been set up at the front of the Library. The Biblio-Lounge creates an inviting and comfortable space for customers incorporating plants, games, books, newspapers, magazines, comfortable couches and armchairs. This area features the new 'Hot reads' collection, which provides multiple copies of latest release and other popular titles to allow customers to easy access these. Customers have embraced the new area and loans of items from this collection are almost doubling loans from the general collection. Other 'Biblio-Lounge' nooks around the library are planned to be created in 2019.

Also in relation to space activation, family sporting equipment has been made available for customers, who can borrow items for same day return to use on the Fremantle Oval. Use of this equipment is becoming popular, especially on the weekend, with many families making use of the expansive oval space to use the equipment.

A Remembrance Day display was set up early in November, honouring four local World War 1 soldiers who were killed in action. These soldiers, who are not honoured on the Fremantle War Memorial at Monument Hill, have only recently been recognised among Fremantle's World War 1 soldiers, thanks to research undertaken by a City employee, Andrew Pittaway. Poppies knitted by Library staff in conjunction with the Knitting group from the Wanjoo Lounge enhanced this displayed.

The Library acknowledges the traditional owners of this land, Walyalup (Fremantle), are the Nyoongar people and the Aboriginal collection that has been developed and displayed at the front of the library has been widely borrowed.

Regular Children's programs run on a Tuesday and Thursday morning have reached record numbers this quarter. Tuesday morning sessions are particularly well attended, with the Library becoming a bustling regular meeting place for parents and carers. The average of people attending Tuesdays Rhyme Time sessions are up from 32 last quarter to 41 this quarter.

The Library remained open during the Council Christmas shutdown period. This was well received with many customers enjoying the Library space during this Christmas period.

Staff

Pam Harris, Local History Librarian, retired on 12th December 2018. Pam worked in the History Centre for eleven years and made a substantial contribution to the collection and its organisation. Under her tenure significant work was made on digitising aspects of the collection. Almost 600 oral history interviews were digitised from cassette tapes and are now easily accessible. Over 5,000 photographs were placed online under Pam's supervision.

Lucy Hair was recruited earlier in the year to ensure coverage during Pam's transition to retirement and now shares the role of Local History Engagement Officer with Stewart Alger who commenced with the City in November 2018.

Stacey Lowe also commenced with the Lifelong Learning team as a Library Customer Service Officer during the quarter, filling a permanent part-time vacancy in the Library Operations Team.

The Lifelong Learning team was also successful in being selected to host one of the 2019 cohort of Aboriginal trainees. Rita Miller will commence in the team in January 2019 and will focus on library customer service and the delivery of children's programs.

Young People's Services

Program	Number of sessions	Total adults and children attending
Better Beginnings – Yellow	2	26
It's All About Rhyme	10	368
It's All About Story	10	171
CoderDojo	10	122
ECU Food Nutrition Course	1	3
Nintendo Labo Stay and Play	2	30
Toy Library Open Day	1	250
Buster It's All About Play – PCYC	10	172
Buster It's All About Play – Fremantle Arts Centre	10	679
Buster It's All About Play – Fremantle Leisure Centre	2	11
Buster It's All About Play – Samson Park	2	9
Buster It's All About Play – Sullivan Hall	2	6
Buster It's All About Play – Leighton Beach Park Area	2	38
Buster It's All About Play – Meeting Place	2	39
Freo Plays MarioKart 8 Tournament	1	18
Nintendo Labo Build & Code	6	50
Buster @ Hilton Town Centre Opening	1	100
Buster @ Maritime Day	1	390

Buster @ FLC Family Fun Day	1	80
Buster @ Carols by Candlelight	1	250
Buster @ Garage Sale Trail	1	250
Storytime @ Animaze Exhibition (FAC)	5	225
Total	83	3287

Buster It's All About Play frequented a range of five venues on Thursdays during the quarter, in order to reach more of the community. These locations included Fremantle Leisure Centre, Samson Park, Sullivan Hall, the Leighton Beach Park Area, and The Meeting Place. Many of the locations saw a large amount of people attend, with a popular new location being found at Leighton Beach. A total of 782 people attended the sessions during the quarter.

The quarter also saw Buster It's All About Play visiting five events operated by the City, including Carols by Candlelight and the Toy Library Open Day with large numbers in attendance and making use of the toys and activities. Attendees to these events also had the opportunity to borrow items from Fremantle Library through the new mobile library service operated through Buster It's All About Play. A small collection of items were collected for the events, tailored to the subject matter related to the event. This has proven to be popular, and will continue in 2019.

To celebrate the arrival of Nintendo Switch consoles and Nintendo Labo, a cardboard based controller and coding product, at the Fremantle Library, a series of Switch and Labo based programs were conducted for young people to attend. These programs included some free-play sessions, a build and code program, and a gaming tournament. With close to 100 people attending, there have been many requests for Switch and Labo based programs to continue.

A new collaboration opportunity arose for the Fremantle Library this quarter, with the Fremantle Arts Centre's Animaze exhibition. To celebrate this incredible exhibition, the first of its kind presented by the Fremantle Arts Centre, The Early Childhood Programs Officer conducted a series of animal themed storytime sessions at the venue, in the main gallery. These are continuing into 2019, with 225 people in attendance. These storytime sessions mimic the structure of regular sessions at the Library, and have brought in many new families and visitors to the Arts Centre and Library.

In addition to the regular quarterly statistics, below is an infographic demonstrating the range and number of programs for children offered by the Lifelong Learning team in 2018. Also included is a comparison with 2017 program numbers. On almost all measures, 2018 children's programs improve on the work done in the previous year. In particular, the number of sessions offered and the resulting attendance has increased significantly.



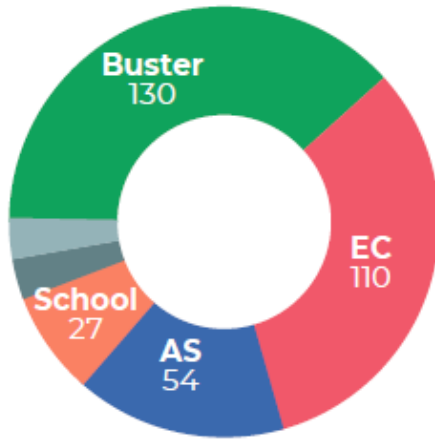
Fremantle Library Young People's Services 2018

curious

Overall

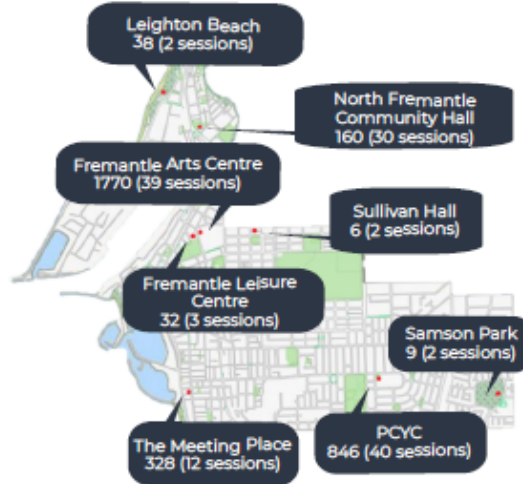
Total programs 14 **Total sessions** 341

Total attendance
9 388



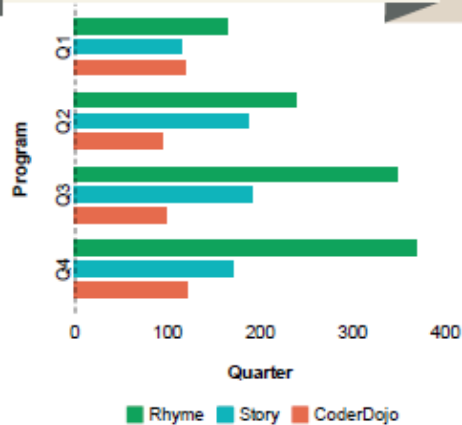
- Buster It's All About Play 130
- Early Childhood 110
- After School 54
- School Programs 27
- School Holiday Programs 10
- Events 10

Buster It's All About Play Attendance

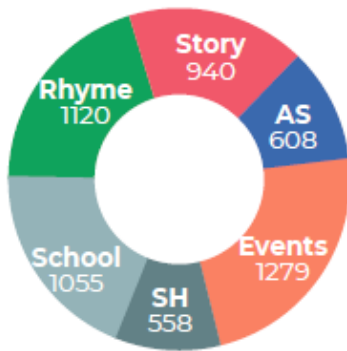


Total attendance 3 189 **Total sessions** 130

Quarter by Quarter Attendance



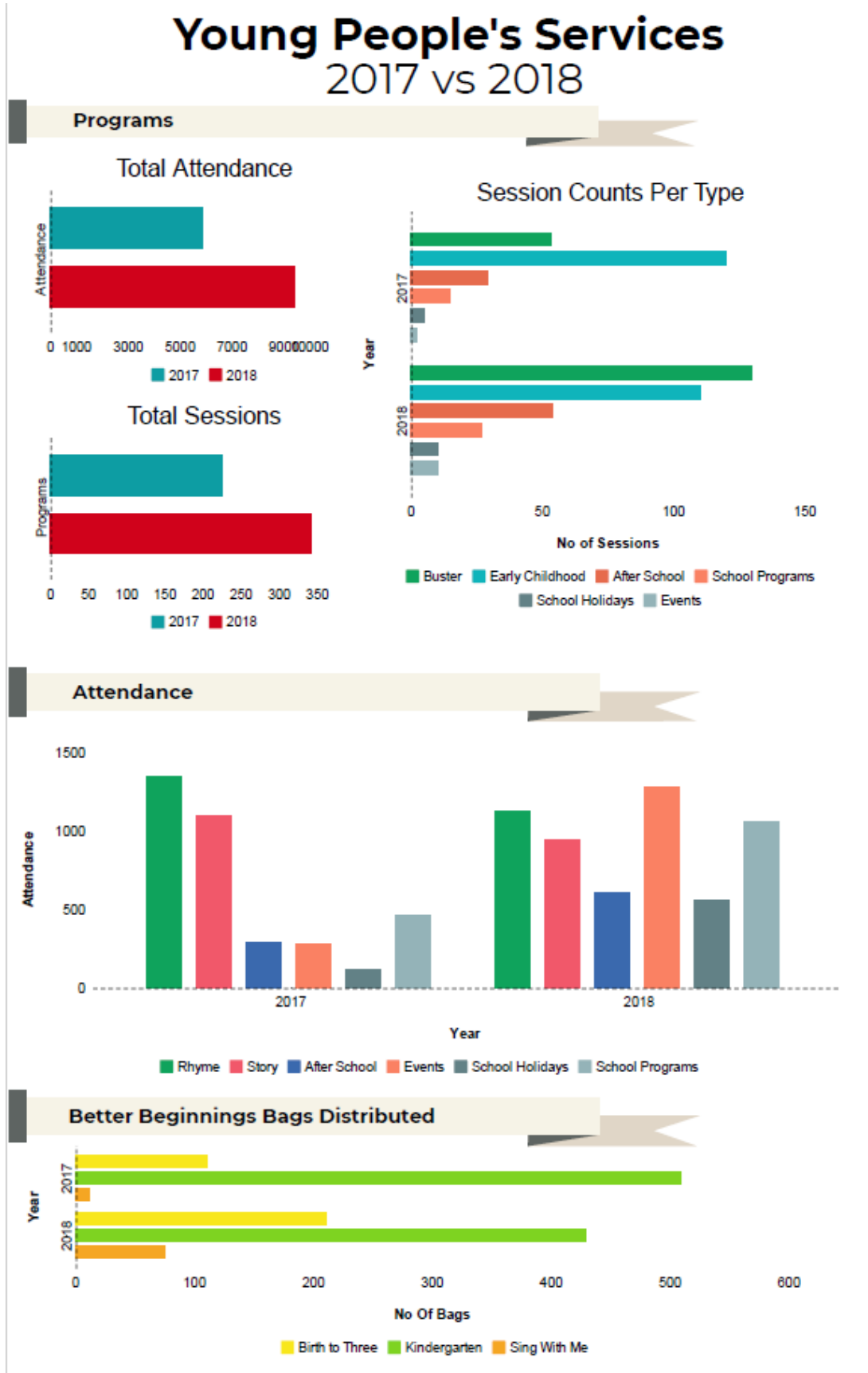
Attendance



- It's All About Rhyme 1120
- It's All About Story 940
- After School 608
- School Programs 1055
- School Holiday Programs 558
- Events 1279

Better Beginnings Bags Distributed





The History Centre had a display at the Volunteers Information Expo held in the Library on 6th December. The event was well-attended and five people expressed a strong interest in volunteering at the History Centre. Two people have since made contact and meetings have been arranged to explore volunteering opportunities.

For the October to December 2018 quarter, there were 277 hits on the catalogue archive page, and 451 views of images. The Fremantle History Centre webpages had a combined total of 1230 hits for the quarter.

In Person	Phone	Email	Total for History Centre
60	62	133	255

The History Centre collects e-newsletters and email broadcasts from a range of community groups. It was discovered that many groups had stopped sending their newsletters to the History Centre. Many schools were contacted and arrangements made to obtain 'missing' issues.

The History Centre has an index of Fremantle restaurants and cafes that is updated on an ad hoc basis. The City's Environmental Health Officer was able to supply a list of all food businesses approved from around 2010 onwards. This list has been integrated into existing records and is a valuable addition to the collection.

Conclusion

The October to December 2018 quarter has seen the Lifelong Learning team engaging positively with the community and with ongoing change within the City as plans continue for the delivery of the new library and community hub.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receives this Library and Information Service Quarterly Report July to September 2018.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Jenny Archibald

To add an additional part 2 to the officer's recommendation, to read as follows;

- 2. Acknowledge the retirement of Pam Harris, Local History Librarian and her valuable contribution towards the City's Local History collection.**

Amendment carried: 7/0

**Cr Doug Thompson, Cr Andrew Sullivan, Cr Tony Watkins, Cr Jenny Archibald,
Mrs Marilyn Cacavas, Mr Michael Stack, Mr Gerard MacGill**

COUNCIL DECISION ITEM LAC1902-2
(Committee recommendation)

Moved: Cr Doug Thompson

Seconded: Cr Jenny Archibald

Council:

- 1. Receives this Library and Information Service Quarterly Report July to September 2018.**
- 2. Acknowledges the retirement of Pam Harris, Local History Librarian and her valuable contribution towards the City's Local History Library collection and services.**

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

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:

C1902-1 Summary – Monthly financial report – January 2019

C1902-3 Schedule of payments for the month of January 2019

C1902-4 Information report – award of tenders under CEO delegation – January 2019

C1902-5 Budget review – February 2019

Carried: 13/0

M Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

C1902-1 SUMMARY - MONTHLY FINANCIAL REPORT - JANUARY 2019

Meeting Date: 27 February 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Monthly Financial Report – 31 January 2019

SUMMARY

The Monthly Financial Report for the period ending 31 January 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 January 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 January 2019.

Description	2018/19 YTD Budget	2018/19 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C)=(B) – (A)	(D) =(C)/(A)	
OPERATING					
Revenue	\$63.54M	\$64.69M	\$1.15M	1.81%	●
Expenses	(\$43.74M)	(\$42.92M)	\$0.82M	(1.88%)	●
Operating Surplus/Deficit	\$19.79M	\$21.77M	\$1.97M	9.95%	●
CAPITAL					
Revenue	\$8.06M	\$8.16M	(\$0.10M)	(1.23%)	●
Expenses	(\$5.71M)	(\$5.07M)	\$0.64M	(11.23%)	●
Overall Surplus/Deficit	\$23.19M	\$25.65M	\$2.46M	10.62%	●

COMMENT

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

Income	Variance	
Rates (including Annual Levy)	\$184,634	●
Fees and Charges	\$559,579	●
Operating Grants, Subsidies and Contributions	\$264,556	●
Interest Earnings	\$91,383	●

Expenses	Variance	
Materials and Contracts	\$1,097,502	●
Employee Costs-Agency Labour	(\$407,778)	●
Employee Costs	\$221,592	●
Insurance Expense	(\$101,781)	●

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

Operating Grants, Subsidies and Contributions

YTD Budget	YTD Actual	Variance Amount \$	Variance %
1,714,689	1,979,245	264,556	15%

The variance is mainly due to the grants funds for following projects received ahead of anticipated budget:

- \$75,000 for P-11728 Program-FAC Revealed 2019. The total grants income for this program is \$250,000 with matching expenditure in this financial year. The required budget amendments will be addressed at mid-year budget review.
- \$91,727 for 100364 - Maintain road seals. This is related to the annual Main Road direct grants, which has been received. The budget will be adjusted at mid-year budget review.
- \$150,000 for P-10273 Purchase-FOGO bins.

Profit on Disposal

YTD Budget	YTD Actual	Variance Amount \$	Variance %
417,000	60,051	(356,949)	(86%)

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

Operating Expenditure

Employee Cost – Agency Labour

YTD Budget	YTD Actual	Variance Amount \$	Variance %
154,206	561,984	(407,778)	(264%)

The variance is mainly due to hiring of agency labour being more than budgeted within Waste Collection Team (\$265k), Parks and Landscapes Team (\$53k) and Construction and Maintenance Team (\$46k). Agency staff has been utilised to replace vacant positions which is offset by savings in the staff establishment budget or cover a lost time injury. The additional budget required for the year will be addressed in the mid-year budget review.

Insurance

YTD Budget	YTD Actual	Variance Amount \$	Variance %
751,780	853,561	(101,781)	(14%)

The variance is mainly due to insurance credit received which was budgeted to offset expenditure rather than as an income budget as Other Revenue where the actual credit has been allocated. There is nil overall effect and this will be adjusted at mid-year budget review.

Capital Revenue

Capital Expenditure

Purchase Assets – Roads

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(1,305,768)	(1,089,445)	216,323	(17%)

The variance is mainly due to the following projects:

- \$86,767 for P-11421 Resurface MRRG-Marine Tce. Unable to access full area, requires 2nd visit to complete which is scheduled for March 2019.
- \$53,590 for P-10818 Resurface MRRG-McCombe Ave. Resurfacing works completed and awaiting invoice from MRWA for lines before reconciling any savings.
- \$37,200 for P-10819 Resurface MRRG-Hampton/Rockingham South. Intersection on the border with City of Cockburn (COC). Agreed with COC to carry out resurfacing works in both LG areas and submitted variation to include agreed income from COC. Works scheduled for week commencing 11 February 2019.
- \$36,991 for P-11750 Resurface R2R-McKenzie Rd. Awaiting completion of R2R programme before reconciling savings.

Purchase Assets – Parks

YTD Budget	YTD Actual	Variance Amount \$	Variance %
(506,585)	(403,008)	103,577	(20%)

The variance is mainly due to the following projects:

- \$45,807 for P-11780 Install-Beach St Irrigation. The bore installation is complete. The electrical supply is being installed and the bore will be commissioned and operational in February.
- \$106,030 for P-10329 Design and construct-Cantonment Hill. Stage 2 track works are commencing in February (Lotterywest funding).

Reserve Transfers

Transfer from Reserve – Capital

YTD Budget	YTD Actual	Variance Amount \$	Variance %
2,978,731	2,652,625	(326,106)	(11%)

The variance is mainly due to the following projects:

- \$79,971 for Project-11639 Civic Building Demolition – Kings Square. The Demolition Project is now complete. Savings for this project will be approx. \$79k. As this project was funded from reserve there is nil effect on the end of year position.

- \$267,100 for P-10325 Restoration-Naval Store Cantonment Hill. Project work begins on site February with an estimated completion date at the end of March 2019 and budget phasing will be adjusted to align with these timeframes. Funds will be transferred from reserve as actual expenditure is incurred.
- \$36,040 for P-10949 Program-Parking signs. Parking signs will be changed with the launch of the new parking app in March. Funds will be transferred from reserve as actual expenditure is incurred.

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 January 2019 resulted in an additional \$2,462,256 surplus being identified than anticipated, which is mainly as a result of :-

Reduction in anticipated surplus

- Reduced net transfer from reserve of \$348,557;

Increase in anticipated surplus

- Increased capital revenue of \$99,130;
- Reduced capital expenditure of \$641,838;
- Increased opening surplus of \$74,769 carried forward from 2017/18 financial year;
- Increased operating revenue (excluding general rates) of \$606,726;
- Underspending of operating expenditure of \$814,484;
- Increased general rates income of \$184,829.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1902-1
(Officer's Recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council receives the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 31 January 2019.

Carried en bloc: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

C1902-3 SCHEDULE OF PAYMENTS FOR THE MONTH OF JANUARY 2019

Meeting Date:	27 February 2019
Responsible Officer:	Manager Finance
Decision Making Authority:	Council
Agenda Attachments:	Schedule of payments and listing Purchase Card Transactions <i>Attachments viewed electronically</i>

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending January 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 January 2019, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,249,679.35 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 January 2019 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$3,870,961.51
Purchase card transactions	\$46,023.94
Salary / Wages / Superannuation	\$2,322,839.94
Other payments (as outlined in Attachment 1)	\$9,853.96
Total	\$6,249,679.35

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C1902-3 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

1. **Accepts the list of payments made under delegated authority, totalling \$6,249,679.35 for the month ending January 2019, as contained within Attachment 1.**
2. **Accepts the detailed transaction listing of credit card expenditure, for the month ending January 2019, as contained within Attachment 2.**

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

**C1902-4 INFORMATION REPORT - AWARD OF TENDERS UNDER CEO
DELEGATION - JANUARY 2019**

ACCEPTANCE OF TENDER FCC527/18 – GEOGRAPHICAL INFORMATION SYSTEM

ECM Reference: 39/073
Author: Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to award tender FCC527/18 Geographical Information System to Esri Australia, for the estimated price of \$195,000 excluding GST for the period of 3 years. The contract is due to commence February 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.

RECOMMENDATION FOR EOI FCC525/18 – HR INFORMATION SYSTEM

ECM Reference: 39/073
Author: Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) to acknowledge all submissions received in response to EOI FCC525/18 HR Information System, as acceptable tenderers and after further review of the scope/specification let the respondent's know of the City's decision to release a public tender to the wider market, as per Regulation 23 of the Local Government (Functions and General) Regulations 1996.

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 C1902-4
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council receives the information report for award of tenders under CEO delegation for the period 12 December 2018 to 31 January 2019.

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

C1902-5 BUDGET REVIEW - FEBRUARY 2019

Meeting Date: 27 February 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Rate Setting Statement – By Nature and Type
Net Current Assets Report

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* a review of the 2018-2019 annual budget has been completed and the resulting budget review report is presented to Council for consideration and adoption.

A review has been undertaken for each Directorate by analysing the financial performance of all operating activities, operating projects and capital projects and the overall financial position as at 31 January 2019.

This report recommends that Council:

1. **Adopts the budget review for the period ending 31 January 2019 and attached financial reports.**
2. **Notes that a copy of this report will be sent to the Department of Local Government and Communities, in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**
3. **Approves the required budget amendments to the adopted budget for 2018-2019.**

BACKGROUND

The *Local Government (Financial Management) Regulations 1996*, regulation 33A requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and the determination is to be provided to the Department of Local Government and Communities within 30 days of the adoption of the review.

The 2018-2019 budget was adopted on 27 June 2018 with an estimated municipal cash surplus of \$75,000 at the end of the year. At the August 18 Council Meeting it was adopted to transfer \$25,000 of the surplus to contribute to the new Document Management System resulting in a current estimated municipal cash surplus of \$50,000 at the end of the year.

The City has undertaken the review within this period based on the year to date revenue and expenditure position as at 31 January 2019. Finance Officers reviewed the budget performance for each service unit with the responsible Manager. The entire draft budget review was then reviewed by the Executive Team.

In addition to this annual budget review the City reviews its actual versus budget position on an ongoing basis and proposed budget amendments to the adopted budget are submitted to Council on a monthly basis in accordance with the Budget Management Policy.

FINANCIAL IMPLICATIONS

After taking into account variances and adjustments, the mid-year Budget Review has identified an overall nil net budget variance.

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

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
City Business Directorate - \$161,781				
City Business Leadership – (\$240,000)				
100085.6816	Contract Exp - Legal		(240,000)	Increase budget required for legal fees related to the Spicer Street car park and 142 High Street
Financial Services - \$62,769				
100058.4188	Other Inc - Miscellaneous	89,411		Increase revenue and expenditure budget, insurance rebate posted as revenue, the budget was offset to expenditure
100058.5811	Insurance Exp - Public Liability Premium		(89,411)	
100035.6818	Bank Fee Exp		(12,000)	Increase budget for bank fees as actual is greater than budget
900520.3911	Municipal Surplus Carried Forward from 30 June 2018	74,769		Additional surplus bought forward from 2017-18 year than anticipated
General Revenue - \$52,990				
100034.5964	Provision for Doubtful Debts Exp		(50,000)	Increase budget due to anticipated bad debt write off
100527.4172	Interest Inc - Bank and Term Deposits	56,431		Increase income budget due to additional interest expected to be received
100239.4311	Operating Grant - State	26,559		Increase budget due to additional grant to be received
100240.4161	Interest Inc - Rates Instalments	20,000		Increase budget, revenue from rate instalment fees higher than budgeted
Community Safety and Rangers - \$89,340				
100068.6824	Contract Exp - Consultants		5,000	Saving to budget CCTV tender prepared in house
100222.6816	Contract Exp - Legal		(10,000)	Increase legal fees due to 3 dog attacks to date in 2018-19
100223.6823	Contract Exp - General		5,000	Saving to budget
100223.6824	Contract Exp - Consultants		5,000	Saving to budget
300006.1606	Capital WIP- Contract		5,000	Saving in cost of body cameras purchase

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
	Labour and Materials			
300068.1606	Capital P10523 - Fremantle Taxi Rank		79,340	Taxi rank relocation project not expected to progress
100068.6874	Equipment Lease Exp		25,000	Correct budget for Capital Finance lease expense to correct account number
100069.6874	Equipment Lease Exp		(25,000)	
Parking Compliance - \$113,000				
100234.6816	Contract Exp - Legal		(15,000)	Increase budget, infringements disputed through court higher
100234.6817	FER Lodgement Fee Exp		(110,000)	Increase expenditure budget for infringements FER lodgement fee due in increase numbers (average 500 per month)
100236.4561	Hood Fee Parking	(75,000)		Reduce budget as hood hire fees lower than anticipated
100236.6311	Printing Exp - External		5,000	Reduce budget as permits issued through parking app instead of printing
100237.4441	Fine Penalty Inc	300,000		Increase revenue, increase in parking infringements
100237.6826	Contract Exp - Cleaning Services		8,000	Reduce budget not required in 2018-19 for cleaning IPO vehicles
Information Technology - \$72,542				
100067.6281	Software Licence Exp		(20,000)	Increase budget for addition of depot staff e-mail account
100071.6823	Contract Exp - General		15,000	Budget saving no Wi-Fi at Kings Square
100073.6281	Software Licence Exp		(8,500)	Increase budget for task exchange -LG Hub additions
100073.6824	Contract Exp - Consultants		8,500	Savings identified for Task Exchange - LG Hub additions
100073.6835	Internet Exp		35,000	Budget savings Vocus fibre network included in Amcom payments
300072.1607	Capital WIP- Materials General		42,542	Budget savings from upgrade network infrastructure as purchases will be spread over following years from base operating budget
Economic Development – (\$9,841)				
100159.5972	Council Rate Exp		10,257	Tapper Street Units sold
100185.4471	Lease Fee Inc	23,000		Increase revenue - Fremantle markets
100193.4471	Lease Fee Inc	35,600		Increase revenue- Pine Warehouse sold December 2018
100194.4471	Lease Fee Inc	(18,465)		Reduce revenue - East Street Jetty vacancy
100195.4471	Lease Fee Inc	(24,998)		Reduce revenue - Daly Street rent review rent not increased
100197.4471	Lease Fee Inc	(11,210)		Reduce revenue -Clancy Tavern rent review not as estimated
100198.4471	Lease Fee Inc	(24,025)		Reduce revenue - Sunset tenancy J-Shed. No further revenue
100534.6816	Contract Exp - Legal		(15,000)	Increase legal fees budget, funding from consultants
100534.6824	Contract Exp - Consultants		15,000	Decrease consultant budget to fund legal costs
100535.6821	Advertising and Promotions Exp		(15,000)	Increase in advertising costs, funding from consultants
100535.6824	Contract Exp - Consultants		15,000	Decrease consultants budget to fund advertising costs

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
Commercial Parking - \$20,981				
100106.4561	Operate car park 03 Ellen Street Fremantle- Fee Parking	(33,000)		Revenue down, Wilson car park in area offering \$4.00 all day parking
100107.4561	Operate car park 12A and 12B beach Street Fremantle -Fee Parking	(10,000)		Revenue down 7%
100108.4561	Operate on street paid parking - Fee Parking	(195,000)		Revenue down 5%
100109.4561	Operate car park 10 Fremantle oval Fremantle - Fee Parking	15,000		Revenue up, more patron due to library and council office
100111.4561	Operate car park 02 Marine Terrace Fremantle - Fee Parking	15,000		Revenue down 6%
100114.4561	Operate car park 04 Holdsworth Street Fremantle - Fee Parking	23,000		Revenue up, more tradesmen working in area
100117.4561	Operate car park 11 Esplanade Fremantle - Fee Parking	(60,000)		Revenue down 4%
100118.4561	Operate car park 01 Parry Street Fremantle - Fee Parking	75,000		Revenue up, change in 1 hour free to 2nd hour
100122.4561	Operate car park 19 Roundhouse Fremantle - Fee Parking	(12,000)		Revenue down 5%
100124.4561	Operate car park 13 Malls corner of Henderson and William St - Fee Parking	196,837		Increase revenue as car park sold December, budget to sell July 2018
100715.4561	Operate car park cappuccino strip - Fee Parking	60,000		Revenue up, 1st full year of operation
100716.4561	Operate Car Park 62 - Hospital - Fee Parking	(21,750)		No revenue, will not be developed in 2018-19
100566.6816	Contract Exp - Legal		40,000	Full budget not required
100566.6818	Bank Fees		(36,000)	Increase bank fees, increase in use credit cards and increase costs from Simplepay
100566.6823	Contract Exp - General		(36,106)	Increase in use of pay by phone app, increase commission paid
Community Development Directorate - \$168,731				
Leisure Centre - \$39,060				
100455.4411	Admission and Membership Inc	75,000		Increase budget- additional programs from swim school
100455.7114	Salaries and Wages - Casual Employees		(29,440)	Increase casual employee budget, additional staff required to run additional programs

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100456.4521	Merchandise Sales Inc	(20,000)		Reduce revenue budget, increased competition from online trading and large retail shops
100456.6856	Materials Exp - Trading Stock		10,000	Reduce stock budget, increased competition from online trading and large retail shops
100457.6823	Leisure Centre - Contract Exp - General		(48,500)	Increase budget, due to major works on heating and energy systems
100457.4411	Admission and Membership Inc	52,000		Increase revenue budget due to increased patronage
Community Development - \$0				
100474.7111	Salary and Wages - Normal Hours		(8,724)	Increase staff 3 hours per week for Operate volunteering program
100474.4311	Operating Grant - State	8,724		Grant received for further 6 months for Operate volunteering program
Communications and Media - \$0				
100132.6821	Advertising and Promotions Exp		(25,000)	Increase advertising budget to print Frebytes not yet online
100558.6823	Contract Exp - General		25,000	Decrease budget and transfer to advertising to print version of FreBytes (not online yet)
Legal Centre - (\$9,788)				
100444.4311	Operating Grant State	(9,788)		Reduce revenue - correct grant budget to exclude GST
Fremantle Arts Centre - \$161,259				
100406.6818	Bank Fee Exp		(10,000)	Increase in bank fees due to increased sales from South lawn events and new point of sale
100406.6823	Contract Exp - General		(14,000)	Consultant required to develop business plan and funding application for DCA contract
100406.6856	Materials Exp - Trading Stock		(90,000)	Increase in stock purchase due to increased south lawn events
100408.4461	Hire Rent Inc	90,000		Increase revenue from rent due to increased south lawn events
100408.4521	Merchandise Sales Inc	319,300		Increase revenue from sales due to increased south lawn events
100408.6823	Contract Exp - General		(17,000)	Increase in contract expense due to increased south lawn events
100408.6830	Contract Exp - Security Services		(55,000)	Increase in security costs due to increased south lawn events
100408.6865	Materials Exp - General		(5,000)	Increase in materials due to increased south lawn events
100408.6877	Equipment Hire Exp		(21,000)	Increase in equipment hire due to increased south lawn events
101127.7114	Casual Employee		(23,000)	Increase the Events casuals budget based on Events/Concerts programmed until the end of the financial year
100317.6823	Arts Centre - Contract Exp - General		(8,000)	Additional budget required to replace south lawn
100417.4431	Commission Inc	(7,000)		Lower sales from Bazaar
100418.4431	Commission Inc	(5,750)		Lower sales from award exhibitions

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100536.4411	Admission and Membership Inc	(22,900)		Decrease revenue budget reduced programming of special events
100536.4521	Merchandise Sales Inc	(7,000)		Decrease revenue budget reduced programming of special events
100536.6822	Contract Exp - Artists		21,500	Decrease expense budget reduced programming of special events
100536.6830	Contract Exp - Security Services		4,000	Decrease expense budget reduced programming of special events
100536.6877	Equipment Hire Exp		8,800	Decrease expense budget reduced programming of special events
100537.4461	Hire Rent Inc	6,850		Increased hires at small concerts
100537.4521	Merchandise Sales Inc	(40,500)		Decrease revenue budget reduced programming events
100537.6830	Contract Exp - Security Services		(5,000)	Increased security expense for small concerts
100537.6877	Equipment Hire Exp		6,000	Decrease equipment hire budget reduced small concerts
100406.4311	Operating Grant - State	(23,973)		Budget reallocation of Arts Centre grant over activities
100419.4311	Operating Grant - State	59,932		Budget reallocation of Arts Centre grant over activities
200473.4311	Operating Grant - State	226,145		Budget established for FAC Revealed Project - grant for 2019 and offsetting expenditure. Nil effect on rates.
200473.4431	Commission Inc	11,355		
200473.6311	Printing Exp - External		(7,400)	
200473.6821	Advertising		(24,500)	
200473.6822	Contract Exp - Artists		(106,800)	
200473.6823	Contract Exp - General		(9,300)	
200473.6830	Contract Exp - Security Services		(3,000)	
200473.6831	Postage Courier Exp		(4,100)	
200473.6865	Materials Exp - General		(6,000)	
200473.6877	Equipment Hire Exp		(12,700)	
200473.6881	Contract Exp - Catering for Comm		(9,500)	
200473.6901	Cost Allocation - Salary Oncosts		(5,500)	
200473.7114	Salaries and Wages - Casual Employees		(48,000)	
200473.7811	Employee Exp - Catering for Staff		(200)	
200473.6857	Materials Exp - Food		(500)	
Events Management – (\$21,800)				
100420.4461	Hire Rent Inc	(17,000)		Reduce revenue from hire of Town Hall
100420.6823	Contract Exp - General		10,000	Reduce expenditure budget for Town Hall
100425.6823	Contract Exp - General		3,500	Reduce expenditure budget for Christmas decorations
100436.6822	Contract Exp - Artists		(9,300)	Increase budget for artists for Australia day event

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100436.6877	Equipment Hire Exp		(9,000)	Increase budget for equipment hire Australia day event
Festivals - \$0				
100401.6822	Contract Exp - Artists		(28,000)	Transfer budget activities - Music and Street Arts festivals
100399.6823	Contract Exp - General		8,000	Transfer budget activities - Music and Street Arts festivals
100399.6877	Equipment Hire Exp		20,000	Transfer budget activities - Music and Street Arts festivals
Strategic Planning Directorate - \$30,000				
Planning Development Approvals - \$30,000				
100490.4481	License Permit Inc	50,000		Further revenue expected from licence fees due to Kings square and Admin Building permits
100500.6816	Contract Exp - Legal		25,000	Reduce budget transfer to offset consulting costs
100500.6824	Contract Exp - Consultants		(45,000)	Increase budget required for consultants re Wray Avenue
Infrastructure & Projects Directorate – (\$168,262)				
Infrastructure and Projects Leadership - \$70,000				
100383.6824	Lead infrastructure and project delivery directorate		70,000	Reduced expenditure due to deferrals to planned training for this financial year
Construction & Maintenance Team – (\$269,001)				
100364.4311	Maintain road seals	91,727		Increase income due to MRWA Direct grant 2018-19
100393.4311	Contribute to public street lighting	50,000		Increase income due to MRWA Street Lighting contribution
100325.6823	Maintain stormwater (pits & pipes)		(52,000)	Increased expenditure due to audit highlights required to increase stormwater maintenance. \$28k of material expense will be offset the increase of \$52k contactor expenditure.
100325.6865	Maintain stormwater (pits & pipes)		28,000	
100330.6823	Maintain fences and barriers – road reserve and car park		10,000	Reduced expenditure due to internal staff to conduct reactive maintenance if required.
100339.6823	Maintain single use paths		(77,000)	Increased expenditure due to audit highlights required to increase maintenance.
100340.6823	Maintain dual use paths and cycleways		(25,000)	No budget initially adopted for dual use paths, however audits highlighted Priority 1 maintenance requirements.
100363.6823	Maintain carpark seals		(72,000)	Increased expenditure due to audit highlights required to increase maintenance. \$30k of material expense will be offset the increase of \$72k contactor expenditure.
100363.6865	Maintain carpark seals		30,000	
100364.6823	Maintain road seals		(211,000)	Increased expenditure due to audit highlights required to increase maintenance. \$17k of material expense will be offset the increase of \$211k contactor expenditure.
100364.6865	Maintain road seals		17,000	
100367.6823	Maintain kerbs		(96,000)	Increased expenditure due to audit highlights required to increase maintenance. \$36k of material expense will be offset the increase of \$96k contactor expenditure.
100367.6865	Maintain kerbs		36,000	

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100371.6823	Maintain informational signs		(57,000)	No adopted budget for information signs (Contract Exp). Increase in maintenance required, partly offset from savings in directional signs
100372.6865	Maintain directional signs		29,000	
100373.6823	Maintain bus shelters		20,000	Reduced expenditure due to internal staff expected to conduct reactive maintenance if required.
100630.6827	Maintain crossovers		11,000	Reduced expenditure due to less cross-over rebates applied for than anticipated.
100630.6865	Maintain crossovers		14,000	Reduced expenditure due to good condition of the cross-overs.
300003.1606	P-11718 Design and construct-B-spot-Stirling Highway crossing		110,000	Reduced expenditure offset by reduced grant income. Project design and construction to be undertaken by MRWA. CoF only to undertake civil works.
300003.4211	P-11718 Design and construct-B-spot-Stirling Highway crossing	(110,000)		
300004.1606	P-11719 Design and construct-B Spot-Beach St and James St		(7,656)	Increased expenditure due to unforeseen ground conditions related to civil works.
300013.1606	P-11783 Design and construct-N Fremantle Post Office carpark		(27,915)	Increased expenditure due to asset condition, which was unforeseen at the design stage.
300030.1606	P-11757 Resurface HVSP- Peel Rd		14,998	Discontinued project due to unsuccessful grant. Remaining Muni funds to be allocated to P-11783 - N Freo PO car park
300033.1606	P-10968 Program-Bus shelters		40,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300033.4211	P-10968 Program-Bus shelters	(40,000)		
300034.1606	P-10969 Install-Curtin College bus shelter		9,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300034.4211	P-10969 Install-Curtin College bus shelter	(9,000)		
300035.1606	P-10970 Install-Fremantle High School Bus Shelter		9,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300035.4211	P-10970 Install-Fremantle High School Bus Shelter	(9,000)		
300069.1606	P-11649 Design and construct-South Tec Node 1		4,845	Project complete - identified savings
300017.4211	P-10819 Resurface MRRG-Hampton/Rockingham South	79,398		Increased income offset with increased expenditure. Additional contribution from City of Cockburn due to combined MRRG Project.
300017.1606	P-10819 Resurface MRRG-		(79,398)	

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
	Hampton/Rockingham South			
Mechanical Services Team – (\$20,000)				
100342.4389	Maintain light vehicles	(20,000)		Employee Vehicles Contribution revenue lower than anticipated.
Buildings Project Management Team - \$14,174				
200463.6823	P-11058 Demolish-Men's Shed		14,174	Project completed under budget than anticipated
300074.1606	P-11639 Demolish-Council admin building		79,971	Project completed under budget. Unspent will remain in reserve.
300074.3923	P-11639 Demolish-Council admin building	(79,971)		Project completed under budget. Unspent will remain in reserve.
Facilities Management (Buildings) - \$105,592				
100600.6823	Remove graffiti		15,000	Reduced expenditure due to deferrals to planned maintenance.
101011.6823	Maintain Hilton Park Sports Buildings		45,000	Reduced expenditure due to deferrals to planned maintenance.
100263.6823	Maintain Victoria Hall 179 High Street Fremantle - community		5,000	Reduced expenditure due to building being vacant.
100241.6828	Maintain Civic Administration Buildings		10,000	Reduced expenditure due to deferrals to planned maintenance.
100284.6823	Maintain Fremantle Leisure Centre		10,000	Reduced expenditure due to deferrals to planned maintenance.
200347.3910	P-10920 Demolish-7 Quarry St	(46,330)		Project completed under budget. Unspent will remain in reserve.
200347.6823	P-10920 Demolish-7 Quarry St		46,330	Project completed under budget. Unspent will remain in reserve.
300002.1606	P-11666 Install-Leisure Centre disinfectant system		(11,000)	New project estimate requires additional funds for this project
300040.1606	P-10233 Refurbish-Stevens Reserve pavilion		11,592	Project completed under budget
300059.1606	P-11798 Program-Council building upgrades		20,000	Due to the project scope is constrained by budget allocated; this project will not be continued.
300065.1606	P-10242 Install-Evan Davies lift		(24,522)	Increased expenditure due to change in contactors. Original contract terminated and new contract awarded due to performance issues. Funded by Investment reserve.
300065.3923	P-10242 Install-Evan Davies lift	24,522		
Waste Collection Team - \$75,750				
100599.4541	Operate recycling facility - Income	26,000		Increased income than anticipated due to reuse shop sales
100599.6877	Operate recycling facility		15,000	Budget allowed for baler hire - not needed due to budget to purchase being approved.

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100599.6823	Operate recycling facility		30,000	Reduced expenditure due to new service contracts.
100338.6823	Clean city wide		30,000	Reduced expenditure due to no requirement for specialised contractor cleaning support Bio and hazmat YTD.
200476.3910	P-11802 Program- Container deposit scheme	10,000		New grant Income - Waste Authority.
100570.5961	Contribute to the operations of Regional Resource Recovery C		(35,250)	The SMRC has a RRRC loan due for repayment on 30 Dec 2018. COF's share is \$35,250

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
Parks and Landscapes Team – (\$144,777)				
100314.4311	Maintain natural areas	(55,000)		Grant already budgeted in accounts 200466 and 200468
100314.6823	Maintain natural areas		(135,000)	Strom Damage contractor expense of \$95k unbudgeted for, \$65k for reduced budget due to grant and \$25k decreased expenditure.
100314.6865	Maintain natural areas		(26,000)	Strom Damage material expense of \$40k unbudgeted for and \$14k decreased expenditure.
100315.6823	Maintain other community land		20,000	Reactive maintenance requirements YTD lower than budgeted
100316.6823	Maintain median and verge gardens (excluding Trees) - Road R		(52,000)	Increased expenditure due to new Weed control service contract.
100319.6823	Maintain trees - road and recreation reserves		10,000	Year to date reactive maintenance lower than forecast.
100320.6823	Maintain soft landscaping (excluding Trees) - Recreation Res		30,000	Reduced expenditure due to allocation of service contract costs.
100350.6823	Maintain Sports Grounds		(10,000)	Increased expenditure due to service contract
100351.6823	Maintain sports court playing surfaces		20,000	Reactive maintenance requirements YTD lower than budgeted
100354.6823	Maintain Recreation Reserve Furniture		40,000	Decreased contractor expenditure due to internal staff undertaking maintenance.
100357.6823	Maintain reticulation - recreation reserves		(20,000)	Reactive maintenance requirements YTD higher than budgeted
100357.6865	Maintain reticulation - recreation reserves		20,000	Reactive maintenance requirements YTD lower than budgeted
100358.6823	Maintain barbeques - recreation reserves		(10,000)	Reactive maintenance requirements YTD higher than budgeted
100359.6823	Maintain lighting equipment - recreation reserves		(15,000)	Reactive maintenance requirements YTD higher than budgeted

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100360.6823	Maintain play equipment - recreation reserves		(10,000)	Reactive maintenance requirements YTD higher than budgeted
100615.6823	Maintain bores and pumps - recreation reserves		15,000	Reactive maintenance requirements YTD lower than budgeted
100655.4461	Provide public open space (reserves) for special events		40,000	Increased income amount received YTD more than anticipated.
100914.4391	Verge Garden Scheme		10,000	New grant Income - Water Corporation.
100914.6865	Verge Garden Scheme		8,000	Reduced expenditure due to material cost savings expected.
100221.6823	Install firebreaks on city property		(15,000)	Increased expenditure due to anticipated fire reduction works at the South-Fremantle landfill site.
300020.1606	P-11079 Design and construct-Monument Hill footpath		(4,000)	Additional funds required due to updated cost estimates.
300071.1606	P-10369 Program-Pocket Parks		(6,800)	Funds required this year to complete project from 2017-18
300071.4214	P-10369 Program-Pocket Parks		1,023	Income for memorial playground equipment piece from a resident
200465.6824	P-11707 Plan-Samson Memorial Park management plan		50,000	Project works to be split between One Off Operating (200465.6824) and Capital New (300096.1606)
300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial		(50,000)	
People and Culture Directorate – (\$31,000)				
People and Culture Team – (\$31,000)				
100065.6816	Provide industrial relations advice		(16,000)	Increase due to unanticipated Workplace Consulting - \$11,000 & EBA Negotiation fee of \$5,000
100526.6824	Monitor human resource management processes		(15,000)	Increase expense due to unanticipated Investigation expenditure
Employee Costs and Agency Labour – Nil				
Salary & Wages - \$900,000				
101201.7111	Chief Executive Office Leadership		65,500	Salary cost savings to offset vacancy credit
101202.7111	City Business Leadership		91,537	Salary cost savings to offset vacancy credit
101204.7111	Strategic Planning and Projects Leadership		63,500	Salary cost savings to offset vacancy credit
101205.7111	Infrastructure and Strategic Projects Leadership		46,463	Salary cost savings to offset vacancy credit
101206.7111	People and Culture Executive Leadership		40,000	Salary cost savings to offset vacancy credit
100314.7222	Parks and Landscapes Team		35,000	Salary cost savings to fund agency labour
100320.7222	Parks and Landscapes Team		18,000	Salary cost savings to fund agency labour
100325.7222	Construction and		35,000	Salary cost savings to fund agency labour

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
	Maintenance Teams			
100380.7222	Waste Collection Team		465,000	Salary cost savings to fund agency labour
100660.7222	People and Culture Executive Leadership		40,000	Salary cost savings to fund agency labour
Vacancy Credit – (\$307,000)				
101201.7199	Vacancy Credit -Office of CEO		(65,500)	Use Salary cost savings to offset vacancy credit
101202.7199	Vacancy Credit -City Business		(91,537)	Use Salary cost savings to offset vacancy credit
101204.7199	Vacancy Credit - Strategic Planning		(63,500)	Use Salary cost savings to offset vacancy credit
101205.7199	Vacancy Credit - Infrastructure and Project Delivery		(46,463)	Use Salary cost savings to offset vacancy credit
101206.7199	Vacancy Credit - People and Culture		(40,000)	Use Salary cost savings to offset vacancy credit
Agency Labour – (\$593,000)				
100314.6825	Parks and Landscapes Team		(35,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100320.6825	Parks and Landscapes Team		(18,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100325.6825	Construction and Maintenance Teams		(35,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100380.6825	Waste Collection Team		(490,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100660.6825	People and Culture Executive Leadership		(40,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100325.6825	Construction and Maintenance Teams		10,000	Decrease Agency Labour budget
100383.6825	Infrastructure and Strategic Projects Leadership		10,000	Decrease Agency Labour budget
100266.6825	Corporate Asset Management Services		5,000	Decrease Agency Labour budget
New Project Requests – (\$161,250)				
NEW	Accounts Payable Automation Software		(71,250)	Implementation of accounts payable automation + digitalisation system
NEW	Capital - Waste - Fleet Management System		(90,000)	Additional budget requested for waste trucks fleet management system for 6 trucks

LEGAL IMPLICATIONS

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires a review of the annual budget to be carried out between 1 January and 31 March in each financial year.

The review is to be submitted to Council within 30 days and must:

- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) *consider the local government's financial position as at the date of the review; and*
- (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

Council is to consider the review and determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

Within 30 days after Council has made a determination a copy of the review and determination is to be provided to the Department of Local Government and Communities.

CONSULTATION

Nil

OFFICER COMMENT

The budget review results in a nil overall effect and the forecasted financial position for the City at the end of financial year will remain unchanged at \$50,000 at end of financial year.

A detailed rate setting statement for the period ending 31 January 2019, incorporating adopted budget amendments to date for this financial year is presented for council to consider in the attached.

Only results where there will be a material variance between the current budget and the expected outcome at end of financial year. As these variances will have an impact upon the expected budget surplus or deficit the report recommends to Council to amend the budget to reflect the change. Detail of individual account changes is provided in the table above.

The following table provides a summary of the budget review results, with positive variances shown as \$xxx and negative variances shown as (\$xxx) i.e. in red parentheses. The full Rate Setting Statement which provides a summary of proposed budget amendments with current budget and year to date actual is attached.

Description	Budget Amendment
	\$
Net current assets at start of financial year - surplus/(deficit)	74,769
Revenue from operating activities (excluding rates)	
Operating Grants, Subsidies and Contributions	354,326
Fees and Charges	808,344

Interest Earnings	76,431
Reimbursement Income	10,000
Other Revenue	89,411
	1,338,512
Expenditure from operating activities	
Employee Costs	478,136
Employee costs - Agency Labour	(593,000)
Materials and Contracts	(1,008,402)
Insurance Expenses	(89,411)
Other Expenditure	(74,993)
	(1,287,670)
Amount attributable to operating activities	125,611
Investing Activities	
Capital Revenue	
Capital Grants and Subsidies/ Contributions for the development of Assets	(87,579)
	(87,579)
Capital Expense	
Purchase Investment Land and Buildings	(24,522)
Purchase Community Land and Buildings	111,563
Purchase Infrastructure - Roads	14,874
Purchase Infrastructure - Paths	(4,000)
Purchase Infrastructure - Parks	(56,800)
Purchase Infrastructure - Other	137,340
Purchase Plant and Equipment	(172,250)
Purchase Furniture and Fittings	47,542
	53,747
Amount attributable to investing activities	(33,832)
Reserve Transfers	
Transfer from Reserves (Restricted) - Capital	(55,449)
Transfer from Reserves (Restricted) - Operating	(36,330)
Transfer to/from reserves	(91,779)
Amount attributable to financing activities	(91,779)
Budgeted deficiency before general rates	-
General rates estimated to be raised	-
Closing Funding Surplus (Deficit)	-

Highlights of the budget review by Directorate are:

City Business Directorate

The net result from City Business directorate is an overall saving in the budget of \$161,781.

A summary of significant adjustments within this budget review for City Business are:

Team	Account Details	Amount	Reason
Financial Services	Surplus Carried Forward from 30 June 2018	74,769	Additional surplus bought forward from 2017-18 year than budgeted
General Revenue	Interest Inc - Bank and Term Deposits	56,431	Increase income budget due to additional interest expected to be received
Community Safety	Project 10523 – Taxi Rank relocation	79,340	Taxi rank relocation project not expected to progress
Parking Compliance	Fine Penalty	300,000	Income from parking infringements higher than anticipated
Commercial Parking	Operate car park 13 Malls corner of Henderson and William St - Fee Parking	196,837	Increase in revenue as car park sold December 2018, budget sale date was July 2018

A summary of major additional costs or shortfall in income expected in budget review for City Business are:

Team	Account Details	Amount	Reason
City Business Leadership	Legal Fees	(240,000)	Increase budget required for fees related to the settlement of Spicer Street car park and legal fees related to 142 High Street
General Revenue	Provision for Doubtful Debts	(50,000)	Increase budget due to anticipated bad debt write off
Parking Compliance	FER Lodgement Fee	(110,000)	Increase budget for infringements FER lodgement fee due in increase numbers (average 500 per month)
Parking Compliance	Parking Fees	(75,000)	Income from hood hire fees lower than anticipated
Commercial Parking	Operate on street paid parking - Fee Parking	(195,000)	Parking fee income from on street parking lower than anticipated

The net variance by team for City Business Directorate is:

Team	Amount
City Business Leadership	(240,000)
Financial Services	62,769
General Revenue	52,990
Community Safety and Rangers	89,340
Parking Compliance	113,000
Information Technology	72,542
Economic Development	(9,841)
Commercial Parking	20,981
City Business	161,781

Community Development Directorate

The net result from Community Development directorate is an overall saving in the budget of \$168,731.

A summary of significant changes within this budget review for Community Development are:

Team	Account Details	Amount	Reason
Leisure Centre	Swim School Admission and Membership	75,000	Additional income from swim school programs
Fremantle Arts Centre	Various	166,300	Additional income (net) to be received from South Lawn Events this year. 9 concerts have been held to date and 6 more concerts are confirmed from Feb to June

A summary of major additional costs or shortfall in income expected in budget review for Community Development are:

Team	Account Details	Amount	Reason
Leisure Centre	Leisure Centre - Contract Exp – General	(48,500)	Increase budget, due to major works on heating and energy systems

The net variance by team for Community Development Directorate is:

Team	Amount
Leisure Centre	39,060
Community Development	-
Communications and Media	-
Legal Centre	(9,788)
Fremantle Arts Centre	161,259
Event Management	(21,800)
Festivals	-
Community Development	168,731

Strategic Planning Directorate

The net result from Strategic Planning directorate is an overall saving in the budget of \$30,000.

A summary of significant changes within this budget review for Community Development are:

Team	Account Details	Amount	Reason
Planning Development	Licence Permit Fees	50,000	Further revenue expected from licence fees due to Kings square

Approvals			projects and Admin Building permits
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The net variance by team for Strategic Planning Directorate is:

Team	Amount
Planning Development Approvals	30,000
Strategic Planning	30,000

Infrastructure & Projects Directorate

The net result from Infrastructure & Projects directorate is an overall deficit in the budget of (\$168,262).

A summary of major savings or increase in income expected in budget review for Infrastructure & Projects are:

Team	Account Details	Amount	Reason
Infrastructure Leadership	Lead infrastructure and project delivery directorate	70,000	Reduced expenditure due to deferrals to planned use of consultants for this financial year
Construction & Maintenance	Maintain road seals	91,727	Increase income due to MRWA Direct grant 2018-19
Construction & Maintenance	Contribute to public street lighting	50,000	Increase income due to MRWA Street Lighting contribution
Parks and Landscapes	Maintain Recreation Reserve Furniture	40,000	Decreased contractor expenditure due to internal staff undertaking required maintenance.
Parks and Landscapes	Provide public open space (reserves) for special events	40,000	Increased income amount received to date more than anticipated
Facilities Management	P-11798 Program-Council building upgrades	20,000	Due to the project scope being constrained by budget allocated; this project will not be continued.
Facilities Management	Building Maintenance	70,000	Reduced maintenance expenditure for Hilton Park Sports, Victoria Hall, Administration and Leisure Centre
Waste Collection	Recycling Centre	71,000	Increased income of \$26k than anticipated due to reuse shop sales and reduce expenditure of \$45k from equipment hire and contractors

A summary of major additional costs or shortfall in income expected in budget review for Infrastructure & Projects are:

Team	Account Details	Amount	Reason
Construction & Maintenance	Maintain single use paths	(77,000)	Increased expenditure due to audit highlights required to increase maintenance.
Construction & Maintenance	Maintain carpark seals	(42,000)	Increased expenditure due to audit highlights required to increase maintenance. \$30k of material expense will be offset the increase of \$72k contactor expenditure.
Construction & Maintenance	Maintain road seals	(194,000)	Increased expenditure due to audit highlights required to increase maintenance. \$17k of material expense will be offset the increase of \$211k contactor expenditure.

Construction & Maintenance	Maintain kerbs	(60,000)	Increased expenditure due to audit highlights required to increase maintenance. \$36k of material expense will be offset the increase of \$96k contactor expenditure.
Parks and Landscapes	Maintain natural areas - Income	(55,000)	The budget for this grant is already budgeted in project operating accounts
Parks and Landscapes	Maintain natural areas - Expenditure	(135,000)	Strom Damage contractor expense of \$95k unbudgeted for, increase of \$65k for budget reduction to offset reduced grant (September OCM) and \$25k decreased expenditure.
Parks and Landscapes	Maintain median and verge gardens	(52,000)	Increased contractor expenditure due to new weed control service contract.

The net variance by team for Infrastructure & Projects Directorate is:

Team	Amount
Infrastructure & Projects Leadership	70,000
Construction and Maintenance Teams	(269,001)
Mechanical Services Team	(20,000)
Buildings Project Management Team	14,174
Facilities Management (Buildings)	105,592
Waste Collection Team	75,750
Parks and Landscapes Team	(144,777)
Infrastructure & Projects	(168,262)

People and Culture Directorate

The net result from People and Culture directorate is an overall deficit in the budget of (\$31,000).

A summary of major additional costs or shortfall in income expected in budget review for People and Culture are:

Team	Account Details	Amount	Reason
People and Culture Team	Industrial Relations and Human Resource Management	(31,000)	Additional costs for workplace consulting, EBA negotiation fee and an unanticipated investigation expense

The net variance by team for People and Culture Directorate is:

Team	Amount
People and Culture Management Team	(31,000)
People and Culture	(31,000)

Employee Cost and Agency Labour

Overall there is a nil effect on the budget for employee costs. The forecast is an estimated \$900,000 in savings from salaries and wages. This is mostly due to vacancies throughout the year. Of this \$593,000 is required to offset the increase expenditure in agency staff due to the need to use temporary staff. The balance of \$307,000 is being used to reduce the adopted budget for vacancy credit.

New Projects

The total of variances reported above resulted in a surplus of \$161,250. It is proposed as part of this budget review to utilise this surplus for the following new projects:

Team	Account Details	Amount	Reason
Information Technology	New Capital Project – Implementation of Automated Accounts Payable	(71,250)	Implementation of accounts payable automation + digitalisation
Facilities Management	New Capital Project – Waste Fleet Management System	(90,000)	Additional budget requested for waste trucks fleet management system for 6 trucks

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM C1902-5
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council:

- 1. Adopts the budget review for the period ending 31 January 2019 and attached financial reports.**
- 2. Notes that a copy of this report will be sent to the Department of Local Government and Communities, in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**
- 3. Approves the required budget amendments to the adopted budget for 2018-2019 as outlined below:**

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
City Business Directorate - \$161,781				
City Business Leadership – (\$240,000)				
100085.6816	Contract Exp - Legal		(240,000)	Increase budget required for legal fees related to the Spicer Street car park and 142 High Street
Financial Services - \$62,769				
100058.4188	Other Inc - Miscellaneous	89,411		Increase revenue and expenditure budget, insurance rebate posted as revenue, the budget was offset to expenditure
100058.5811	Insurance Exp - Public Liability Premium		(89,411)	
100035.6818	Bank Fee Exp		(12,000)	Increase budget for bank fees as actual is greater than budget
900520.3911	Municipal Surplus Carried Forward from 30 June 2018	74,769		Additional surplus bought forward from 2017-18 year than anticipated
General Revenue - \$52,990				
100034.5964	Provision for Doubtful Debts Exp		(50,000)	Increase budget due to anticipated bad debt write off
100527.4172	Interest Inc - Bank and Term Deposits	56,431		Increase income budget due to additional interest expected to be received
100239.4311	Operating Grant - State	26,559		Increase budget due to additional grant to be received
100240.4161	Interest Inc - Rates Instalments	20,000		Increase budget, revenue from rate instalment fees higher than budgeted
Community Safety and Rangers - \$89,340				
100068.6824	Contract Exp - Consultants		5,000	Saving to budget CCTV tender prepared in house
100222.6816	Contract Exp - Legal		(10,000)	Increase legal fees due to 3 dog attacks to date in 2018-19
100223.6823	Contract Exp - General		5,000	Saving to budget
100223.6824	Contract Exp - Consultants		5,000	Saving to budget
300006.1606	Capital WIP- Contract Labour and Materials		5,000	Saving in cost of body cameras purchase
300068.1606	Capital P10523 - Fremantle Taxi Rank		79,340	Taxi rank relocation project not expected to progress
100068.6874	Equipment Lease Exp		25,000	Correct budget for Capital Finance lease expense to correct account number
100069.6874	Equipment Lease Exp		(25,000)	
Parking Compliance - \$113,000				
100234.6816	Contract Exp - Legal		(15,000)	Increase budget, infringements disputed through court higher
100234.6817	FER Lodgement Fee Exp		(110,000)	Increase expenditure budget for infringements FER lodgement fee due in increase numbers (average 500 per month)
100236.4561	Hood Fee Parking	(75,000)		Reduce budget as hood hire fees lower than anticipated
100236.6311	Printing Exp - External		5,000	Reduce budget as permits issued through parking app instead of printing
100237.4441	Fine Penalty Inc	300,000		Increase revenue, increase in parking infringements
100237.6826	Contract Exp - Cleaning Services		8,000	Reduce budget not required in 2018-19 for cleaning IPO vehicles

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
Information Technology - \$72,542				
100067.6281	Software Licence Exp		(20,000)	Increase budget for addition of depot staff e-mail account
100071.6823	Contract Exp - General		15,000	Budget saving no Wi-Fi at Kings Square
100073.6281	Software Licence Exp		(8,500)	Increase budget for task exchange -LG Hub additions
100073.6824	Contract Exp - Consultants		8,500	Savings identified for Task Exchange - LG Hub additions
100073.6835	Internet Exp		35,000	Budget savings Vocus fibre network included in Amcom payments
300072.1607	Capital WIP- Materials General		42,542	Budget savings from upgrade network infrastructure as purchases will be spread over following years from base operating budget
Economic Development – (\$9,841)				
100159.5972	Council Rate Exp		10,257	Tapper Street Units sold
100185.4471	Lease Fee Inc	23,000		Increase revenue - Fremantle markets
100193.4471	Lease Fee Inc	35,600		Increase revenue- Pine Warehouse sold December 2018
100194.4471	Lease Fee Inc	(18,465)		Reduce revenue - East Street Jetty vacancy
100195.4471	Lease Fee Inc	(24,998)		Reduce revenue - Daly Street rent review rent not increased
100197.4471	Lease Fee Inc	(11,210)		Reduce revenue -Clancy Tavern rent review not as estimated
100198.4471	Lease Fee Inc	(24,025)		Reduce revenue - Sunset tenancy J-Shed. No further revenue
100534.6816	Contract Exp - Legal		(15,000)	Increase legal fees budget, funding from consultants
100534.6824	Contract Exp - Consultants		15,000	Decrease consultant budget to fund legal costs
100535.6821	Advertising and Promotions Exp		(15,000)	Increase in advertising costs, funding from consultants
100535.6824	Contract Exp - Consultants		15,000	Decrease consultants budget to fund advertising costs
Commercial Parking - \$20,981				
100106.4561	Operate car park 03 Ellen Street Fremantle- Fee Parking	(33,000)		Revenue down, Wilson car park in area offering \$4.00 all day parking
100107.4561	Operate car park 12A and 12B beach Street Fremantle -Fee Parking	(10,000)		Revenue down 7%
100108.4561	Operate on street paid parking - Fee Parking	(195,000)		Revenue down 5%
100109.4561	Operate car park 10 Fremantle oval Fremantle - Fee Parking	15,000		Revenue up, more patron due to library and council office
100111.4561	Operate car park 02 Marine Terrace Fremantle - Fee Parking	15,000		Revenue down 6%

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100114.4561	Operate car park 04 Holdsworth Street Fremantle - Fee Parking	23,000		Revenue up, more tradesmen working in area
100117.4561	Operate car park 11 Esplanade Fremantle - Fee Parking	(60,000)		Revenue down 4%
100118.4561	Operate car park 01 Parry Street Fremantle - Fee Parking	75,000		Revenue up, change in 1 hour free to 2nd hour
100122.4561	Operate car park 19 Roundhouse Fremantle - Fee Parking	(12,000)		Revenue down 5%
100124.4561	Operate car park 13 Malls corner of Henderson and William St - Fee Parking	196,837		Increase revenue as car park sold December, budget to sell July 2018
100715.4561	Operate car park cappuccino strip - Fee Parking	60,000		Revenue up, 1st full year of operation
100716.4561	Operate Car Park 62 - Hospital - Fee Parking	(21,750)		No revenue, will not be developed in 2018-19
100566.6816	Contract Exp - Legal		40,000	Full budget not required
100566.6818	Bank Fees		(36,000)	Increase bank fees, increase in use credit cards and increase costs from Simplepay
100566.6823	Contract Exp - General		(36,106)	Increase in use of pay by phone app, increase commission paid
Community Development Directorate - \$168,731				
Leisure Centre - \$39,060				
100455.4411	Admission and Membership Inc	75,000		Increase budget- additional programs from swim school
100455.7114	Salaries and Wages - Casual Employees		(29,440)	Increase casual employee budget, additional staff required to run additional programs
100456.4521	Merchandise Sales Inc	(20,000)		Reduce revenue budget, increased competition from online trading and large retail shops
100456.6856	Materials Exp - Trading Stock		10,000	Reduce stock budget, increased competition from online trading and large retail shops
100457.6823	Leisure Centre - Contract Exp - General		(48,500)	Increase budget, due to major works on heating and energy systems
100457.4411	Admission and Membership Inc	52,000		Increase revenue budget due to increased patronage
Community Development - \$0				
100474.7111	Salary and Wages - Normal Hours		(8,724)	Increase staff 3 hours per week for Operate volunteering program
100474.4311	Operating Grant - State	8,724		Grant received for further 6 months for Operate volunteering program
Communications and Media - \$0				
100132.6821	Advertising and		(25,000)	Increase advertising budget to print

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
	Promotions Exp			Frebytes not yet online
100558.6823	Contract Exp - General		25,000	Decrease budget and transfer to advertising to print version of FreBytes (not online yet)
Legal Centre – (\$9,788)				
100444.4311	Operating Grant State	(9,788)		Reduce revenue - correct grant budget to exclude GST
Fremantle Arts Centre - \$161,259				
100406.6818	Bank Fee Exp		(10,000)	Increase in bank fees due to increased sales from South lawn events and new point of sale
100406.6823	Contract Exp - General		(14,000)	Consultant required to develop business plan and funding application for DCA contract
100406.6856	Materials Exp - Trading Stock		(90,000)	Increase in stock purchase due to increased south lawn events
100408.4461	Hire Rent Inc	90,000		Increase revenue from rent due to increased south lawn events
100408.4521	Merchandise Sales Inc	319,300		Increase revenue from sales due to increased south lawn events
100408.6823	Contract Exp - General		(17,000)	Increase in contract expense due to increased south lawn events
100408.6830	Contract Exp - Security Services		(55,000)	Increase in security costs due to increased south lawn events
100408.6865	Materials Exp - General		(5,000)	Increase in materials due to increased south lawn events
100408.6877	Equipment Hire Exp		(21,000)	Increase in equipment hire due to increased south lawn events
101127.7114	Casual Employee		(23,000)	Increase the Events casuals budget based on Events/Concerts programmed until the end of the financial year
100317.6823	Arts Centre - Contract Exp - General		(8,000)	Additional budget required to replace south lawn
100417.4431	Commission Inc	(7,000)		Lower sales from Bazaar
100418.4431	Commission Inc	(5,750)		Lower sales from award exhibitions
100536.4411	Admission and Membership Inc	(22,900)		Decrease revenue budget reduced programming of special events
100536.4521	Merchandise Sales Inc	(7,000)		Decrease revenue budget reduced programming of special events
100536.6822	Contract Exp - Artists		21,500	Decrease expense budget reduced programming of special events
100536.6830	Contract Exp - Security Services		4,000	Decrease expense budget reduced programming of special events
100536.6877	Equipment Hire Exp		8,800	Decrease expense budget reduced programming of special events
100537.4461	Hire Rent Inc	6,850		Increased hires at small concerts
100537.4521	Merchandise Sales Inc	(40,500)		Decrease revenue budget reduced programming events
100537.6830	Contract Exp - Security Services		(5,000)	Increased security expense for small concerts

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100537.6877	Equipment Hire Exp		6,000	Decrease equipment hire budget reduced small concerts
100406.4311	Operating Grant - State	(23,973)		Budget reallocation of Arts Centre grant over activities
100419.4311	Operating Grant - State	59,932		Budget reallocation of Arts Centre grant over activities
200473.4311	Operating Grant - State	226,145		Budget established for FAC Revealed Project - grant for 2019 and offsetting expenditure. Nil effect on rates.
200473.4431	Commission Inc	11,355		
200473.6311	Printing Exp - External		(7,400)	
200473.6821	Advertising		(24,500)	
200473.6822	Contract Exp - Artists		(106,800)	
200473.6823	Contract Exp - General		(9,300)	
200473.6830	Contract Exp - Security Services		(3,000)	
200473.6831	Postage Courier Exp		(4,100)	
200473.6865	Materials Exp - General		(6,000)	
200473.6877	Equipment Hire Exp		(12,700)	
200473.6881	Contract Exp - Catering for Comm		(9,500)	
200473.6901	Cost Allocation - Salary Oncosts		(5,500)	
200473.7114	Salaries and Wages - Casual Employees		(48,000)	
200473.7811	Employee Exp - Catering for Staff		(200)	
200473.6857	Materials Exp - Food		(500)	
Events Management – (\$21,800)				
100420.4461	Hire Rent Inc	(17,000)		Reduce revenue from hire of Town Hall
100420.6823	Contract Exp - General		10,000	Reduce expenditure budget for Town Hall
100425.6823	Contract Exp - General		3,500	Reduce expenditure budget for Christmas decorations
100436.6822	Contract Exp - Artists		(9,300)	Increase budget for artists for Australia day event
100436.6877	Equipment Hire Exp		(9,000)	Increase budget for equipment hire Australia day event
Festivals - \$0				
100401.6822	Contract Exp - Artists		(28,000)	Transfer budget activities - Music and Street Arts festivals
100399.6823	Contract Exp - General		8,000	Transfer budget activities - Music and Street Arts festivals
100399.6877	Equipment Hire Exp		20,000	Transfer budget activities - Music and Street Arts festivals
Strategic Planning Directorate - \$30,000				
Planning Development Approvals - \$30,000				
100490.4481	License Permit Inc	50,000		Further revenue expected from licence fees due to Kings square and Admin Building permits
100500.6816	Contract Exp - Legal		25,000	Reduce budget transfer to offset consulting costs
100500.6824	Contract Exp - Consultants		(45,000)	Increase budget required for consultants re Wray Avenue

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
Infrastructure & Projects Directorate – (\$168,262)				
Infrastructure and Projects Leadership - \$70,000				
100383.6824	Lead infrastructure and project delivery directorate		70,000	Reduced expenditure due to deferrals to planned training for this financial year
Construction & Maintenance Team – (\$269,001)				
100364.4311	Maintain road seals	91,727		Increase income due to MRWA Direct grant 2018-19
100393.4311	Contribute to public street lighting	50,000		Increase income due to MRWA Street Lighting contribution
100325.6823	Maintain stormwater (pits & pipes)		(52,000)	Increased expenditure due to audit highlights required to increase stormwater maintenance. \$28k of material expense will be offset the increase of \$52k contactor expenditure.
100325.6865	Maintain stormwater (pits & pipes)		28,000	
100330.6823	Maintain fences and barriers – road reserve and car park		10,000	Reduced expenditure due to internal staff to conduct reactive maintenance if required.
100339.6823	Maintain single use paths		(77,000)	Increased expenditure due to audit highlights required to increase maintenance.
100340.6823	Maintain dual use paths and cycleways		(25,000)	No budget initially adopted for dual use paths, however audits highlighted Priority 1 maintenance requirements.
100363.6823	Maintain carpark seals		(72,000)	Increased expenditure due to audit highlights required to increase maintenance. \$30k of material expense will be offset the increase of \$72k contactor expenditure.
100363.6865	Maintain carpark seals		30,000	
100364.6823	Maintain road seals		(211,000)	Increased expenditure due to audit highlights required to increase maintenance. \$17k of material expense will be offset the increase of \$211k contactor expenditure.
100364.6865	Maintain road seals		17,000	
100367.6823	Maintain kerbs		(96,000)	Increased expenditure due to audit highlights required to increase maintenance. \$36k of material expense will be offset the increase of \$96k contactor expenditure.
100367.6865	Maintain kerbs		36,000	
100371.6823	Maintain informational signs		(57,000)	No adopted budget for information signs (Contract Exp). Increase in maintenance required, partly offset from savings in directional signs
100372.6865	Maintain directional signs		29,000	
100373.6823	Maintain bus shelters		20,000	Reduced expenditure due to internal staff expected to conduct reactive maintenance if required.
100630.6827	Maintain crossovers		11,000	Reduced expenditure due to less cross-over rebates applied for than anticipated.
100630.6865	Maintain crossovers		14,000	Reduced expenditure due to good condition of the cross-overs.

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
300003.1606	P-11718 Design and construct-B-spot-Stirling Highway crossing		110,000	Reduced expenditure offset by reduced grant income. Project design and construction to be undertaken by MRWA. CoF only to undertake civil works.
300003.4211	P-11718 Design and construct-B-spot-Stirling Highway crossing	(110,000)		
300004.1606	P-11719 Design and construct-B Spot-Beach St and James St		(7,656)	Increased expenditure due to unforeseen ground conditions related to civil works.
300013.1606	P-11783 Design and construct-N Fremantle Post Office carpark		(27,915)	Increased expenditure due to asset condition, which was unforeseen at the design stage.
300030.1606	P-11757 Resurface HVSP- Peel Rd		14,998	Discontinued project due to unsuccessful grant. Remaining Muni funds to be allocated to P-11783 - N Freo PO car park
300033.1606	P-10968 Program-Bus shelters		40,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300033.4211	P-10968 Program-Bus shelters	(40,000)		
300034.1606	P-10969 Install-Curtin College bus shelter		9,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300034.4211	P-10969 Install-Curtin College bus shelter	(9,000)		
300035.1606	P-10970 Install-Fremantle High School Bus Shelter		9,000	Reduced expenditure offset by reduced grant income. Project to be undertaken by PTA and CoF to pay contribution as per original allocation.
300035.4211	P-10970 Install-Fremantle High School Bus Shelter	(9,000)		
300069.1606	P-11649 Design and construct-South Tec Node 1		4,845	Project complete - identified savings
300017.4211	P-10819 Resurface MRRG-Hampton/Rockingham South	79,398		Increased income offset with increased expenditure. Additional contribution from City of Cockburn due to combined MRRG Project.
300017.1606	P-10819 Resurface MRRG-Hampton/Rockingham South		(79,398)	
Mechanical Services Team – (\$20,000)				
100342.4389	Maintain light vehicles	(20,000)		Employee Vehicles Contribution revenue lower than anticipated.
Buildings Project Management Team - \$14,174				
200463.6823	P-11058 Demolish-Men's Shed		14,174	Project completed under budget than anticipated
300074.1606	P-11639 Demolish-Council admin building		79,971	Project completed under budget. Unspent will remain in reserve.

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
300074.3923	P-11639 Demolish-Council admin building	(79,971)		Project completed under budget. Unspent will remain in reserve.
Facilities Management (Buildings) - \$105,592				
100600.6823	Remove graffiti		15,000	Reduced expenditure due to deferrals to planned maintenance.
101011.6823	Maintain Hilton Park Sports Buildings		45,000	Reduced expenditure due to deferrals to planned maintenance.
100263.6823	Maintain Victoria Hall 179 High Street Fremantle - community		5,000	Reduced expenditure due to building being vacant.
100241.6828	Maintain Civic Administration Buildings		10,000	Reduced expenditure due to deferrals to planned maintenance.
100284.6823	Maintain Fremantle Leisure Centre		10,000	Reduced expenditure due to deferrals to planned maintenance.
200347.3910	P-10920 Demolish-7 Quarry St	(46,330)		Project completed under budget. Unspent will remain in reserve.
200347.6823	P-10920 Demolish-7 Quarry St		46,330	Project completed under budget. Unspent will remain in reserve.
300002.1606	P-11666 Install-Leisure Centre disinfectant system		(11,000)	New project estimate requires additional funds for this project
300040.1606	P-10233 Refurbish-Stevens Reserve pavilion		11,592	Project completed under budget
300059.1606	P-11798 Program-Council building upgrades		20,000	Due to the project scope is constrained by budget allocated; this project will not be continued.
300065.1606	P-10242 Install-Evan Davies lift		(24,522)	Increased expenditure due to change in contactors. Original contract terminated and new contract awarded due to performance issues. Funded by Investment reserve.
300065.3923	P-10242 Install-Evan Davies lift	24,522		
Waste Collection Team - \$75,750				
100599.4541	Operate recycling facility - income	26,000		Increased income than anticipated due to reuse shop sales
100599.6877	Operate recycling facility		15,000	Budget allowed for baler hire - not needed due to budget to purchase being approved.
100599.6823	Operate recycling facility		30,000	Reduced expenditure due to new service contracts.
100338.6823	Clean city wide		30,000	Reduced expenditure due to no requirement for specialised contractor cleaning support Bio and hazmat YTD.
200476.3910	P-11802 Program-Container deposit scheme	10,000		New grant Income - Waste Authority.
100570.5961	Contribute to the operations of Regional Resource Recovery C		(35,250)	The SMRC has a RRRC loan due for repayment on 30 Dec 2018. COF's share is \$35,250
Parks and Landscapes Team - (\$144,777)				
100314.4311	Maintain natural	(55,000)		Grant already budgeted in accounts 200466

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
	areas			and 200468
100314.6823	Maintain natural areas		(135,000)	Strom Damage contractor expense of \$95k unbudgeted for, \$65k for reduced budget due to grant and \$25k decreased expenditure.
100314.6865	Maintain natural areas		(26,000)	Strom Damage material expense of \$40k unbudgeted for and \$14k decreased expenditure.
100315.6823	Maintain other community land		20,000	Reactive maintenance requirements YTD lower than budgeted
100316.6823	Maintain median and verge gardens (excluding Trees) - Road R		(52,000)	Increased expenditure due to new Weed control service contract.
100319.6823	Maintain trees - road and recreation reserves		10,000	Year to date reactive maintenance lower than forecast.
100320.6823	Maintain soft landscaping (excluding Trees) - Recreation Res		30,000	Reduced expenditure due to allocation of service contract costs.
100350.6823	Maintain Sports Grounds		(10,000)	Increased expenditure due to service contract
100351.6823	Maintain sports court playing surfaces		20,000	Reactive maintenance requirements YTD lower than budgeted
100354.6823	Maintain Recreation Reserve Furniture		40,000	Decreased contractor expenditure due to internal staff undertaking maintenance.
100357.6823	Maintain reticulation - recreation reserves		(20,000)	Reactive maintenance requirements YTD higher than budgeted
100357.6865	Maintain reticulation - recreation reserves		20,000	Reactive maintenance requirements YTD lower than budgeted
100358.6823	Maintain barbeques - recreation reserves		(10,000)	Reactive maintenance requirements YTD higher than budgeted
100359.6823	Maintain lighting equipment - recreation reserves		(15,000)	Reactive maintenance requirements YTD higher than budgeted
100360.6823	Maintain play equipment - recreation reserves		(10,000)	Reactive maintenance requirements YTD higher than budgeted
100615.6823	Maintain bores and pumps - recreation reserves		15,000	Reactive maintenance requirements YTD lower than budgeted
100655.4461	Provide public open space (reserves) for special events		40,000	Increased income amount received YTD more than anticipated.
100914.4391	Verge Garden Scheme		10,000	New grant Income - Water Corporation.
100914.6865	Verge Garden Scheme		8,000	Reduced expenditure due to material cost savings expected.
100221.6823	Install firebreaks on city property		(15,000)	Increased expenditure due to anticipated fire reduction works at the South-Fremantle landfill site.
300020.1606	P-11079 Design and construct-Monument Hill footpath		(4,000)	Additional funds required due to updated cost estimates.

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
300071.1606	P-10369 Program-Pocket Parks		(6,800)	Funds required this year to complete project from 2017-18
300071.4214	P-10369 Program-Pocket Parks		1,023	Income for memorial playground equipment piece from a resident
200465.6824	P-11707 Plan-Samson Memorial Park management plan		50,000	Project works to be split between One Off Operating (200465.6824) and Capital New (300096.1606)
300096.1606	P-11822 Construct-Paths Fencing and Signage Samson Memorial		(50,000)	
People and Culture Directorate – (\$31,000)				
People and Culture Team – (\$31,000)				
100065.6816	Provide industrial relations advice		(16,000)	Increase due to unanticipated Workplace Consulting - \$11,000 & EBA Negotiation fee of \$5,000
100526.6824	Monitor human resource management processes		(15,000)	Increase expense due to unanticipated Investigation expenditure
Employee Costs and Agency Labour – Nil				
Salary & Wages - \$900,000				
101201.7111	Chief Executive Office Leadership		65,500	Salary cost savings to offset vacancy credit
101202.7111	City Business Leadership		91,537	Salary cost savings to offset vacancy credit
101204.7111	Strategic Planning and Projects Leadership		63,500	Salary cost savings to offset vacancy credit
101205.7111	Infrastructure and Strategic Projects Leadership		46,463	Salary cost savings to offset vacancy credit
101206.7111	People and Culture Executive Leadership		40,000	Salary cost savings to offset vacancy credit
100314.7222	Parks and Landscapes Team		35,000	Salary cost savings to fund agency labour
100320.7222	Parks and Landscapes Team		18,000	Salary cost savings to fund agency labour
100325.7222	Construction and Maintenance Teams		35,000	Salary cost savings to fund agency labour
100380.7222	Waste Collection Team		465,000	Salary cost savings to fund agency labour
100660.7222	People and Culture Executive Leadership		40,000	Salary cost savings to fund agency labour
Vacancy Credit – (\$307,000)				
101201.7199	Vacancy Credit -Office of CEO		(65,500)	Use Salary cost savings to offset vacancy credit
101202.7199	Vacancy Credit -City Business		(91,537)	Use Salary cost savings to offset vacancy credit
101204.7199	Vacancy Credit - Strategic Planning		(63,500)	Use Salary cost savings to offset vacancy credit
101205.7199	Vacancy Credit - Infrastructure and Project Delivery		(46,463)	Use Salary cost savings to offset vacancy credit
101206.7199	Vacancy Credit - People and Culture		(40,000)	Use Salary cost savings to offset vacancy credit
Agency Labour – (\$593,000)				

Team and Account #	Account Details	Revenue (Increase+ Decrease-)	Expenditure (Increase- Decrease+)	Reason
100314.6825	Parks and Landscapes Team		(35,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100320.6825	Parks and Landscapes Team		(18,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100325.6825	Construction and Maintenance Teams		(35,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100380.6825	Waste Collection Team		(490,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100660.6825	People and Culture Executive Leadership		(40,000)	Increase Agency Labour budget, which was funded from salary cost savings.
100325.6825	Construction and Maintenance Teams		10,000	Decrease Agency Labour budget
100383.6825	Infrastructure and Strategic Projects Leadership		10,000	Decrease Agency Labour budget
100266.6825	Corporate Asset Management Services		5,000	Decrease Agency Labour budget.
New Project Requests – (\$161,250)				
NEW	Accounts Payable Automation Software		(71,250)	Implementation of accounts payable automation + digitalisation system
NEW	Capital - Waste - Fleet Management System		(90,000)	Additional budget requested for waste trucks fleet management system for 6 trucks

Carried en bloc: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

C1902-2 STATEMENT OF INVESTMENTS AS AT 31 JANUARY 2019

Meeting Date: 27 February 2019
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Investment Report – 31 January 2019

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 January 2019 and provides information on these investments for Councils consideration.

This report recommends that Council receives the Investment Report for the month ending 31 January 2019.

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

- **Portfolio details as at January 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 \$890,409 against a year to date budget of \$822,501 which represents a positive variance of \$67,908. 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 2.62% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.96% (refer to Report 8 - 0.49% for 3 month) on an annualised basis as at the end of January 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 January 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 January 2019

At month end the City's investment portfolio totalled \$65.18m. The market value was \$65.62m; this value takes into account accrued interest.

The investment portfolio is made up:

At call account	\$ 7.75m
Term Deposits	\$57.43m
TOTAL	\$65.18m

Of which:

Unrestricted cash	\$27.77m
Restricted cash (Reserve Funds)	\$34.80m
Restricted cash (Trust Funds)	\$ 2.61m
TOTAL	\$65.18m

The current amount of \$27.77m held as unrestricted cash represents 35.58% of the total adopted budget for operating revenue (\$78.06m).

2. Portfolio counterparty credit framework (as at 31 January 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:

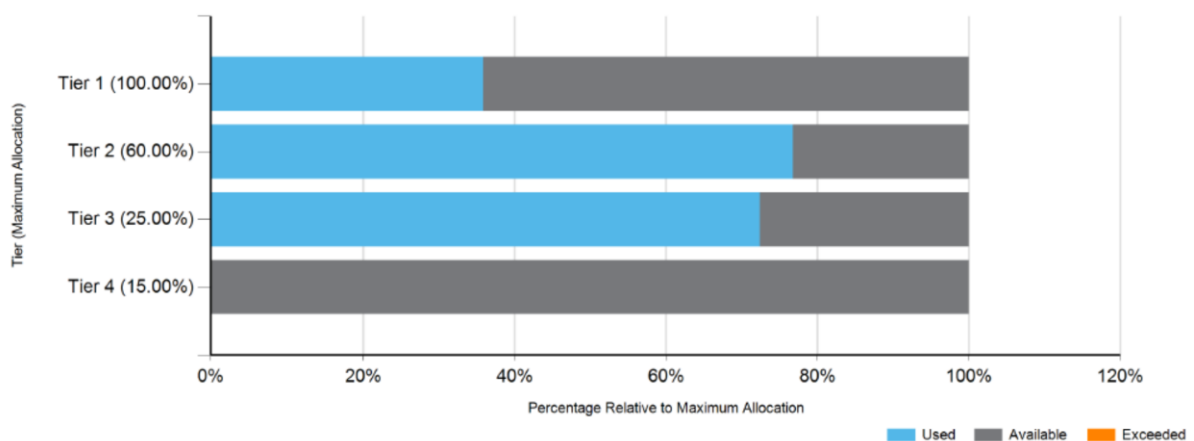
Counterparty credit framework

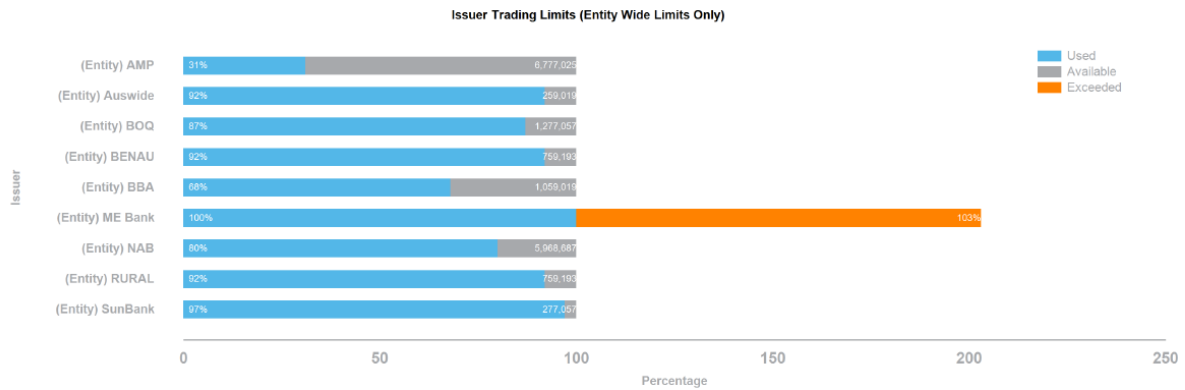
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

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





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

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

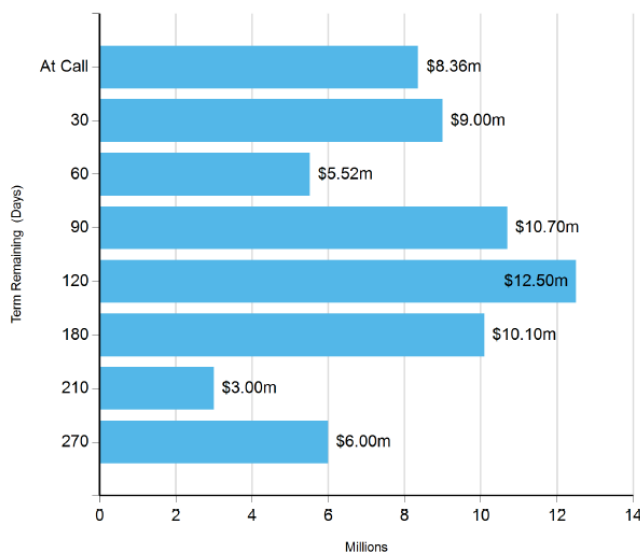
As term deposits mature with the above bank the City will reallocate the funds to ensure that the bank is within the adopted limit going forward. It should be noted the final maturity date for the bank extend to 16 August 2019. Future investment of funds to the above bank will be assessed based on the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

3. Portfolio Liquidity Indicator (as at 31 January 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 January 2019)

At the end of this month \$30.32m (46.5%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non Fossil Fuel lending ADI’s).



5. Interest Income for Matured Investments (For 1 January 2019 to 31 January 2019)

For this month \$144,764.30 in interest was earned from 5 matured term deposits.

6. Investing Activities (For 1 January 2019 to 31 January 2019)

During this month 5 term deposits were acquisitioned with a total value of \$10m 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 C1902-2 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council receives the Investment Report for the month ending 31 January 2019.

Carried: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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 7.59 pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

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

Carried: 13/0

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

At 7.59 pm members of the public were requested to vacate the meeting.

ARMC1902-5 EMERGING RISKS REPORT

Meeting Date: 12 February 2019
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: Kings Square Project Financial Summary

REASON FOR CONFIDENTIALITY

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

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

COUNCIL DECISION ITEM ARMC1902-5 **(Committee recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jeff McDonald

Council:

- 1. Council notes the risk items identified within the risk update report for February 2019.**
- 2. *The Audit and Risk Management Committee is satisfied sufficient rigour has been provided in the range of scenarios in the selection for the contract for construction of the City's new Civic Centre***

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

**FPOL1902-9 CONFIDENTIAL REPORT - MARKET RENT REVIEW OF
COMMERCIAL PORTFOLIO**

Meeting Date: 13 February 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Confidential Attachment – Market Evidence

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

COUNCIL DECISION ITEM FPOL1902-9
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Dave Hume

Council

- 1. Approve a 10% reduction to rent for all ground floor tenancies at the Evan Davies building effective from 1 December 2018.**
- 2. Acknowledge that all remaining commercial properties within the City's commercial portfolio are at market rate in line with policy.**

Carried: 13/0

**Mayor, Brad Pettitt, Cr Ingrid Waltham, 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**

PROCEDURAL MOTION

At 8.04 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: 13/0

Mayor, Brad Pettitt, Cr Ingrid Waltham, 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

17. Closure of meeting

The Presiding Member declared the meeting closed at 8.05 pm.