



Agenda

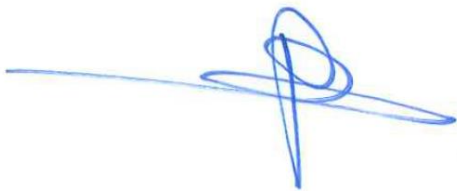
Ordinary Meeting of Council

Wednesday, 24 March 2021, 6.00pm

CITY OF FREMANTLE
NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday, 24 March 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in blue ink, consisting of a horizontal line followed by a series of loops and a vertical stroke.

Philip St John
Chief Executive Officer

19 March 2021

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CITY OF FREMANTLE

Ordinary Meeting of Council

Agenda

1. Official opening, welcome and acknowledgement

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leave of absence

Mayor, Brad Pettitt
Cr Su Groome

3. Applications for leave of absence

_____ requests a leave of absence from _____ to _____ inclusive.

4. Disclosures of interest by members

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

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 24 February 2021:

Elizabeth Megroz noted that she gave notice of questions for the Council meeting on 27 January 2021 and asked why they were not tabled in the minutes. Ms Megroz, requested that her previous questions and current questions be taken on notice, as follows:

1. Previous questions:
 - a) Please indicate the page no. in the attachments of the Special Council Meeting 8 July 2020 documents where the Artists Exemptions that have been budgeted and approved are recorded (October 2020 Exemption Category).
 - b) What measures are currently in place to make this direct engagement process of artists a transparent and equitable process?

Response

- a) Individual Capital Project budgets for events can be found on page 48 of the 2020 -21 Annual Budget (see below).

Office of the Chief Executive									
Festivals Team									
Base Operating - Conduct heritage festival(Quarantined)	100398	N	20,000						20,000
Fremantle Arts Centre Team									
Base Operating - Conduct Print award exhibitions (Quarantined)	100418	N	42,800						42,800
P-10848 Program-In Cahoots art exhibition	200344	Y	112,009	-	112,009	-	-	-	-
P-11729 Program-Reveal Aboriginal Artist 2020	200488	Y	180,047	-	155,047	25,000	-	-	-
P-11945 Program-Reveal Aboriginal Artist 2021	200789	N	250,000	-	-	250,000	-	-	-
Subtotal - Office of the Chief Executive			604,856	-	267,056	275,000			62,800

Operational Budgets for Arts and Events fall under the Office of the CEO and Director Community Development on page 9:

Expenditure from operating activities

Office of the Mayor and Councillors	(737,254)
Office of the Chief Executive	(6,781,977)
City Business Directorate	(25,219,222)
Community Development Directorate	(11,511,611)
Strategic Planning and Projects Directorate	(3,036,315)
Infrastructure and Projects Directorate	(27,568,590)
People and Culture Directorate	(1,234,202)
	(76,089,171)

- b) Engagement of artists is conducted by officers in line with the City's purchasing policy and artist commissioning procedure. The artist commissioning procedure outlines each program that engages artists and outlines targets, links to the Strategic Community Plan, selection processes and who can approve the commission (whether it be a panel or Director). Artist exemptions are reported quarterly through the Audit and Risk Management Committee to Council.
2. Re: PC2102-2 SOUTH TERRACE, NO.312 (LOT 344), SOUTH FREMANTLE – ALTERATIONS TO AN EXISTING RESTAURANT AND INCIDENTAL INDUSTRY LIGHT (COFFEE ROASTERS) - (JL DA0513/20)
 - a) Please explain whether the statements below in relation to a shortfall of 45 car bays are based on data/research? If so, please indicate where this information can be located? If not, on what basis are these assumptions made?
 - b) It is also still reasonable to expect that a large volume of the patrons to the restaurant will consist of locals and driving to the venue is not the first choice of travel.
 - c) Although it is acknowledged that the proposed use may increase the demand on these bays during the peak periods, it is not considered to result in a parking and traffic impact that is significantly greater than the current demand for on street parking, p 39.

Response

The application was not determined by the Planning Committee at its meeting held on 17 February 2021, and was referred back to the Administration to allow the applicant to consider amending the proposal to integrate the recommended additional provision of on site bike parking and improve the interface of the vehicle crossovers and parking area with the public realm. On the submission of amended plans, the application will be referred to the next appropriate Planning Committee meeting for determination.

In response to question a), Council reduced the standard car parking requirement on the basis of b) (and others) in an approval issued in 2013 for the subject site. Officer's still consider this reason to be valid in its assessment of the current proposal. Statements b) and c) are not based on specific data or research, rather, on the basis of Officers knowledge of general trends/patterns and their observations in the area.

3. Re: D.B.M7 CASH-IN-LIEU OF CAR PARKING POLICY - Please explain the reason why this policy is ignored as a matter of course when dealing with shortfalls of parking?

Response

This policy was adopted in 1999 under the now superseded Local Planning Scheme No.3. The current planning scheme (no. 4) outlines a series of considerations to be taken into account in assessment of parking provisions in new planning proposals and is the primary point of reference for assessment of shortfalls – refer Clause 4.7 for details. Recent changes to the Planning and Development (Local Planning Schemes) Regulations provide further direction on parking provision including automatic waiving of small shortfalls in parking. The policy will be reviewed as part of the staged review of local planning policies occurring as outlined in the Scheme Review Report adopted by Council in February 2020.

4. Re: ARMC2102-3 OVERDUE DEBTORS REPORT AS AT 31 DECEMBER 2020
 - a) Please would you explain what sundry debts of \$417 285 waived for 24 entities consist of?
 - b) Are any of these entities eligible to ask for lease extensions, City funded fit outs in the civic centre and the like in the future?

Response

- a) Rent write-offs for commercial tenants in accordance with the code of conduct provisions set by state government.
 - b) This is a speculative question that is not able to be answered.
5. Given that the FAC represents a major asset and thus revenue stream for the City, is there a policy in place that stipulates that any profit from its use will be invested in the maintenance and reinstatement of its heritage features?

Response

No. Funding allocation is determined in accordance with the City's Asset Renewal program and priorities within each budget year

6. How many indigenous and how many non-indigenous artists are funded and engaged by the City for this financial year and last year?

Response

Fremantle Arts Centre		
Events including contemporary music:		Exhibitions including Revealed:
19/20 Indigenous 113 19/20 Non indigenous 217 20/21 Indigenous 41 20/21 Non indigenous 183		19/20 Indigenous 296 19/20 Non indigenous 37 20/21 Indigenous 199 20/21 Non indigenous 28
NB: Decrease in Indigenous performers in 19/20 due to at this stage unknown number of Revealed exhibition sales. We would expect a similar number of exhibition sales this year. And the COVID postponement of Wardarnji (approx. 100 performers)		
Festivals		
Hidden Treasures:	10 Nights in Port:	Heritage Festival Events:
2019 Indigenous 6 2019 Non indigenous 255 2020 Indigenous 12 2020 Non indigenous 162	19/20 Indigenous 65 19/20 Non-indigenous 412	2021 Indigenous 1 2021 Non indigenous 5
Public Art		
1 major commission – 1 Indigenous and 1 Non-indigenous artist		
Walyalup Aboriginal Centre		
2019 - 2020		2020 - 2021
17 facilitators		13 facilitators

7. Is it true to say that ratepayers have no input in the engagement process of artists, other than the community grants?

Response

The nature of this query is not entirely clear, please can further detail be provided?

8. Was there no local Fremantle real estate auctioneer available/competent enough to deal with 7 -15 Quarry street?

Response

The city's position in undertaking the sale process for 7 Quarry St does not reflect on any real estate business in Fremantle. The City often undertakes auctions in-house.

9. Given that the \$90 619 worth of Jacaranda trees will not respond well to pruning, have invasive roots and are an introduced species from another colonised/invaded country, would you please explain how planting them is appropriate on a site where enormous efforts are made to compose the area with concepts and things indigenous? Who is responsible for the decision to plant Jacaranda trees in this location?

Response

The City developed a draft Concept Plan for the public realm in 2017 and following community consultation, adopted a final Concept Plan for Kings Square in February 2018. The selection of Jacaranda trees for the 'framing tree' around the perimeter of the square was included in this process. An 'exotic' tree was selected rather than a native tree due to many factors, including the harsh urban planting conditions; the modified 'European' character of the square and its architecture; and the need to select a tree that had an appropriate form, size and consistency for a civic location. The City is also committed to planting more native trees – in locations which are appropriate.

10. Could you please explain what the payment of \$23 100 to the Sirona Real Estate Project Management is for?

Response

The payment is for project management services for Kings Square Civic building.

11. What is 'PrePay' for the WA Croatian Community Centre and WA Portuguese Club?

Response

The City refunded part of the rates payment by these Clubs as part of a council resolution to cap their rate payment

12. Given that in excess of \$12 000 was spent on the 'this is Fremantle' Christmas campaign, could you please explain why ratepayers should believe it was money well spent when the City allowed the 'camp out' to occur?

Response

These two items are not considered by the City to be linked

The following current questions were submitted by Elizabeth Megroz.

1. Please explain why the agenda/minutes 20 January 2021 omit how it came about for the un-registered Freo Street Kitchen being set up in Pioneer Park?

Response

An administration report on "Tent City" on Pioneer Park was provided to council at the February Ordinary Council meeting.

2. Please explain why the kitchen was tolerated to remain in a place of which the objective is 'to facilitate the integrated development of a children's theatre in a children's park', D.G.F19 Pioneer Park - 1 Short and 7 Market Streets, Fremantle?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which commenced on 4 January and finalised on 23 January, 2021.

3. Please explain why the City/Council of Fremantle represented that there were no emergency food services available, contradicting what was actually the case?

Response

This matter was commented on in paragraph 5 of the CEO report into Tent City published in the February council meeting minutes.

4. Please explain whether the City/Council of Fremantle is aware of what emergency support services/agencies are available and who to contact?

Response

The City has relationships with multiple social support providers which operate within the City of Fremantle.

5. Please explain whether there was anyone in the City/Council of Fremantle who considered or anticipated the security and welfare implications for all concerned that would ensue from that kind of 'camp out' in the park, prior to it being set up?

Response

The City of Fremantle decided a coordinated response to the unapproved camping at Pioneer Park was required. An administration report on "Tent City", Pioneer Park was provided to council at the February Ordinary Council meeting. These discussions included the need for compassion and support for the vulnerable people camping.

6. Please explain whether there was anyone in the City/Council of Fremantle who considered or anticipated the implications and financial costs to the businesses that would ensue from that kind of 'camp out' in the park, prior to it being set up?

Response

The City of Fremantle coordinated the response to the unapproved camping at Pioneer Park. An administration report on "Tent City", Pioneer Park was provided to council at the February Ordinary Council meeting. These discussions included the need for compassion and support for the vulnerable people camping.

7. Please explain whether there was anyone in the City/Council of Fremantle who considered or anticipated the anti-social behaviour that was likely to result from that kind of 'camp out' in the park, prior to it being set up?

Response

The City of Fremantle coordinated the response to the unapproved camping at Pioneer Park. An administration report on "Tent City", Pioneer Park was provided to council at the February Ordinary Council meeting. These discussions included the need for compassion and support for the vulnerable people camping.

8. Please explain whether there was anyone in the City/Council of Fremantle who considered or anticipated the financial costs to the City (ratepayers) that would ensue from that kind of 'camp out' in the park, prior to it being set up?

Response

The City of Fremantle coordinated the response to the unapproved camping at Pioneer Park. An administration report on "Tent City", Pioneer Park was provided to council at the February Ordinary Council meeting. These discussions included the need for compassion and support for the vulnerable people camping.

9. Please explain what are the estimated financial costs associated with dealing with the 'camp out' in the park including all costs such as legal, consulting, officers time, repairs, security and maintenance to services nearby as well as the clean up?

Response

These costs are yet to be considered and will be published once known.

10. Please explain the reasons for City/Council of Fremantle ignoring the requests from the community and businesses to take action to close the 'camp out' in the park?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which commenced on 4 January and finalised on 23 January 2021.

11. Please explain why the City/Council of Fremantle did not intervene, and thereby allowing the state government to step in to close the 'camp out' by removing Fremantle's authority for the park?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which commenced on 4 January and finalised on 23 January 2021.

12. Re: FPOL2101-16 PIONEER PARK FREMANTLE CAMP OUT - Given I was present in person at the Ordinary Meeting of Council 27 January 2021, why were my questions on notice not included in the minutes?

Response

Your questions were received by email at the City at 4.52pm on the night of the Council meeting. This is too late for the process of this meeting. Cut-off for the meeting is 3pm on the meeting day. There is no record of these questions being presented at the meeting.

13. Re: Monthly Financial Report December 2020 – P.10 Construction and Maintenance Team - Design and Construction. Does the item P-11952 Hampton Rd - Drainage refer to 73 Hampton Rd?

Response

\$70,000 budget for item 'P-11952 Hampton Rd – Drainage' is for the City to improve the existing carrier drain along Hampton Road between Henville Street and Stevens Street. This in turn is intended to alleviate the flooding problems to the lowest section of Hampton Road which is located in the vicinity of 73 Hampton Rd.

Helen Cox asked the following questions, on behalf of the Greater Fremantle Community & Business Association, to be taken on notice:

1. Please explain 'how and why' the agency for this event was permitted under the Local Gov Act?

Response

The context of this query is not clear, could you please provide some further detail?

2. Please explain how permission for the Pioneer Park Camp was undertaken without legal Local Gov approvals, including Licences and Permits?

Response

The City did not provide permission for camping at Pioneer Park

3. Please explain how the documented COVID-19 plan was presented, enacted and monitored during the entirety of the Camp?

Response

The City was not responsible for the camping at Pioneer Park during late December 2020 until 23 January 2021.

4. Please explain when the Council will begin the necessary Independent 'Enquiry' into the events before during and after the Pioneer Park Camp was installed from 26th December 2020 to January 29th, 2021?

Response

Council considered the request for an independent inquiry on the "Tent City" camping at Pioneer Park between 26 December 2020 and 23 January 2021. The Council did not support an independent inquiry

Helen Cox resubmitted the following questions taken on notice at the Council meeting held 27 January 2021, and requested a response to each question:

1. In light of the recent resumption of Pioneer Park by the State Government our members are asking as to how the City of Fremantle in the first instance enabled the know activist Jesse Noakes to engage and be allowed to set up the unregistered, unlicensed Street Kitchen, without any of the correct health or park usage permits? Why were they not directed to the endorsed and City funded charity St Patrick's?

Response

Detail surrounding the erection of the camp at Pioneer Park known as Tent City is outlined in the CEO Report presented to Council at its Ordinary meeting in February

2. When it was first identified that the activists were setting up tents why did the City Community Compliance team not put an end to it under the current bi-laws and policies?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which was commenced on 4 January and finalised on 23 January, 2021.

3. Given the risks to the local businesses, public safety, health and well being of the inhabitants, Ratepayers, the cost to the City and the clear operation of the kitchen outside of City policy, why did the Mayor and council not convene an emergency meeting several weeks ago to prevent the subsequent complaints to Police, serious charges and rape of two teenage girls?

Response

A multi-agency response to close the camp at Pioneer Park was commenced on 4 January and finalised on 23 January 2021.

Helen Cox also submitted the following question:

1. From recent media reports it has become evident that this was politically motivated to support Mayor Brad Pettitt's campaign. What is the City position on political party policies being actively campaigned on by/for a sitting Mayor or Councillor? Why are the City assets and Ratepayers funds being used for political campaigning of the Mayor? From page 132 of attachments to the agenda "the City would offer limited support for the 24 hour event through the provision of water, power and waste collection." It has also been advised from the City that over \$10,000 of Ratepayer support has been provided, not including the ongoing risk and rectification of damage to the park.

Response

The City does not make any comment on political party policy. The costs associated with the camp at Pioneer Park are yet to be considered and will be published once known

Andrew Luobikis resubmitted the following questions taken on notice at the Council meeting dated 27 January 2021, and requested a response to each question:

1. Please answer individually each of my questions included below from the 20 January FPOL meeting which have not been answered in full, but 'Generally' referred to in the CEO report on Tent City? The CEO report is vague with what appears to be excuses rather than an inquiry and has glib responses that do not directly answer my questions. Ratepayers deserve to have questions answered in good faith by the city. This has not occurred. It is inappropriate, insufficient and possibly unlawful, council minutes are a legal document, and as such produced in the public interest and the answers are for public record. Therefore it is not appropriate to use a CEO report rather than answering the questions appropriately. You have had these for 5 weeks and request they be answered individually.

Response

Noted.

2. Why when Jesse Noakes is a known convicted activist working with Councillor Pemberton on the Mayors Green Party campaign, would the city engage with this kind of person who is not even a resident?

Response

Mr Noakes was not known to City officers prior to the meeting held on 21 December 2020.

3. No due diligence was followed, there is already processes in place under the city guidelines, we have an arrangement with St Patricks, and that the Freo Street Kitchen is an unregistered, un-incorporated organisation and was unlicensed to operate as a charity collecting funds. This is currently under investigation by the department responsible.

Response

Noted.

4. Would the city afford Ratepayers or residents like myself the same eleventh hour meeting with senior city staff, without first following due diligence of completing permits Etc.?

Response

This is a speculative question that is not able to be answered.

5. In the CEO report it states: "The meeting was attended by Manager Field Services, Manager Community Development, Manager Facilities and Environmental Management, Cr Rachel Pemberton and Mr Jessie Noakes, who represented FSK." This contradicts Councillor Pemberton's response in the agenda that she only facilitated a meeting. Why was only Councillor Pemberton at this meeting and not referred to all Councillors to respond considering this was outside the remit of the normal policies set by council? Is not the procedure for such things that fall outside the procedural governance of the city be referred to a full council meeting to be debated on changing the local laws to allow this?

Response

Cr Pemberton provided a response to her involvement with Mr Noakes at the Ordinary Council meeting in February 2020. This response is noted in the minutes of this meeting.

6. Is it not the truth that this was a political stunt for the benefit of the Mayor Brad Pettitt's Greens party campaign organised with the full knowledge of his campaign team in Councillor Rachael Pemberton and Deputy Mayor Andrew Sullivan (Who shared his office and stored FSC tents)? Both responses from Mayor Pettitt and Councillor Pemberton are a cut and paste copy showing full knowledge of this event in the week before "Jesse Noakes contacted me about a week before Christmas saying he and some local volunteers were planning to set up a street kitchen to feed people experiencing homelessness on Boxing Day." (Pages 2-3 of Agenda)

Response

This is a speculative question that is not able to be answered.

7. Why would the Mayor bother to introduce a known convicted activist like Jesse Noakes to the Chamber of Commerce CEO Danica Quinlan? What would be the purpose of this for the Chamber?

Response

The City does not provide collective responses for elected members. A question may be raised to individual members, which may then be responded to by that member.

8. If no written approval was given then how does the City allocate Ratepayers funds for what appears to be a Claytons approval? "City would offer limited support for the 24 hour event through the provision of water, power and waste collection." (Page 132 CEO Report). It has already been advised by the City of Fremantle endorsed charity's CEO of St Pat's Michael Piu that food services indeed were available during this period.

Response

The provision of these services was considered generally incidental and very short term at the time.

9. Why was no mention in the CEO report made that the FSC was shut down by the McGowan State Government which has taken over management of Pioneer Reserve or the process to follow?

Response

The CEO report spoke from the perspective of the City only and did not make comment for third parties.

10. Will all costs incurred by the City be charged to the organiser FSC and Jesse Noakes?

Response

Recovery of costs is not being considered at this stage.

Questions by Clayton Gunning

1. How much support does the City give, in total, to sporting groups each financial year?

Response

The City provides community wellbeing programs, such as:

Bike Month:

- Ride to Work Breakfast
- Cycle School – Confidence
- Cycle School – Balance
- Bike Repair Workshops

Freo Fit:

- Park Fit
- MindFit

Health & Wellbeing Program:

- Sound Healing
- Self Care series
- Dance Inclusion

Support Community and Sporting Groups:

- Support Kidsport
- Writing Successful Grant Applications workshops
- Financial Management workshops
- Club Renovation Toolkit
- Improved lighting system at Bruce Lee Oval

Allocate Youth Sports grant funding and travel assistance opportunities

2. Which sporting groups benefit the most from City of Fremantle Support?

Response

The City in its pursuit to encourage healthy lifestyle choices for all City residents provide support to a range of sporting clubs and recreational organisations in the City including (men's, women's, juniors and children's) AFL, soccer, cricket, netball, rugby league, dancing, martial arts, golf and fishing in the form of grants, donations, club development workshops and in-kind support offered by the City's Community Development Officer – Health and Wellbeing as well as the maintenance of facilities and playing fields.

3. Can I have a copy of the details, organised by each group/sport, of all funds, including in-kind support, provided to sporting clubs in the 2018/2019 and 2019/2020 financial years?

Response

Due to the expansive nature of this question a comprehensive response will take more time to compile. A response will be made available at the next Ordinary Council Meeting to be held on 28 April 2021.

4. Which sporting groups pay rent/rates (and how much) to the City of Fremantle for using Council owned or managed facilities?

Response

- Royal Fremantle Golf Course responsible for rental charges as per lease terms and conditions.
- Fremantle Netball Club – hire of Hilton Park (City of Fremantle fees and charges schedule)
- Fremantle Rugby League – hire of Bruce Lee Oval (City of Fremantle fees and charges schedule)
- Rate concessions provided to a number of Sporting Clubs as per annual budget document ("Attachment 1 – Responses to previous questions")

5. Does the City participate in any partnership with Sporting Clubs?

Response

The City does partner where appropriate with sporting groups, a good example is the Fremantle Surf Life Saving Club to deliver lifesaving services at Leighton and Port Beaches during the summer months.

Mark Woodcock resubmitted the following questions taken on notice at the Ordinary Council meeting dated 27 January 2021, and requested a response to each question:

1. Can the Council please explain to the impacted community, who gave permission for use of Pioneer reserve on the 26th of December 2020?

Response

Support was provided from the City for a 24 hour "Boxing Day Feed" on Pioneer Park. No permission was provided for camping.

2. Can the council please explain to the impacted business community, under what authority was given permission given to use pioneer reserve on the 26 of December?

Response

Support was provided from the City for a 24 hour "Boxing Day Feed" on Pioneer Park. No permission was provided for camping.

3. Can the council explain how the councils risk management policy was applied to the allowed use of pioneer reserve on the 26th of December?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which was commenced on 4 January and finalised on 23 January 2021.

4. Can council explain to the electors how the council allowed its no camping policy to be violated on the 26/27 and of December 2020 onwards into Jan in pioneer reserve till the state government took over its management? Did any councillors have prior knowledge of this and did they inform the COF professional staff of any concerns?

Response

The City does not have a camping policy. Camping is dealt with by state government legislation. A multi-agency response to close the camp at Pioneer Park was commenced on 4 January and finalised on 23 January, 2021

5. Can the council confirm or deny that the police were told to allow campers in pioneer reserve by Councillors of Fremantle City Council?

Response

No.

6. Can council explain how its events policy was adhered to by council in regards to the event at pioneer reserve?

Response

Support was provided from the City for a 24 hour "Boxing Day Feed" on Pioneer Park.

7. Can the council please inform the rate payers and residents of the cost of the pioneer reserve debacle over December 2020 and January 2021 to the COF?

Response

These costs are yet to be considered and will be published once known.

8. Can council please inform the community of the legal costs to the COF, associated with the pioneer reserve event?

Response

These costs, if any, are yet to be considered and will be published once known.

9. Can the COF inform the rate payer of the liability issues to the City, as it's been clearly linked by State Government, only worsen by the states take over due to the reserves mismanagement, with the long list of violent assaults that police have linked to Pioneer Park, from the 26th of Dec till its closure in January 2021?

Response

The City decided a multi-agency response was needed to close the camp at Pioneer Park which was commenced on 4 January and finalised on 23 January 2021.

10. Is the City confident that councillors have put the cities best interest 1st, over the clearly political agenda that has been run in the exploitation of our cities most vulnerable. If so, what investigation has the city take to ensure it has a true understanding of the event that led to the pioneer reserve debacle.

Response

The CEO has provided a report to Council at its Ordinary meeting in February 2020.

11. What independent investigation will be run by the City to ensure this sort of incident can't happen again?

Response

Council considered the request for an independent inquiry on the "Tent City" camping at Pioneer Park between 26 December 2020 until 23 January 2021. The Council did not support an independent inquiry

12. How will the City handle this issue as a Mayor steps back and a Deputy Mayor has already declared a conflict of interest?

Response

The nature of this query is not entirely clear, please can further detail be provided?

13. How will the City reassure the electors that it actually has control of the City after the State Government removed authority of part of the CBD?

Response

The nature of this query is not entirely clear, please can further detail be provided?

14. How can the electors have any faith in a council that is clearly not trusted by the State Government to manage such a small area as pioneer reserve?

Response

This question is taken as rhetorical.

15. Can the City explain why councillors are dealing with groups that are listed as anarchist and professional protestors, that have clearly been reported as exploiting the vulnerable, by attracting them away from recognise and trained professional organisations that provide outreach services, to a place that advertises on-line for enforcers for security at a make shift camp?

Response

The City does not provide collective responses for elected members. A question may be raised to individual elected members, which may then be responded to by that elected member.

16. Can the City explain to the electors, how the none of the electoral commission guidelines have been breached in regards to the activities at Pioneer reserve from December 2020 to its closure in Jan 2021?

Response

The City is not aware of any breaches and has not received any submissions of breaches.

17. Can the City confirm, non if its code of conducts have been beached by councillors in regards to the Pioneer reserve incident and how it has ascertain this?

Response

The City is not aware of any breaches, is there a particular breach that is being queried?

The following additional questions were submitted by Mr Woodcock:

18. Can the City justify its response to my Australia Day questions from the Jan 2021 full council meeting?
Q18. Can the City explain how its cancelling of Australia Day celebrations benefits Fremantle businesses when other cities are attracting huge crowds for their events, while Fremantle has lost this attraction since it cancelled the 26th of January events? How is this in the best interest of rate payer and businesses in Fremantle?

Response

The context of this query is not clear, please provide some further detail?

19. As the city's own documents stated and quoted the then acting Mayor Josh Wilson on the success of the 2015 Australia Day event and that, it attracted about 50,000 people to the city and injected over +3 million dollars into the local economy. While in 2020 it attracted about 5% of the 2015 numbers. Further can the City show documentation to support its claims and what interaction it has had with local business to support their claim? The City's 2015 Australia Day event was opened with an aboriginal cultural event, how is this not inclusive? Is the City suggesting to add more additional cultural events, perhaps a lion dance? How can it be more inclusive when the City's new event attracts less than 10% of its past numbers?

Response

The nature of this query is not entirely clear, please can further detail be provided?

20. Can the city explain to the rate payers why its website has removed documentation, like the media section which only goes back to 2018 and the finances section is back to 2015/16?

Response

The City has updated its website to make its content easier to navigate. A note is provided on the website as to how to request older content.

21. I see on the minutes from the Jan 2021 meeting of full council meeting, Councillor Vujcic's motion and preamble was not recorded in full but summarised. To have an accurate and true record surely that can be stated in full, why is that not so?

Response

Minutes of all council meetings are a summary of the meeting and it is not standard to record verbatim comments. Only decisions are recorded verbatim.

22. Again, the same concern for people who come to council to ask questions or make statements. Why is this not properly recorded in the minutes? When referring to Minutes from 2009 questions were better recorded in the Minutes. Why has council lowered their standard, surely council can't claim this is good governance?

Response

Minutes of all council meetings are a summary of the meeting and it is not standard to record verbatim comments. Only decisions are recorded verbatim.

The following questions were taken on notice at the Planning Committee meeting held 3 March 2021.

It was requested by the Planning Committee that these questions were answered in the agenda for the Ordinary Meeting of Council as they were related more to general items of council than to Planning Committee items.

Elizabeth Megroz asked the following questions in relation to the proposed disposition by way of licence of a portion of former Naval Store land, 141 Queen Victoria Street.

The advertised notice gives no details of who can be contacted to find out anything about the proposal for the planned disposition of property that would allow the public to make an informed submission concerning the matter.

Given the last project the Fremantle Biennale and the City of Fremantle were involved in together, the Yellow Lines, ended up in the ratepayers footing a clean up bill in excess of \$200 000, might it be wise to reveal what this new deal is going to be about.

1. Please advise who is the person in charge of this project or joint project?

Response

The manager responsible for administering City properties is the Manager Economic Development and Marketing.

2. What is the reason for not providing a contact person to provide information on the matter?

Response

Officers can be reached by contacting the City of Fremantle via its standard contact details.

3. Are 8 working days a reasonable time frame to make a submission, given there is no background information or contact person provided?

Response

Under the Local Government Act Section 3.58 (3) (a) (ii) the City is required to advertise the disposal of property by public notice for no less than 2 weeks. The City advertised this public notice for no less than 2 weeks via the City's website, the City's notice board outside of the library, the West Australian Newspaper and local newspaper.

4. Is this lease arrangement already in place since it is effective 17 Feb 2021?

Response

The arrangement is not a lease. The license advertised referred to the renewal of an existing license that was in place between 17 August 2020 and 16 February 2021.

5. What portion in M2 of the former Naval store land is proposed to be leased or sub leased?

Response

Approximately 130 m2 of a 2m wide external outdoor area to the rear of the building was proposed to be licenced.

6. What is it going to be used for?

Response

The permitted use is a storage yard and fabrication

7. Will there be any costs to the ratepayers associated with this arrangement?

Response

No. Should the City incur any costs as the direct result of the property's use by the licensee these costs will be recoverable from the licensee.

8. How will the community be impacted by this arrangement?

Response

The City does not expect this arrangement to have any undue impact on impact the community.

9. Can anyone lease a portion of the former Naval store land?

Response

The Naval Store is currently leased. The current arrangement which is in conjunction with the current leaseholder is a license that is temporary in nature.

10. How much documentation is required to put in place such a lease arrangement?

Response

A licence agreement is put in place between the Licensor (The City) and the Licensee.

6. Public question time

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

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

7. Petitions

Petitions to be presented to council.

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

8. Deputations

8.1 Special deputations

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

8.2 Presentations

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

9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 24 February 2021.

10. Elected member communication

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

11. Reports and recommendations from committees

11.1 Planning Committee 3 March 2021

PC2103-1 SOUTH STREET, NO. 2/398 (LOT 152) O'CONNOR - ADDITIONS (AQUAPONICS NURSERY) TO EXISTING RESTAURANT/TAVERN (TG DA0409/20)

Meeting Date: 3 March 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Development Plans
Additional information: 1. Site Photos

SUMMARY

Approval is sought for the addition of an aquaponics nursery facility, constructed from stacked sea containers at 2/398 South Street, O'Connor.

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

- Car Parking.
- Land use (Nursery).

The application is recommended for a temporary approval for five years.

PROPOSAL

Detail

Approval is sought for a two storey building constructed from sea containers to an existing Restaurant/Tavern at 2/398 South Street, O'Connor. The proposed works include:

- The addition of four sea containers of various sizes stacked and partially cantilevered over the existing car parking on site. The sea containers will feature window and door openings and covered in a vinyl wrap featuring graphics of green vegetation.
- Indicative signage advertising the business.

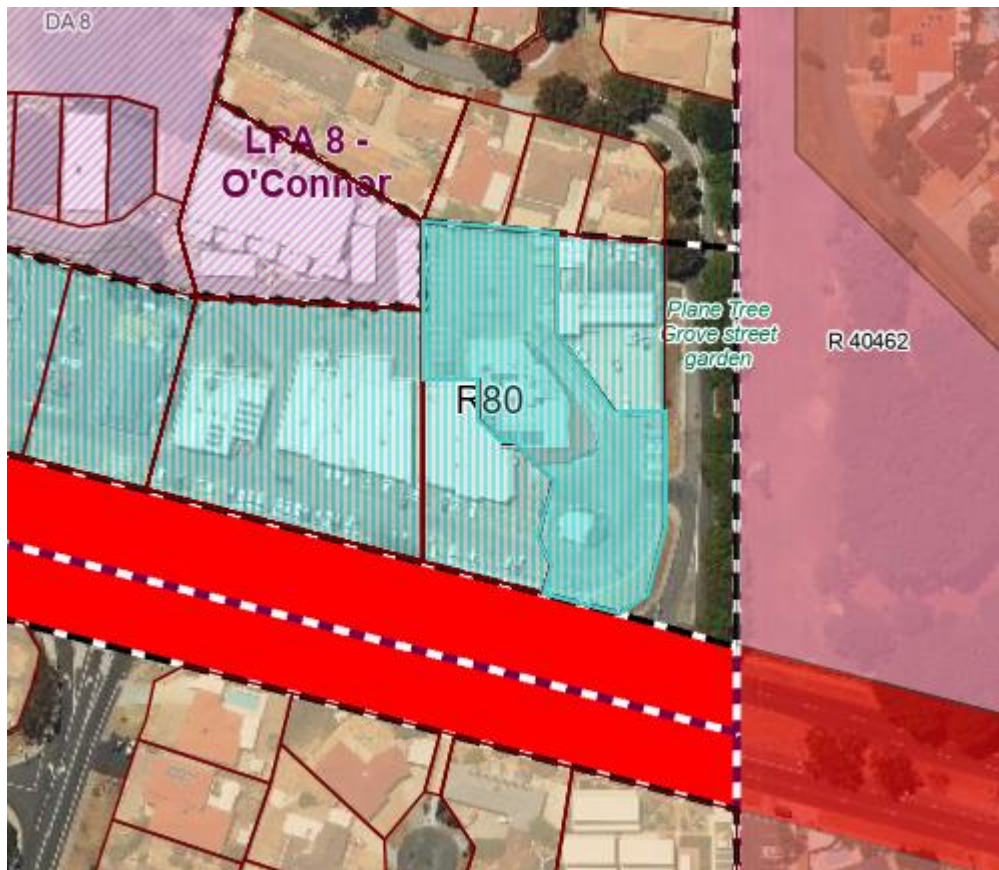
The subject building is proposed to be used as an aquaponics nursery, growing ingredients for the on-site 'Deebo's Burger' Restaurant/Tavern. The applicant has confirmed that there will be no public admission into the aquaponics building nor will any other sales of produce occur.

The applicant has provided the following description of the aquaponics operation. *Aquaponics is a combination of aquaculture and hydroponics. Aquaponics uses a hydroponics system to grow plants with the water supplied, together with the fish waste providing nutrients into the aquaculture system. In turn, the plants in the hydroponic system clear the water that goes back to the fish. The roots of the plants contain microbes which convert the fish waste into substances the plant can use to grow. The water is recycled in the closed system lowering the consumption of and wastage of water. Aquaponics provides a most sustainable method of providing plant and fish produce for human consumption.*

Development plans are included as attachment 1.

Site/application information

Date received:	1 October 2020
Owner name:	ICIE Pty Ltd
Submitted by:	West Coast Plan
Scheme:	Local Centre
Heritage listing:	Not Listed
Existing land use:	Restaurant/Tavern
Use class:	Nursery
Use permissibility:	D



CONSULTATION

External referrals

Main Roads Western Australia (MRWA)

The application was referred to MRWA for comment as the site adjoins land reserved for Primary Regional Road purposes (Category 3). MRWA have advised that they have no objection to the proposal subject to the following conditions and advice:

Conditions

- 1. The landowner/applicant shall make good any damage to the existing verge vegetation within the South Street road reserve.*
- 2. No earthworks are to encroach onto the South Street road reserve.*
- 3. No stormwater drainage is to be discharged onto the South Street road reserve.*
- 4. The ground levels on the South Street boundary are to be maintained as existing.*

Advice

- i. During installation, the applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.*

These matters can be dealt with as relevant conditions and advice notes per the officer recommendation.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development sought discretion in relation to various aspects of the Scheme. The advertising period concluded on 11 November 2020, and eight (8) submissions were received. The following issues were raised (summarised):

- The addition will create noise, waste management, odours and light spill issues.
- The addition will impact the ability of drivers to safely enter South Street Plane Tree Grove by limiting sightlines and therefore have flow on effects for traffic congestion in the area.
- The addition is unsightly and will impact on the visual amenity of the entrance to the nearby residential area. The use of sea containers for the addition is inappropriate basis of their appearance.
- Consideration must be given to relocating the addition to a less prominent location behind the existing Deebo's Burger.
- The development did not conform to the 'particulars and condition and contract of sale of land at the Plane Tree Grove estate'.

In response to the above, the applicant submitted the following response (summarised):

- Noise from the building will be limited to the air conditioner unit, which will have no greater capacity than a typical residential system.
- The only waste will be unusable plant material which will be disposed of in the Restaurant/Tavern bins.
- There will be little odour from the operation, no more than that of a residential pond.

- There will be no external lighting of the facility, internal lighting will be left on at night to allow pedestrians to view the operation at night time.
- The site has an existing truncation to allow for sightlines for vehicles, South Street has a dedicated left turn lane which provides for adequate sightlines for the Plane Tree Grove intersection.
- The exit point from Plane Tree Grove is well set back from the subject site and the development will not impact sightlines for vehicles using this exit point.
- The development will not generate additional traffic.
- The design of the building is intended to provide a 'port themed' entry to the south eastern gateway of Fremantle. The building is intended to address Fremantle's context, and focus on sustainable food production.
- The intent of the building is to both provide for sustainable food production as well as promoting and celebrating this. The applicant noted that the relocation of the building to a less prominent location would also potentially block existing car parking bays.
- The Plane Tree Grove estate requirements do not affect the subject site.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No. 4 and relevant Council local planning policies. Where a proposal does not meet a particular requirement, an assessment is made against the relevant discretionary criteria. In this particular application the areas outlined below do not meet the relevant Scheme or policy provisions and need to be assessed against discretionary criteria:

- Car Parking.
- Land use (Nursery).

The above matters are discussed below in addition to a number of matters relevant to the consideration of this application:

- Landscaping.
- Building height.
- Noise.
- Waste Management.

Background

The subject site is located on the corner of Plane Tree Grove and South Street, in O'Connor, with the development proposed to take place in the south east portion of the unusually shaped site. The site has a land area of approximately 3175m² and is currently occupied by several commercial enterprises, being the 'Salty Gnome Café' and 'Deebo's Burger & Beer Bar'. The café is located in an existing building in the car parking circulation area, and the Restaurant/Tavern is located in a larger building at the centre of the site. The subject site is otherwise generally flat and occupied by vehicle circulation spaces, landscaping, car parking and service areas.

The site is zoned Local Centre and has a density coding of Residential R80. The site is not individually heritage listed nor located within a Heritage Area. It is noted that access to some adjoining properties is provided across the subject site.

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

<i>Application</i>	<i>Detail</i>
DA649/07 – Partial change of use (Tavern)	This application approved the use of a portion the existing building at the centre of the site for use as a Tavern.
DA0031/11 – Drive through Coffee Shop (Fast Food outlet)	This application approved the construction of a drive through coffee shop in the southern portion of the site.
DA0603/11 – Temporary sales office	Sales office in the existing landscaped setback area at the corner of South Street and Plane Tree Grove.
DA0095/13 – Demolition of existing structures and construction of a four storey (27 Multiple Dwellings) Building, Shop, Office and Tavern	Construction of a four storey mixed use development to the south eastern corner of the site, in a similar location to the subject development.
DA0175/16 – Retrospective additions and alterations to existing Fast Food Outlet	Retrospective additions to fast food outlet approved under DA0031/11
DA0573/16 – Temporary sales office	Construction of sales office in the same location as that approved under DA0603/11.
ET06/17 – Extension of term for DA0095/13	Extension of term for mixed use development.

As noted above in relation to DA649/07, the City approved a portion of the building currently occupied by 'Deebo's Burger Bar' for use as a Tavern, subject to conditions. The remainder of the building remained approved as a Restaurant land use. In this report the existing burger bar has been referred to as a Restaurant/Tavern.

It is noted that the 2017 application to extend the 2013 approval for the four storey mixed use development in the same area of the site expired in November 2019 and a further application would be required to pursue this development.

Land Use

Although the proposal is intended to supply the existing Restaurant/Tavern on site, officers considered the most appropriate land use definition in LPS4 for the proposed activity is a Nursery. A per the definition of LPS4, a Nursery is land and buildings used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden décor.

A Nursery is a 'D' use in the Local Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

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

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

- The proposed use is considered to contribute to the existing range of services available to residents of the locality as it will supply produce to the existing Restaurant/Tavern to be grown on site.
- The use is generally considered to be incidental to the existing businesses operating on the subject site in that the facility is to be used for growing ingredients by the existing burger Restaurant/Tavern and is not proposed to have any external customers visiting the site.
- With respect to the impact of the development on the amenity of the locality, it is considered that relevant matters such as waste management, noise and parking are appropriately addressed in accordance with the below considerations.

Car parking

The application does not propose to provide any additional car parking bays as a result of the addition nor does it propose to remove any of the existing car parking bays on the subject site. The addition has been considered against the car parking requirements for a Nursery under LPS4 as follows:

Element	Requirement	Proposed	Extent of Variation
Car parking	Restaurant/Tavern: 115	52 bays (existing)	Existing
	Fast Food Outlet: 3 bays		
	Nursery: 4 bays	Nil	4 bays
	Total:		
Delivery Bay	Restaurant/Tavern: 1	Restaurant & Tavern – As existing	Existing
	Fast Food Outlet: 1		

	Nursery: 1 Total: 3 bays	Nil	1 bay
Bicycle parking	Not applicable to Nursery land use	N/A	N/A

The proposal generates a requirement for an additional four (4) car parking bays on the subject site, where no additional bays are proposed. This 4 bay variation is considered to meet the discretionary criteria of LPS4 in the following ways:

- As per the above considerations, the operation of the proposed development is to be subservient to the operation of the existing Restaurant/Tavern on the subject site, with no customers accessing the development directly.
- The nursery has been located so as to retain all existing car parking on the subject site, and the applicant has confirmed that the facility will be managed by staff of the existing Restaurant/Tavern. This results in little practical car parking demand associated with the nursery as management will be handled by existing staff and no public access is proposed.
- The subject site is well served by public transport facilities, with bus services available on South Street.
- Due to existing access arrangements across the subject site, there is a degree of reciprocal parking between the subject site and adjoining properties in the Local Centre, resulting in some sharing of parking facilities.
- It is considered that any parking required for the nursery would generally be minor due to the self contained nature of the nursery and the lack of public access. The nursery is proposed to be operated as a part of the existing Restaurant/Tavern facility, and if it were considered an incidental part of this land use, no parking would be formally required under LPS4.

With respect to delivery management, it is considered that generally any occasional deliveries can be accommodated with the existing deliveries for the Restaurant/Tavern on site, the applicant has advised that generally aquaponics facilities act as closed systems with respect to waste, with much waste being recycled back into the aquaponics system. However it is noted that by locating the nursery so as to not disturb existing parking arrangements on site, the building would not be readily accessed for any occasional deliveries which may be required for the facility. On this basis, a condition is required to ensure that deliveries for the building can be appropriately managed through a delivery management plan.

Landscaping

The proposed addition is to be located over an existing area of landscaping on the subject site. The applicant submitted a landscaping plan on 9 December 2020 confirming that the development will continue to provide more than the minimum 5% landscaping requirement for the site.

Building height and Design

The proposed development complies with the applicable Local Centre building height requirement of 11 metres in accordance with Local Planning Scheme No. 4 Local Planning Area 8. It is noted that the O'Connor Local Planning Policy (3.8) specifies a lesser height requirement, but in cases where there is an inconsistency between a policy and the Scheme, the Scheme takes precedence (LPS4 cl. 4.3.1).

It is noted that the proposed building form and appearance is unique compared to the character of the immediate locality which is characterised by generally large, single storey commercial buildings containing traditional facades and shopfronts setback from South Street. Residential development is located to both the north and south of the site, however these dwellings are separated by South Street (with their frontages facing internal streets away from the site) or located behind the existing commercial buildings located at the rear of the subject site.

Neither the Scheme or LPP specify particular design requirements for this locality, therefore its design, quality of materials and appearance has been considered on its individual merits. Having regard for the existing buildings on site, the site's location along a wide arterial road and on the corner of Plane Tree Grove being the entry to a residential estate, the building is considered acceptable for a temporary period until a more coordinated development proposal is considered for the site.

Given the above, it is considered appropriate to impose relevant conditions relating to the proposed finishes, signage and the term of the development.

Noise

The applicant has confirmed that the operation of the site will generally be quiet once established, with an air conditioner comparable to a residential system operating. On the basis of these notes, it is considered sufficient to note to the applicant the need to comply with the *Environmental Health (Noise) Regulations 1997* at all times.

Waste Management

The applicant has confirmed that generally once the nursery is established, waste from the premises will be limited to unusable plant material which is to be accommodated in the Restaurant/Tavern waste bins. On this basis it is not considered necessary to require the provision of a full waste management plan for the development.

Signage

The submitted plans and perspectives of the development show only indicative signage and finish details. It is recommended that the final detail of the signage be provided to the satisfaction of the City.

CONCLUSION

Whilst acknowledging the unusual built form of this proposal, it is considered that the development satisfies the general development requirements applicable to the subject site, and the proposed land use will contribute to the services already available on the subject site in the Local Centre Zone. On this basis it is considered that the development is appropriate for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COMMITTEE RECOMMENDATION ITEM PC2102-1
(Officer's recommendation)

Moved: Cr Andrew Sullivan

Seconded: Cr Doug Thompson

Planning committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Additions (Aquaponics Nursery) to existing Restaurant/Tavern at No. 2/398 South Street (Lot 152) O'Connor:

1. This approval relates only to the development as indicated on the approved plans, dated 1 October 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Notwithstanding Condition 1, the approved Aquaponic Nursery addition is to be removed from site five (5) years from the date of occupation and the site made good, to the satisfaction of the City of Fremantle.
3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. Prior to the issue of a building permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
5. Prior to the issue of a Building Permit for the development hereby approved, plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved to the satisfaction of the City of Fremantle.
6. Prior to the issue of a Building Permit for the development hereby approved, final details of the external colours and finishes and signage of the proposed development is to be submitted and approved to the satisfaction of the City of Fremantle.

7. Prior to the issue of a building permit for the development hereby approved, a delivery management plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:
 - a. Delivery timing and frequency, and
 - b. Parking arrangements for delivery vehicles.The nursery shall operate in accordance with the approved delivery management plan thereafter. Any amendments to the delivery management plan shall be submitted to, and approved by the City of Fremantle prior to implementing any amended delivery management plan.
8. The landowner/applicant shall make good any damage to the existing verge vegetation within the South Street road reserve.
9. No earthworks are to encroach onto the South Street road reserve.
10. No stormwater drainage is to be discharged onto the South Street road reserve.
11. The ground levels on the South Street boundary are to be maintained as existing.
12. Prior to the issue of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure and street trees within the road reserve;
 - c) Security fencing around construction sites;
 - d) Gantries;
 - e) Access to site by construction vehicles;
 - f) Contact details;
 - g) Site offices;
 - h) Noise - Construction work and deliveries;
 - i) Sand drift and dust management;
 - j) Waste management;
 - k) Dewatering management plan;
 - l) Traffic management; and
 - m) Works affecting pedestrian areas.

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

13. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), these noise sources may include but are not limited to:
 - a. mechanical service systems such as air-conditioners, motors, filters and aerators;
 - b. vehicle deliveries;The applicant is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
14. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. The applicant is advised that this approval does not permit any signage not related to the Aquaponic activity. Local Planning Policy 2.14 does not permit any third part signage for general advertising purposes.
- iii. The proposed development shall comply with the requirements of the City of Fremantle Health Local Laws with particular attention to odour.
- iv. All wastewater from the site shall be suitably disposed of in accordance with the City's Health Local Laws and Water Corporations Trade Waste Department.
- v. The premises must comply with the requirements of the Food Act 2008, regulations and the Food Standards Code.
- vi. During installation, the applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- vii. The applicant/owner is advised that the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- viii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be

accessed via:

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

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.

- ix. In regard to condition 2 if the temporary development is to continue beyond the approved 5 year period, the applicant may submit a separate application for Planning Approval to continue the development/use. The applicant is encouraged to lodge any such application three months (minimum) prior to the expiry of the approval and include details as to whether any part of the development site has been altered since its original approval.

LOST: 4/8

For

Cr Jenny Archibald, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones

Against

Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge,
Cr Sam Wainwright, Cr Marija Vujcic, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang

Cr Andrew Sullivan noted, as the motion was LOST, the item will be REFERRED to the next Planning Committee meeting for further consideration of terms for a refusal motion, to be prepared by officers.

ADDITIONAL OFFICER COMMENT

Following the decision of Council at its meeting held on 24 February 2021, the following wording is suggested as a reason for refusal, should the Planning Committee be of the view that the application should not be supported.

COMMITTEE RECOMMENDATION ITEM PC2103-1

Moved: Cr Bryn Jones

Seconded: Cr Su Groome

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Additions (Aquaponics Nursery) to existing Restaurant/Tavern at No. 2/398 South Street (Lot 152) O'Connor as detailed on the plans dated 1 October 2020, for the following reason:

- 1. The proposal is inconsistent with clauses 67(m) and 67(n) of the *Deemed Provisions* as the development is not compatible with the existing or desired future character of the locality and will adversely impact on the amenity of the locality by virtue of its siting, scale, design and materials.**

Carried: 4/2

For

Cr Geoff Graham, Cr Andrew Sullivan, Cr Su Groome, Cr Rachel Pemberton

Against

Cr Bryn Jones, Cr Frank Mofflin

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

**PC2103-3 CADD STREET NO.7B (LOT 250), BEACONSFIELD - TWO STOREY
SINGLE HOUSE (TG DA0488/20)**

Meeting Date: 24 March 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos
2. Original Plans

SUMMARY

Approval is sought for a two storey Single house at 7b Cadd Street, Beaconsfield.

At the meeting of the Planning Committee (PC) on 3 March 2021 the Committee resolved to refer the subject development application back to the Administration with the advice that the Committee was not prepared to grant planning approval for the development based on the current plans and invited the applicant, prior to the next appropriate Ordinary Council Meeting, to consider amending the proposal to reduce the impact from the height of the proposed skillion roof on the property located to the south.

In response to the Committee referral, the applicant submitted amended plans on 15 March 2021 that flipped the orientation of the upper floor skillion roof so that the lower side of the skillion now faces the southern neighbour. The following report provides details of Officers assessment of the proposed amendment and an updated assessment against the Local Planning Scheme No. 4, R-Code and Council policy requirements.

In the view of officers, the proposed amendment adequately responds to the Committee's concerns and the amended proposal is recommended for approval.

PROPOSAL

Detail

Approval is sought for a two storey dwelling to an existing vacant lot at 7b Cadd Street, Beaconsfield. The proposed works include:

- Ground floor
 - Double garage.
 - Laundry and powder room.
 - Combined Kitchen, Lounge and Dining Room.
 - Rear outdoor living area
- Upper floor
 - Three bedrooms
 - Bathroom and ensuite.
 - Sitting room,
 - Study

Prior to the Planning Committee's consideration, the applicant submitted amended plans, in response to Officers comments, including the following changes:

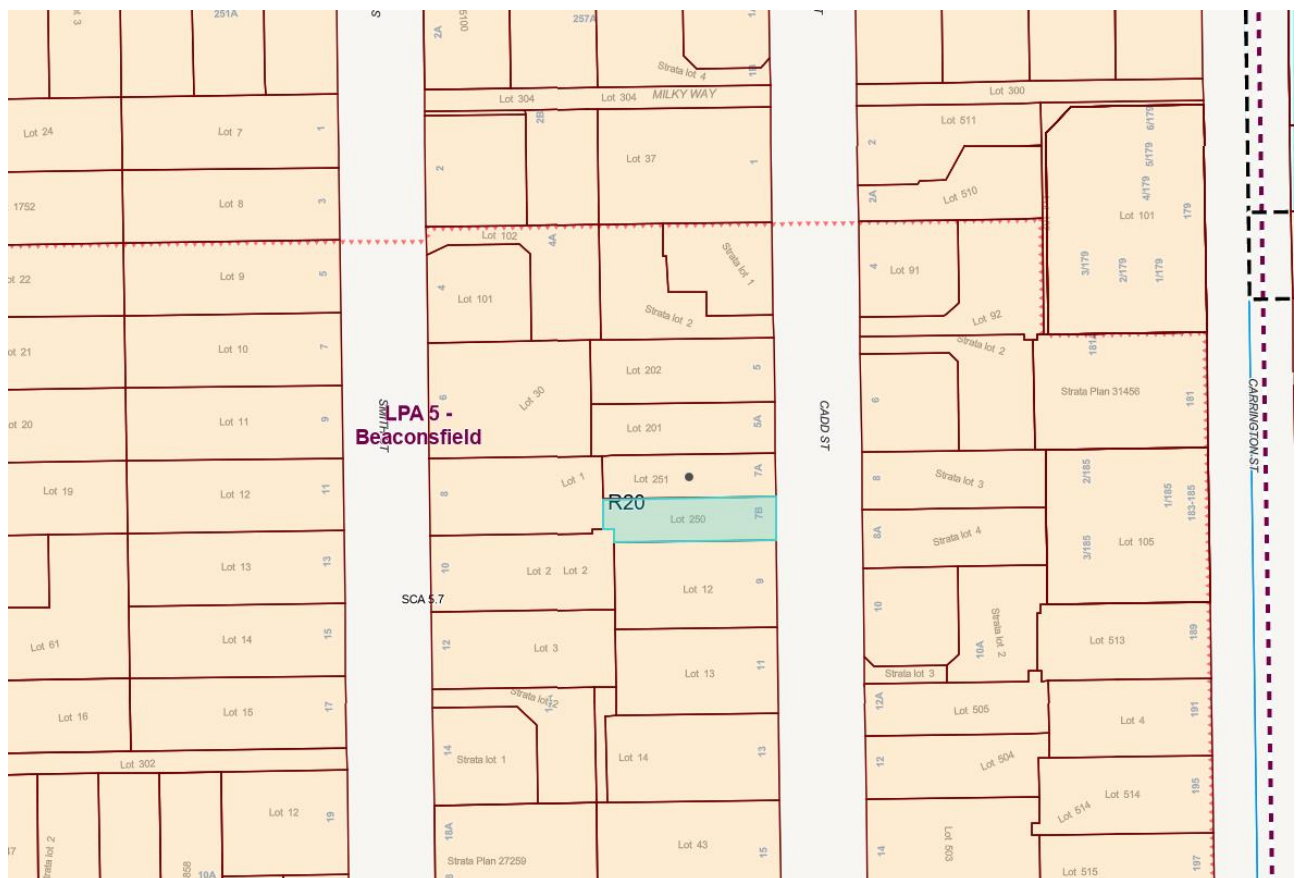
- Increasing the primary street setback to meet the requirements of LPP 2.9
- Reducing the height of the upper floor to be less than 7m and increasing the setback of the master bedroom on the upper floor.

In response to the Planning Committee's resolution, on 15 March 2021 the applicant submitted amended plans to orient the proposed skillion roof to the upper floor so the lower side of the skillion faced the neighbouring property to the south.

The most recent set of amended development plans are included as attachment 1.

Site/application information

Date received:	9 November 2020
Owner name:	WA Property Developers
Submitted by:	C. Ahern and S. Neeling
Scheme:	Residential R20
Heritage listing:	Not listed
Existing land use:	Vacant
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 development sought to vary relevant statutory requirements applicable to the development. The advertising period concluded on 10 December 2020, and one (1) submission was received stating that they have no concern to with the location of the boundary wall, the ground level southern boundary setback or the proposed garage width however the following objections were raised (summarised):

- The external fence is to be properly finished to ground level.
- The asbestos fencing is to be removed.
- Object to reduced side setback as it will result in additional building bulk and overshadowing to the southern property.
- The height of wall will result in visual building bulk, increase overshadowing to property and northern aspect of site. A window to a habitable room on the northern façade of the dwelling will be impacted by overshadowing. The shade cast by the development will impact future development opportunities for the site. Request that upper floor be flipped so high side of skillion is to north.
- Stormwater concerns to Cadd Street

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

- The finish of the boundary wall will be conditioned to ensure it is of a clean and acceptable finish as viewed from the neighbouring property.
- Appropriate advice notes have been included in regarding dividing fences.
- The applicant submitted amended plans reducing the height of the building and increasing the setback of a portion of the southern boundary wall to comply with the relevant setback requirements of the R-Codes. The applicant then submitted further plans which result in the skillion roof being oriented towards the north in accordance with the comments/requests from the submitter.
- A condition is recommended to ensure storm water is retained on the subject site.

It is noted that the original proposal was advertised to adjoining landowners/tenants in relation to building height, setback, garage width and visual privacy variations. The amended plans were not required to be re-advertised in accordance with Council Policy.

OFFICER COMMENT

Statutory and policy assessment

The amended 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:

- Boundary walls (south)
- Lot boundary Setback (south)
- Building height (Wall height)
- Garage width
- Visual privacy (south)

The amended plans do not alter the boundary wall, lot boundary setback, garage width or visual privacy variations, which are identical to the officers report prepared for Planning Committee and reiterated below, however the Building Height assessment has been updated in response to the amended plans.

Background

The subject site is located on the western side of Cadd Street in Beaconsfield. The site has a land area of approximately 396m² and is currently vacant. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed nor located within a prescribed Heritage Area. The site is east-west orientated and has a sloping topography of approximately 2.5m front to rear of site.

A search of the property file has revealed no relevant history, with no proposals being made to develop the site until the subject application. Subdivision of the parent property to create the subject site was approved by the WAPC in 2017.

The subject application was referred to PC on 3 March 2021, where the Committee resolved to refer the application back to the Administration to allow the applicant to consider amending the proposal to reduce the impact from the height of the proposed skillion roof on the property to the south. In response to the Committees concerns, the applicant submitted amended plans on 15 March 2021 to change the high side of the skillion roof to the north, resulting in a reduced impact to this neighbour from both overshadowing and bulk and scale.

Boundary wall

Element	Requirement	Proposed	Extent of Variation
South (Garage)	1m	Nil	1m

The proposed boundary wall is considered to meet the Design Principles of the R-Codes and the additional criteria of LPP 2.4 in the following ways:

- The wall abuts a carport structure used for caravan storage on the neighbouring property and a water tank, minimising the building bulk impact to the neighbour.
- The wall is of limited length and height being 6m long and 2.84m high, minimising the impact in respect to shade over the neighbouring property.
- The wall introduces no additional privacy impact to the neighbour as a non habitable space.
- The use of a boundary wall is considered an effective use of space on the subject lot particularly given its narrow frontage
- By setting back the building, the boundary wall element has been removed from the streetscape, being set back in accordance with adjoining dwellings. This is considered to be a positive outcome with respect to the wall integrating with the established streetscape.

The amended plans submitted by the applicant do not alter the location or size of the proposed boundary wall, however it is considered that the reduced height of the remainder of the development facing the southern property boundary results in a reduced perception of overall building bulk, contributing to the appropriateness of the proposed boundary wall in this instance.

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
South (Ground floor Laundry, Kitchen and living room wall Wall)	1.5m	1.45m	50mm

The proposed reduced setback to the ground floor on the southern boundary is considered to meet the Design Principles of the R-Codes in the following ways:

- The 50mm reduced setback is not considered to impose any additional building bulk, with the 2.7m high ground floor considered to be of limited bulk impact, due to it being of low height.
- Any openings facing this boundary are either non major openings or sufficiently screened by a standard dividing fencing.
- With respect to the shade cast by the building, this falls over a neighbouring service yard/water tank area to the site, minimising any shade impact.

As noted above, the amendments to the height of the upper floor facing the southern boundary is considered to contribute to an overall reduction in perceived building bulk facing this boundary.

Building height

Original proposal

Element	Requirement	Proposed	Extent of Variation
External Wall	6m	6.9m (south side of the roof)	900mm
Roof Ridge	9m	7.1m (south side of the roof)	Nil

Amended proposal

Element	Requirement	Proposed	Extent of Variation
External Wall	6m	5.9 (south side of the roof)	Nil
		6.9m (north side of roof)	900mm
Roof Ridge	9m	6.2m (south side of the roof)	Nil
		7.1m (north side of roof)	Nil

The amended proposal is considered to meet the Design Principles of the R-Codes in the following ways:

- The applicant has appropriately reduced the height of the upper floor facing the property to the south by reversing the orientation of the proposed skillion roof, resulting in a compliant wall height to the south, reducing the shade impact onto this property and a the perception of unnecessary scale and building bulk.
- The high side of the skillion is now oriented towards the northern property and is generally more centrally located on the subject site, resulting in a lesser building bulk impact on both neighbours.
- The proposed roof form, while above the external wall limit is significantly below the height of a deemed-to-comply pitched roof (9m) and is considered to be of less bulk and scale.
- The orientation of the land means the additional height has limited impact on access to light to adjoining properties noting that the proposal complies with the maximum percentage of overshadowing permitted over the adjoining site per the updated overshadowing plan.
- There are no views of significance apparent in the locality.
- The proposal presents as a two storey building, which is the clear intent of this design element of the R-Codes.

Garage Width

Element	Requirement	Proposed	Extent of Variation
Width of garage and supporting structures	50% of frontage	60% of frontage	10% (0.62m)

The proposed garage width is considered to meet the Design Principles of the R-Codes in the following ways:

- The garage dominance is mitigated through the location of the upper floor above and in front of the garage door;
- The front door is clearly visible thereby appropriately retaining visual connectivity with the streetscape.
- Were the ground floor setback increased 10cm to be 1m behind the upper floor the proposal would comply fully.

Visual Privacy (South)

Element	Requirement	Proposed	Extent of Variation
Master Bedroom (East)	4.5m	3m	1.5m

This window is considered to meet the design principles of the R-Codes in the following ways:

- The degree of overlooking is oblique towards the south and overlooks only the established front yard area of the adjoining property which based on street photos is not currently afforded particular privacy due to the low fencing to the street.

CONCLUSION

The amended plans submitted on 15 March 2021 are considered to appropriately address the concerns raised by the Planning Committee at their meeting held on 3 March 2021 and the proposed dwelling is generally considered to satisfy the relevant development requirements applicable to the site and is therefore recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Planning committee acting under delegation 1.1:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the Two Storey Single House at No. 7B Cadd Street (Lot 250), Beaconsfield subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 20 January 2021. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. Prior to the issue of a building permit for the development hereby approved, the property driveway is to taper from garage to the street at a maximum rate of 1:5, and be a maximum width of 4.5 metres at the front property boundary, and thereafter maintained to the satisfaction of the City of Fremantle.
6. Prior to occupation/ use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes

- i) The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
- ii) A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- iii) Fire separation for the proposed building works must comply with Part 3.7 of the Building Code of Australia.
- iv) Levels as per existing footpath and/or ROW
 - Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.
- v) Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.
- vi) The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.
- vii) Any removal of asbestos is to comply with the following –

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

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au/>

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

PROCEDURAL MOTION

At 6.45 the following procedural motion was moved:

COMMITTEE DECISION ITEM PC2103-3

Moved: Cr Andrew Sullivan

Seconded: Cr Su Groome

Refer the application to the Administration with the advice that the Planning Committee is not prepared to grant planning approval to the application for the two storey single house at 7B Cadd Street, Beaconsfield based on the current submitted plans, and invite the applicant, prior to the next appropriate Ordinary Council Meeting, to consider amending the proposal to reduce the impact from the height of the proposed skillion roof on the property located to the south.

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

Additional Officer Comment

At the meeting of the Planning Committee held on 3 March 2021 the Committee resolved to refer the subject development application back to the Administration with the advice that the Committee was not prepared to grant planning approval for the development based on the current plans and invited the applicant, prior to the next appropriate Ordinary Council Meeting, to consider amending the proposal to reduce the impact from the height of the proposed skillion roof on the property located to the south.

In response to the Committee referral, the applicant submitted amended plans on 15 March 2021 amending the orientation of the upper floor skillion roof so that the lower side of the skillion faces the southern neighbour. The officers report has been updated to reflect an assessment of the amended plans. The amended proposed is considered to adequately address the Committee's concern is recommended for approval subject to the conditions detailed below.

AMENDED OFFICER'S RECOMMENDATION

Planning committee acting under delegation 1.1:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4 the Two Storey Single House at No. 7B Cadd Street (Lot 250), Beaconsfield subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated ~~20 January 2021~~ **15 March 2021**. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
4. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
5. Prior to the issue of a building permit for the development hereby approved, the property driveway is to taper from garage to the street at a maximum rate of 1:5, and be a maximum width of 4.5 metres at the front property boundary, and thereafter maintained to the satisfaction of the City of Fremantle.
6. Prior to occupation/ use of the development hereby approved, the boundary wall located on the southern boundary shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,and be thereafter maintained to the satisfaction of the City of Fremantle.
7. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes

- i) The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.

- ii) A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- iii) Fire separation for the proposed building works must comply with Part 3.7 of the Building Code of Australia.
- iv) Levels as per existing footpath and/or ROW
 - Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels;
 - Any adjustment in levels is to be achieved within the property boundaries;
 - Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained.
- v) Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.
- vi) The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.
- vii) Any removal of asbestos is to comply with the following –

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

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- viii) It is recommended that the applicant liaise with the adjoining property owner (s) regarding the possible retention or replacement of the existing

dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of land owners regarding dividing fences. Information is available at the following website: http://buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx.

**PC2103-5 SOUTH TERRACE, NO. 41 (LOT 2090) FREMANTLE – PARTIAL
CHANGE OF USE TO HOTEL AND ADDITIONS AND ALTERATIONS TO
EXISTING BUILDING (TG DA0410/20)**

Meeting Date: 3 March 2021
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos
2. DPLH Heritage Comment
3. Applicant Acoustic Report

SUMMARY

Approval is sought for a partial change of use to Hotel and additions and alterations to the existing buildings on site at 41 South Terrace, Fremantle. The proposal comprises a food and beverage provider to the site which is intended to operate under an extended trading permit to the Norfolk Hotel liquor license.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), and Local Planning Policies. These discretionary assessments include the following:

- Land use (Hotel).
- On site car parking.

For reasons outlined in the officer comment section, the applicant is unable to demonstrate that the proposal is capable of complying with the requirements of the *Environmental Protection (Noise) Regulations 1997* and as such is considered to adversely impact on the amenity of the locality. As such, the application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for a change of use to Hotel and associated works to an existing building and courtyard on the subject site at 41 South Terrace, Fremantle. The subject site is the site of the former Old Girls School and Fremantle Technical College, comprising existing State Heritage listed buildings.

The applicant has described the proposal as a pop-up food, beverage and event venue, accommodating up to 700 patrons, trading 7am to Midnight seven days per week throughout the summer months. The design proposes to utilise the buildings for a range of temporary uses including cafe, provedore, bar, restaurant and outdoor event spaces. The proposal is intended to activate the site until the proponent proceeds with further development at a later stage.

The proposed floor plan indicates the following:

- Bar and Café uses within the existing Old Girls School Building with outdoor dining to both the front (South Terrace) and rear of the building; and
- An outdoor event space of approximately 640m², in the existing car parking area at the South Terrace and Norfolk Street corner of the site. The plans include areas for a screen/stage, a bar and food trucks.
- No use is currently proposed within the Fremantle Technical College building (Essex Street).

The proposed works and uses include:

- Interior bar area and support spaces to central lobby area.
- The addition of a temporary external preparation kitchen and support spaces.
- New openings to the courtyard and building from lobby area.
- Modifications to the existing toilet facilities.
- Landscaping works to the existing rear carpark area.
- Screening/enclosure of a store area adjacent to the Norfolk Street access point.
- New entry point from Norfolk Street close to the corner of South Terrace, and pergola structures over these entries.

The business is intended to operate under an extended trading permit from the Norfolk Hotel on the opposite side of Norfolk Street. In accordance with Local Planning Scheme No. 4, the business is to be assessed as a Hotel use, as it is to operate under the relevant Hotel liquor license.

On 14 October 2020 the applicant provided an indicative seating plan for the business and further signage details showing 'Norfolk Hotel West' signage.

Development plans are included as attachment 1.

Site/application information

Date received:	2 October 2020
Owner name:	Trafalgar Investments Pty Ltd ATF Prendiville Property Unit Trust
Submitted by:	E Reeves
Scheme:	City Centre
Heritage listing:	Individually Listed Category 1A and WECA Heritage Area
Existing land use:	Educational Establishment
Use class:	Hotel
Use permissibility:	A



CONSULTATION

External referrals

Heritage Service (DPLH)

The application was referred to Heritage Services as the subject site is individually State Heritage listed. The State Heritage Office (SHO) responding on 12 November 2020 advising the following:

Heritage Services have advised that they have no objection to the proposal subject to:

1. Detailed drawings are to be provided, to the satisfaction of the Director, Heritage Development, Department of Planning Lands and Heritage. The drawings are to detail the following items: -
 - The two proposed new door openings, along with works to any existing openings where door or window furniture may be being introduced or replaced.
 - The proposed canopies and/or covered walkways.
 - The proposed secure store along the southern limestone boundary wall.
 - The integration of the former metallurgy classroom chimney and bench into the proposed café fit out.
 - The proposed food prep/store areas at the end of each wing.
 - Information about any proposed repairs and finishes to the timber floors and plaster walls.
 - The proposed alfresco area on South Terrace, including any proposed shade or shelter structures.
2. The new opening (Entry 1) in the limestone wall along Norfolk Street is not supported and is to be deleted from the proposal. Opportunities for a secondary entrance/exit could be investigated near the east corner of the Infants and Girls

School where a recent curved limestone fence with timber picket infill and gate has been constructed.

3. Any entrance statement at the existing entrance to the site from Norfolk Street is to be freestanding

These matters can be dealt with as relevant conditions and advice notes. The City's Heritage team have reviewed the DPLH assessment and recommendations and concur with their findings with no further conditions. If approval of the development were considered, it is noted that the applicant has submitted an updated site plan showing the deletion of the second opening to Norfolk Street, however a full set of updated plans have not been provided and this would be required prior to the issue of a building permit.

Fremantle Ports (FA)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 2. The FP have advised that they have no objection to the proposal subject to compliance with the standard built form requirements for Area 2. These matters can be dealt with as relevant conditions and advice notes.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal comprised a land use which required advertising and the exercise of discretion was required with respect to the provision of on site car parking. The advertising period concluded on 3 November 2020, and no submissions were received.

It is noted that the proposed use was initially considered as a Tavern, however in accordance with Local Planning Scheme No. 4 as the applicant has advised that the use is to operate under a Hotel license (being an extended trading permit from the Norfolk Hotel), the land use is therefore defined to be a Hotel. Local Planning Scheme No. 4 defines various land uses such as Taverns, Hotels and Small Bars by the liquor license type that they operate under.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, and relevant Council local planning policies. The following elements of the proposal require the exercise of discretion with regard to the requirements of Local Planning Scheme No. 4:

- Land Use (Hotel)
- On site car parking

The above matters and other notable matters such as managing the impact of noise which are to be considered in the determination of the application are discussed below.

Background

The subject site is located on the corner of South Terrace and Norfolk Street, bounded by Norfolk Lane to the rear and Essex Street to the north west. The site has a land area of approximately 2444m² and is currently unoccupied, but is the former site of the Old Girls School Building and the Fremantle Technical College, which comprised the two existing buildings on site, one of which is subject to this development application. The site is zoned City Centre. The site is heritage listed on the State Register of Heritage Places and on the City's heritage list under LPS4 (category 1A). The site is also located within the Central Fremantle Heritage Area.

The site is generally flat, with two buildings to the northern and central portions of the site. The south eastern portion of the site, is vacant with the exception of several trees, and was previously used as a car parking area for the Technical College.

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

- DA0258/13 – Repair of lintel to existing heritage building.
- PW0005/18 – Conservation and maintenance works to existing building.

Land Use

As noted above, the development is considered as a Hotel use as the premises is to operate under the existing Hotel license held by the Norfolk Hotel. Should the Department of Racing, Gaming, and Liquor consider that an alternative license type is required for the business, this may be subject to further approval from the City of Fremantle to ensure that the approved land use aligns with the relevant licence type.

A Hotel is an 'A' use in the City Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

- (b) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
 - (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
 - (n) The amenity of the locality including the following:*
 - (iv) Environmental impacts of the development*
 - (v) The character of the locality*
 - (vi) Social impacts of the development*
 - (y) Any submissions received on the application.*
- The proposed land use and development could be considered compatible and consistent with existing businesses in the City Centre area and consistent with the objectives of the City Centre Zone.
 - The proposed development in isolation (the proposed physical works) is not considered to unduly impact adjoining properties by way of its appearance noting it is a corner lot adjoining a road and laneway.
 - Consultation undertaken by the City received no responses in support of or opposing the proposal.

It is acknowledged that there is general support for an 'Entertainment' type use for this site however, as detailed further in this report the applicant is unable to demonstrate that the proposed use, specifically the outdoor event space is capable of complying with the *Environmental Protection (Noise) Regulations 1997* and as such Officers are not satisfied that the proposal will not adversely impact on the amenity of the locality, specially the adjacent and nearby residential developments by way of noise, particularly after 10pm. It is considered that the proposed Hotel land use in and of itself could be considered appropriate to operate from the site provided that sufficient noise mitigation measures were introduced to manage the business. Officers are of the view that the potential noise impact as a result of this proposal cannot be dealt with by way of a condition of approval (such as a management plan) and for that reason the proposal is recommended for refusal.

On site car parking

Element	Requirement	Proposed	Extent of Variation
Vehicle parking Hotel 1 per 2.5m ² of public bar area 1 per 5m ² of lounge/garden area 1/bedroom	Events area – 640m ² 128 bays LHS Lounge – 100m ² 40 bays Café – 42m ² 16.8 (17 bays) RHS Lounge – 92m ² 26.8 (37) bays Bar – 42m ² 16/8 (17) bays Lobby outdoor area – 160m ² 32 bays Front seating – ~50m ² 10 bays Total – 281 bays	Nil	281 bays
Delivery bays 1 per Service/Storage area	1 bay	Nil	1 bay
Bicycle bays Class 1: 1 per 25m ² bar floor area and 1 per 100m ² lounge and beer garden	Class 1 13 bays Class 3 13	No bays indicated, 4 class 3 bicycle bays existing.	13 class 1 bays & 9 class 3 bays

Class 3: 1 per 25m ² bar floor area and 1 per 100m ² lounge and beer garden			
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In accordance with clause 4.7.3.1 Council may waive or reduce car parking requirements subject to the following –

i) The availability of car parking in the locality including street parking:

Public parking is available in nearby streets, as well as larger public car parks (Fremantle Oval, Kings Square, Cappuccino Strip and Collie Street Car park) within a reasonable walking distance.

ii) The availability of public transport in the locality;

The City Centre is well serviced by bus and rail transport, as well as Taxis and ride share providers.

It is also noted that the proposed lack of onsite parking encourages the use of alternative modes of transport for a land use which is likely to result in the consumption of alcohol.

In isolation, for the reasons noted above, the proposed variation to the car parking requirements of LPS4 could be waived in this instance.

Bicycle parking

In relation to bicycle parking for the proposed use, the applicant has not provided details of any provision for these bays. In relation to their provision, it is considered that the full provision of 13 individually contained class 1 bicycle parking bays may impact the heritage significance of the subject site. Accordingly it is recommended that the applicant provide 13 class 2 bicycle parking bays, being a lockable compound with communal access.

Due to the State Heritage listing of the subject site, the provision of the shared (class 2) bike store would need to be confirmed and finalised to the satisfaction of the City of Fremantle and Heritage Services at the Department of Planning, Lands, and Heritage.

With respect to the provision of the class 3 bicycle bays, these are recommended to be provided due to both the proposed capacity of the site and its potential to attract customers from the immediate locality who may visit the site by bike. The existing bicycle parking facilities are noted, and sufficient space appears to be available on the subject site to provide these facilities.

It is considered that the end of trip facilities normally required in association with class 1 bicycle bays can be waived as these are not being required to support the development.

Delivery parking

Delivery bays are not formally provided on site, however the applicant intends to utilise the existing access point on Norfolk Street to accommodate deliveries. These are considered to be able to be appropriately accommodated in this area on an informal basis, and existing loading bays on Norfolk Lane will also assist in accommodating deliveries. It is recommended that a delivery management plan be provided to the City and approved prior to the commencement of the use to ensure that the amenity impact for deliveries to the site can be appropriately controlled and managed.

Demolition/Building modification works

The proposal involves some demolition works to facilitate the occupation of the subject site for its intended use. In accordance with the attached heritage assessment prepared by the officers of the Department of Planning, Lands, and Heritage and supported by the City's Heritage officers, the works proposed are considered to appropriately address the requirements of Local Planning Scheme No. 4 cl. 4.14, in that the demolition works are considered minor and not to unduly impact the heritage significance of the property or locality.

Waste Collection

The applicant has provided a preliminary waste management plan and supplementary details which have been provided to the City's Waste team and supported. Should the application be supported, a condition of approval is recommended for the applicant to provide a consolidated waste management plan to the City's satisfaction which is to be adhered to for the life of the development to ensure that waste collection is appropriately managed

Noise Management Plan

The applicant submitted an Acoustic Report and Noise Management Plan in support of the proposed development. The report concludes that noise emissions from the proposed development are generally compliant to the *Environmental Protection (Noise) Regulations 1997* at the nearest noise sensitive receiver under a typical operating scenario in the day and evening time. For the purposes of the Acoustic Report, the 'typical operating scenario' does not include movie screenings or events in the outdoor event area.

The City's Environmental Health Officers have found the following in relation to the report:

Contrary to the thrust of the Noise Report provided, the Environmental Protection (Noise) Regulations 1997 (Regulations) remain the 'in-force' criteria for assessment of noise performance and planning. The City has received noise complaints from residents in the area, regarding the existing noise, and has not condoned or approved the present level of noise, which is an object of concern for City's Environmental Health Section.

The attached Report identifies that patron noise from the outdoors area will not comply with the Regulations, during the night period, and that amplified music needs to be set by a qualified person to manage amplified noise. As such, the contained Noise Management Plan must be modified so that:

- *operating hours for the outdoor area is restricted to close at 10:00pm;*
- *For any PA/amplifier system used, external noise measurements at resident's premises should be undertaken by qualified acoustic consultants to ensure soundtrack/music complies with the Regulations; and*
- *All mechanical equipment must be installed so that it complies with the Regulations.*

If events/activities on the site that are likely to emit noise exceeding the assigned levels (plus influencing factor) as assessed under the Regulations, they may be managed under the appropriate application provided for by the Regulations.

The Plan may be amended in the future to allow for any Special Entertainment Precinct, once such Precincts have been incorporated into law and when the premises is contained within such a precinct.

The applicant has contended that the development does not increase noise levels in the immediate area over and above what is existing in the immediate locality and existing venues currently do not comply with the *Environmental Protection (Noise) Regulation* requirements, that the imposition of a these requirements upon the subject proposal is unfair, and that the noise emissions from the site will not contribute adversely to environmental noise levels. As noted above, the City is obliged to consider all new proposals against the current legislative requirements as they apply.

It is considered that, as it has been demonstrated that the business as proposed would not be capable of operation in accordance with the *Environmental Health (Noise) Regulations 1997*, a recommendation to approve the use under planning legislation would not be appropriate. A condition of approval requiring that the outdoor area close at 10pm would be a de-facto refusal of the application as currently proposed, and the applicants have given no indication of being supportive of an approval conditioned in this manner. Recent announcements by the State Government in relation to Special Entertainment Precincts are noted and indicate an appetite for potential changes to the noise regulations in the future to accommodate entertainment precincts and their impacts, however these requirements are not currently in force in Fremantle and are not capable of consideration in determining this application.

It is noted that the subject site is located on South Terrace in the city centre of Fremantle, and the applicant's contention that there is a higher expectation of noise in this area is noted, however it is also noted that the subject site is located in relatively close proximity to residential properties in Norfolk Street. Should the Planning Committee consider that the development as submitted should be approved, conditions of approval are recommended to ensure that the development operates in accordance with the recommendations of the acoustic engineers' report to ensure that the facility remains as close to compliance as possible.

DBU6 – Late Night Entertainment Venues Serving Alcohol

In accordance with the general provisions of DBU6 (Late night entertainment venues serving alcohol), it is considered the local area is well serviced by public streets and Taxi ranks to allow for safe transport to and from the site without significantly disrupting through traffic. The adjoining footpaths and streets are well lit to allow for adequate safety for patrons late at night. The policy also requires development to reduce the

opportunity for conflict between uses in the locality. As detailed above, officers are of the view that, in its proposed form, the venue will adversely impact on the amenity of the locality, particularly the nearby residential developments.

Liquor Licensing

Should the subject application be approved, the applicant will be required to receive approval from the Department of Racing, Gaming and Liquor WA for appropriate liquor license approval. It is understood that the applicant has progressed an application for an extended trading permit associated with the Norfolk Hotel. Should a different liquor license type be sought, it is noted that a further change of use application may be required.

CONCLUSION

In accordance with the above considerations, the proposed land use would be considered acceptable where noise could be appropriately managed by the venue. Given the large scale of the proposed outdoor event area, which is proposed to operate until midnight, with noise impacts that have been identified to most likely exceed the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, Officers are unable to support the proposal in its current form. As such, the application is recommended for refusal. Should the Planning Committee be satisfied that the proposal is capable of approval in its current form an alternative recommendation for approval is detailed below.

Alternative recommendation for approval.

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of use to Hotel and Additions and Alterations to Existing Building at No. 41 (Lot 2090) South Terrace, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 2 October 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. Prior to issue of a building permit for the development hereby approved, the owner is to submit a delivery management plan for approval detailing the timing of and access for deliveries to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
4. Prior to the issue of a building permit for the development hereby approved, the applicant is to provide detailed drawings, to the satisfaction of the City of Fremantle on the advice of the Director, Heritage Development, Department of Planning Lands and Heritage. The drawings are to detail the following items: -
 - The two proposed new door openings, along with works to any existing openings where door or window furniture may be being introduced or replaced.
 - The proposed canopies and/or covered walkways.

- The proposed secure store along the southern limestone boundary wall.
 - The integration of the former metallurgy classroom chimney and bench into the proposed café fit out.
 - The proposed food prep/store areas at the end of each wing.
 - Information about any proposed repairs and finishes to the timber floors and plaster walls.
 - The proposed alfresco area on South Terrace, including any proposed shade or shelter structures.
5. Notwithstanding condition 1, the new opening in the limestone wall along Norfolk Street is not supported and is to be deleted from the proposal prior to the issue of a building permit for the development hereby approved.
6. Prior to the issue of a Building Permit, detailed drawings are to be submitted to illustrate that the entrance statement at the existing entrance to the site from Norfolk Street is freestanding, to the satisfaction of the City of Fremantle.
7. Prior to the issue of a Building Permit for the development hereby approved, a plan detailing the provision of 13 Class 2 and 9 Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle on the advice of the Department of Planning, Lands and Heritage (Heritage Services). Prior to occupation of the development hereby approved the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
8. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
- Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste
 - Additional management requirements to be implemented and maintained for the life of the development.
- The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.
9. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of City of Fremantle.
10. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
- a) Use of City car parking bays for construction related activities;
 - b) Protection of infrastructure within the road reserve;

- c) Security fencing around construction sites;
- d) Access to site by construction vehicles;
- e) Contact details;
- f) Site offices;
- g) Forward works for the site;
- h) Delivery of materials and equipment to the site;
- i) Storage of materials and equipment on the site;
- j) Parking arrangements for contractors and subcontractors;
- k) Sand drift and dust management;
- l) Noise - Construction work and deliveries;
- m) Construction Waste management;
- n) Traffic management; and
- o) Works affecting pedestrian areas; and
- p) other matters likely to impact on the surrounding properties;

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

11. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
12. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage
13. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
14. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
16. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.

Roof insulation in accordance with the requirements of the Building Codes of Australia.

17. Prior to the issue of a Building Permit, details of how the recommendations contained in the environmental acoustic report prepared by Stantec Australia Pty Ltd (dated 24 November 2020 (Ref: 301250036) are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle.
18. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the City of Fremantle.
19. The access gates, as indicated on the approved plans, shall open into the subject site only and shall not impede the road reservation adjoining the subject site.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes

- i. The proponent must:
 - a. make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992;
 - b. once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;
 - c. once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- ii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For

further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.

- iii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- iv. A BA9 – Occupancy Permit application form is required to be submitted for the change of use. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people working in Fremantle
- Increase the number of visitors to Fremantle
- Increase in commercial and retail development within 800m of Fremantle train station

Green Plan 2020

- Encourage the retention of vegetation on private land.
- No existing trees are affected by this development.

Alcohol Management (SG50)

- Potential impacts of the proposed Licensed Premises can be appropriately managed

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Planning committee acting under delegation 1.1:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of use to Hotel and Additions and Alterations to Existing Building at No. 41 (Lot 2090) South Terrace, Fremantle, for the following reason:

1. The proposal is inconsistent with clauses 67(d), and 67(n) of the *Deemed provisions* as the noise generated by the development would be detrimental to the amenity of the area and nearby residential properties.

Alternative Officers Recommendation

Moved: Cr Andrew Sullivan Seconded: Cr Frank Mofflin

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 - The proposed food prep/store areas at the end of each wing.
 - Information about any proposed repairs and finishes to the timber floors and plaster walls.
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5. Notwithstanding condition 1, the new opening in the limestone wall along Norfolk Street is not supported and is to be deleted from the proposal prior to the issue of a building permit for the development hereby approved.
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 - Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.
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The approved Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

11. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
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17. Prior to the issue of a Building Permit, details of how the recommendations contained in the environmental acoustic report prepared by Stantec Australia Pty Ltd (dated 24 November 2020 (Ref: 301250036) are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle.
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19. The access gates, as indicated on the approved plans, shall open into the subject site only and shall not impede the road reservation adjoining the subject site.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice notes

- i. The proponent must:
 - a. make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992;
 - b. once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;
 - c. once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- ii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
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- iv. A BA9 – Occupancy Permit application form is required to be submitted for the change of use. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.

AMENDMENT 1

Moved: Cr Rachel Pemberton Seconded: Cr Frank Mofflin

To add the following condition 21 and advice note v:

- 21. *Notwithstanding Condition 1, the approved use is to cease operation within five (5) years from the date of occupation, to the satisfaction of the City of Fremantle.***
- v. *In regard to condition 21 if the temporary development is to continue beyond the approved 5 year period, the applicant may submit a separate application for Planning Approval to continue the development/use. The applicant is encouraged to lodge any such application three months (minimum) prior to the expiry of the approval and include details as to whether any part of the development site has been altered since its original approval.***

Amendment carried: 6/0

Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin

Reason for change:

To allow the use to operate for an interim period so as not to prejudice longer term development proposals for adaptive reuse of all of the existing buildings on the subject site.

AMENDMENT 2

Moved: Cr Geoff Graham

Seconded: Cr Frank Mofflin

Add the following condition 22:

- 22. *Prior to the issue of a Building Permit, a Business Management Plan, outlining the proposed operation of the venue and appropriate measures to minimise the potential noise and other impacts on the immediate locality is to be submitted and approved by the Council, and thereafter implemented, to the satisfaction of the City of Fremantle.***

Amendment carried: 6/0

Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin

Reason for change:

To ensure appropriate measures to minimise amenity impacts from the operation of the use can be considered by the Council before the use commences.

COMMITTEE RECOMMENDATION ITEM PC2103-5

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of use to Hotel and Additions and Alterations to Existing Building at No. 41 (Lot 2090) South Terrace, Fremantle, subject to the following condition(s):

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 - Additional management requirements to be implemented and maintained for the life of the development.**

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.
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 - a) Use of City car parking bays for construction related activities;**
 - b) Protection of infrastructure within the road reserve;**
 - c) Security fencing around construction sites;**
 - d) Access to site by construction vehicles;**
 - e) Contact details;**
 - f) Site offices;**
 - g) Forward works for the site;**
 - h) Delivery of materials and equipment to the site;**
 - i) Storage of materials and equipment on the site;**
 - j) Parking arrangements for contractors and subcontractors;**
 - k) Sand drift and dust management;**
 - l) Noise - Construction work and deliveries;**
 - m) Construction Waste management;**
 - n) Traffic management; and**
 - o) Works affecting pedestrian areas; and**
 - p) other matters likely to impact on the surrounding properties;**

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

11. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
12. This development approval does not relate to any works within the road reserve other than awnings for weather protection and signage
13. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
14. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
16. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.Roof insulation in accordance with the requirements of the Building Codes of Australia.
17. Prior to the issue of a Building Permit, details of how the recommendations contained in the environmental acoustic report prepared by Stantec Australia Pty Ltd (dated 24 November 2020 (Ref: 301250036) are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle.
18. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not

visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the City of Fremantle.

19. The access gates, as indicated on the approved plans, shall open into the subject site only and shall not impede the road reservation adjoining the subject site.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
21. *Notwithstanding Condition 1, the approved use is to cease operation within five (5) years from the date of occupation, to the satisfaction of the City of Fremantle.*
22. *Prior to the issue of a Building Permit, a Business Management Plan, outlining the proposed operation of the venue and appropriate measures to minimise the potential noise and other impacts on the immediate locality is to be submitted and approved by the Council, and thereafter implemented, to the satisfaction of the City of Fremantle.*

Advice notes

- i. The proponent must:
 - a. make application to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992;
 - b. once construction has been completed, make application to Environmental Health Services via Form 2 - *Application for a public building certificate*;
 - c. once construction has been completed, complete and submit Form 5 - *Certificate of Electrical Compliance for a Public Building* to Environmental Health Services.

Note that Section 1 does not apply to or in relation to building work, as defined in the *Building Act 2011* section 3, for which a building permit is required under that Act.

For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.

- ii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the

Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.

- iii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- iv. A BA9 – Occupancy Permit application form is required to be submitted for the change of use. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.**
- v. *In regard to condition 21 if the temporary development is to continue beyond the approved 5 year period, the applicant may submit a separate application for Planning Approval to continue the development/use. The applicant is encouraged to lodge any such application three months (minimum) prior to the expiry of the approval and include details as to whether any part of the development site has been altered since its original approval.***

Carried: 6/0

**Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan,
Cr Su Groome, Cr Rachel Pemberton, Cr Frank Mofflin**

Cr Andrew Sullivan requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Bryn Jones.

Additional Officer Comment

At its meeting held on 3 March 2021, the Planning Committee discussed the potential benefits of an opening in the existing heritage wall at the intersection of South Terrace and Norfolk Street. An opening may help filter patrons into and from the site, without the need to travel down Norfolk Street as well as improve sight lines and pedestrian safety at this prominent intersection. It is noted that the Applicant has proposed a secondary entry to the site close to the intersection however, the Heritage Development Team at Department Planning, Lands and Heritage, do not support the proposed opening in the existing limestone wall. In accordance with the *Heritage Act 2018* the City must be consistent with the Heritage Development Team's advice and as such has recommended a condition requiring the deletion of the opening. It is open to the applicant/owner to pursue discussions with the Heritage Development Team to see if an acceptable outcome can be achieved. As such, officers have drafted a Part B to the Committee's recommendation, which encourages the applicant/owner to pursue such discussions.

AMENDED OFFICER RECOMMENDATION

Add Part B to Committee Recommendation:

The Council encourages the Applicant/Owner to pursue discussions with the Heritage Development Team at Department Planning, Lands and Heritage in regard to an acceptable solution for a new opening in the south-east corner of the limestone wall at the Norfolk Street and South Terrace intersection. Council suggests that an opening in the form of a 3m by 3m (minimum) truncation be provided at the corner of the site to provide safe sight lines and adequate pedestrian safety as well as assist in the movement of patrons into and from the venue that does not filter patrons down Norfolk Street. Council acknowledges that this would require the removal of part of the wall, however its existing location could be appropriately interpreted in the footpath paving.

11.2 Finance, Policy, Operations and Legislation Committee 10 March 2021

**C2102-5 NOTICE OF MOTION – ENCROACHMENT AT MCCABE PARK,
NORTH FREMANTLE – CR DOUG THOMPSON**

Meeting date: 24 February 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: 1. Extract from the Council Minutes - 18 April 2005
Additional information: 1. Extract from the Council Minutes - 24 August 2005

ELECTED MEMBER SUMMARY

The minutes from the decision of Council of 18th April 2005, provided in attachment 1, describes the situation then pertaining to the encroachment at McCabe Park, North Fremantle and the request from adjoining property owners.

Council resolved at that time to:

1. Offer the listed McCabe Park adjoining property owners the encroached land as per the attached survey document, free of charge.
2. All legal and subdivision costs to be borne by the property owners.
3. The transfer of each encroachment is contingent upon the agreement of all the property owners to pay subdivision and legal costs.

At that time the recommendation contained in the attachment was not acted on as the condition 3 set by the property working party recommendation could not be met. One owner refused to meet the cost of the transfer of property. The matter then lapsed and was not pursued.

The current property owners of 1, 3, 5, 9, 11, 13-15 Thompson Road and 10 Herbert Street have advised that they wish to finalise this matter as the asbestos fence bordering their properties is currently in a state of disrepair, with sections leaning into the park and multiple holes and cracks within the sheeting. For the owners to replace this fence the land ownership of the encroachment needs to be resolved first. They advise they are happy to comply with all of the conditions set by Council in 2005.

It would be appropriate for Council to endorse its earlier recommendation to allow residents to replace their respective fences.

OFFICER COMMENT

This matter came before council on three occasions in 2005. The position of council made at the Ordinary meeting of April 2005 was not the final time the matter was dealt with. As the matter progressed and a consistent position for the owners was unable to be achieved a further item came to council in August 2005. This position drew on only two properties (1 and 1A McCabe) and provided that a nominal purchase price was to be made for the land and that each property owner would manage and undertake subdivision themselves. A copy of the minute of the August report is provided in additional information 1.

Whilst the matter was considered on three occasions by Council, the general consensus of the time appeared to be that no or nominal value be placed on the land and that either the costs associated with subdivision, or the process be at the adjoining property owner expense or effort.

For this reason the position held by council at the April, 2005 meeting could be considered to generally reflect the position of council at the time. It would be supportable that this position could be re-supported by council.

To be clear, the position should be that the land could be transferred for nil or nominal value subject to all costs associated with subdivision being paid by the adjoining property owners. This task could be undertaken by each individual adjoining property owner or collectively through council. If it is the latter, council would seek payment from all property owners prior to undertaking the subdivision process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM C2102-5 **(Elected member motion)**

Moved: Cr Doug Thompson

Seconded: Cr Andrew Sullivan

Council reaffirm its decision of the 18th April 2005, as follows:

- 1. Council offers the following McCabe Park adjoining property owners the encroached land as per the survey document (attachment to this item), free of charge:**
 - 10 Herbert Street
 - 1A Thompson Road
 - 1 Thompson Road
 - 3 Thompson Road
 - 5 Thompson Road
 - 9 Thompson Road
 - 11 Thompson Road
 - 13 – 15 Thompson Road
- 2. All legal and subdivision costs to be borne by the property owners**
- 3. The transfer of each encroachment is contingent upon the agreement of all the property owners to pay subdivision and legal costs.**

Carried: 5/0
Cr Jenny Archibald, Cr Andrew Sullivan, Cr Doug Thompson,
Cr Adin Lang, Cr Sam Wainwright

FPOL2102-2 NEW LEASE – BAKPAK FREO PTY LTD – 18 PHILLIMORE STREET, FREMANTLE

Meeting date: 10 February 2021
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to seek Council approval for a lease term of ten (10) years with a further option of five (5) years for Bakpak Freo Pty Ltd T/A Old Fire Station Backpackers at 18 Phillimore Street, Fremantle.

Bakpak Freo Pty Ltd have been an existing lessee of the City for approximately fifteen (15) years. Due to COVID's impact on the tourism industry, the lessee proposes to redevelop the ground floor into a bar/restaurant. The proposed redevelopment is estimated at \$450,000.

BACKGROUND

The Old Fire Station, 18 Phillimore Street, Fremantle is a 1900's two story brick heritage registered building, with an area of 941m². It was originally constructed as a fire station and was redeveloped into hostel accommodation. There are two smaller rear buildings also fitted out for this purpose.

The City entered a lease with Brett Wariedor Neville for a term of five (5) years effective 26 August 1999 with a further term of five (5) years expiring 25 August 2009. Mr Neville assigned the Lease to Maria and Bruce Luck, Directors of Bakpak Freo Pty Ltd effective from 31 July 2005. Prior to the expiry of the Lease the City approved a further term of five years effective from 26 August 2009 expiring 26 August 2014.

At the time, the property was used for hostel accommodation and a restaurant with a partial section of the ground floor occupied by the Bengal Indian Restaurant. In 2012, due to an increase in demand for accommodation facilities the lessee closed the restaurant and converted the area into additional hostel accommodation. To allow time to recoup the lessee's financial investment Council approved a further lease term of ten years effective 26 August 2012 expiring 25 August 2024.

Due to the impact of COVID-19 Bakpak Freo Pty Ltd's current business model is not sustainable. The lessee proposes a reinvention of their business model to include a bar/restaurant on the ground floor using the street frontage of Phillimore Street. They will continue to maintain the hostel accommodation on the first floor and rear of the premises.

To enable the investment of approx. \$450,000 the lessee has requested a further term of ten (10) years with a further option of five (5) years from their current expiry being 25 August 2024.

FINANCIAL IMPLICATIONS

Bakpak Freo pay a rent of \$100,000pa + GST. This rent was determined by a market valuation in August 2019.

While some sectors are starting to perform better since the easing of initial restrictions in 2020, the COVID restrictions relating to interstate and international travel continue to impact accommodation businesses.

For the initial period of COVID, Bakpak Freo Pty Ltd saw a 53.7% decrease in revenue between April – June 2020. Many patrons made emergency arrangements to return home, while those that stayed were obligated to isolate at the backpackers.

When intrastate travel was resumed after the initial lock down, this saw the remaining patrons travel north to warmer weather. The July – September 2020 and October – December 2020 quarters saw a 75% and 72% reduction in revenue respectively.

The City, in line with the *Commercial Tenancy (COVID-19) Response Act 2020*, has provided waivers and deferral options in line with revenue loss. The current arrangement provided is 25% of normal rent (\$25,000pa + GST) being payable up until 31 March 2021, in line with the current end date of the COVID Act.

With no international travel in the foreseeable future, the lessee has requested that the arrangement of 25% normal rent continue beyond 31 March 2021, subject to the opening of the bar/restaurant.

The lessee has continued to maintain payment for all outgoings for the property.

LEGAL IMPLICATIONS

The lease must comply with the requirements of Section 3.58 of the *Local Government Act 1995*. Officers will ensure that this occurs.

Under the Leasing of City property in a competitive manner policy, a property is exempt from a competitive leasing process if a property is leased to a tenant that:

1. Is paying full commercial market rent or above, and
2. Adds significant value to Fremantle's overall tenancy mix and appeal for visitors.

This proposed lease is considered to be exempt from a competitive leasing process due to it aligning with the criteria above.

CONSULTATION

Officers have continued to liaise with Bakpak Freo Pty Ltd throughout the COVID period and in negotiation with the proposed terms within this item.

All consultation in relation to the proposed redevelopment of 18 Phillimore Street will be completed through the Development Application process.

OFFICER COMMENT

The lessee has maintained their lease conditions throughout their tenancy with no arrears or defaults. They have traded under an existing liquor licence since 2005 (restaurant until transferred to special facilities in 2012) with no incursions. It is proposed the existing special facilities liquor licence will be adapted to purpose for the proposed bar/restaurant (subject to approval by the Department Government, Sport and Cultural Industries). If not, the liquor licence would be changed to a hotel liquor licence which would remain consistent with the current lease's permitted use.

The Old Fire Station Backpackers is one of the highest rating backpackers in Fremantle based on online reviews. This status is assisted by the operator assisting international visitors with securing local employment.

Throughout their tenure the lessee has continually adapted their business in line with supply and demand to remain relevant. Their current proposal shows a similar willingness to adapt given the current climate created by COVID-19 and its impact to their existing business model.

Under the Leasing of City property in a competitive manner policy, a property is exempt from a competitive leasing process if a property is leased to a tenant that:

1. Is paying full commercial market rent or above, and
2. Adds significant value to Fremantle's overall tenancy mix and appeal for visitors.

This proposed lease is considered to be exempt from a competitive leasing process due to it aligning with the criteria above.

While COVID-19 and the City's compliance with the *Commercial Tenancy (COVID-19) Response Act 2020* has reduced the rent charged in the interim. The full rent payable under the lease is in line with current market value.

Due to ongoing impact from COVID-19 the Lessee has requested that Council consider extending the COVID rent assistance until they are able to redevelop and operate the bar/restaurant. Under the existing arrangement the lessee would pay 25% of the normal rent payable = \$25,00pa + GST. Currently this arrangement is due to expire 31 March 2021.

The building is ideally suited to hostel or low-cost accommodation – a large level of investment would be required to utilise this building for any other purpose. The lessee has developed a strong business model in this industry.

The lessee's proposal of activating the street frontage on Phillimore Street would create an activation on Phillimore Street that is currently not occurring in this location.

The lessee has requested a term of ten (10) years with a further option of five (5) years. Officers proposed that the further term of five (5) years be subject to the following conditions:

1. The lessee carries no outstanding arrears associated with the initial 10-year term
2. The lessee is not in breach of any lease terms
3. The nature of the lessee's business remains predominantly as backpacker hostel accommodation

The lease would be subject to the lessee securing all required approvals for the proposed redevelopment.

The current lease is due to expire 26 August 2024. It's proposed that the current lease be surrendered and a new lease be considered based on the following essential terms and conditions;

Land Description	
Premises	18 Phillimore Street, Fremantle
Lessor	City of Fremantle
Lessee	Bakpak Freo Pty Ltd
Site Area	941m ²
Lease Commencement Date	TBA
First Term	Ten (10) years
Second Term	Five (5) years The further term will be subject to the following conditions being met by the lessee; 1. The lessee carries no outstanding arrears associated with the initial 10-year term 2. The lessee is not in breach of any lease terms 3. The nature of the lessee's business remains predominantly as backpacker hostel accommodation
Annual Rent	\$100,000 per annum + GST
Rent Review	Rent will be determined by Consumer Price Index annually on the Lease Commencement Date. A market rent review will occur every third year of the lease terms (including options).
Outgoings	Outgoings on demand will include but not be limited to; • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges • Building Services, repairs and maintenance.
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Hostel Accommodation, Bar and Restaurant

Condition Precedent	The lease will be subject to: 1. Surrender of the existing Lease agreement between the City of Fremantle and Bakpak Freo Pty Ltd 2. The lessee to gain all relevant approvals for the proposed works, including but not limited to landlord approval and Development application approval. 3. The lessee to gain approval for the change of liquor licence consistent with the proposed bar/restaurant.
Special Conditions	1. Lessee's Works Lessee's works definition: (a) Any alternation, improvement or development of the Premises including but not limited to the erection of any building, structure, or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises: (c) The removal, sale, or disposal of any materials from the Premises. (1) The Lessee must not undertake works unless: (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor. (b) Planning approval under the local planning scheme and; (c) A building permit under the <i>Building Act 2011</i>. (2) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: (a) an application for planning consent; (b) an application for a building permit; (c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. (3) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design. (4) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.

	(5) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost. 2. Assignment or Sub Letting (1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if: (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. 3. State of Emergency Clause The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation. 4. Use of Confidential Information "Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease. (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or (ii) is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order. (c) The obligations imposed will survive the termination of the Lease. 5. Parties to act in good faith
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	Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party. 6. End of Lease At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee will be advised of this process not more than 12 months, no less than 6 months prior to the expiry of the last lease term. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.
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VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

1. Approve a Lease between the City of Fremantle and the Bakpak Freo Pty Ltd for 18 Phillimore Street, Fremantle and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:
 - a. Lease area: 941m²
 - b. Lease commencement date: TBA
 - c. First term: ten years
 - d. Second term: five years subject to;
 - a. The lessee carries no outstanding arrears associated with the initial 10-year term
 - b. The lessee is not in breach of any lease terms
 - c. The nature of the lessee's business remains predominantly as backpacker hostel accommodation
 - e. Rent: \$100,000 per annum + GST
 - f. Rent Review: Consumer Price Index annually on the Lease Commencement date. Market rent review every third year.
 - g. Permitted use: Hostel accommodation, bar and restaurant.
 - h. Condition precedent: The lease is subject to;
 - a. Surrender of the existing lease between the City of Fremantle and Bakpak Freo Pty Ltd
 - b. The lessee gaining all planning and building approvals.
 - c. The lessee gaining liquor license approvals.

AMENDMENT 1

Moved: Cr Jenny Archibald Seconded: Cr Andrew Sullivan

Amend the officer's recommendation, to include an additional condition, to read as follows:

- g. Rent Adjustment: From the commencement of the lease the rent payable will be 25% of the Annual Rent until whichever is first of the following;***
 - i. Reopening of international tourism to Western Australia;***
 - ii. Opening of the lessee proposed bar/restaurant;***
 - iii. Two years from the commencement of the lease.***

Amendment carried: 6/1

For

**Cr Andrew Sullivan, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

Against

Cr Marija Vujcic

Reason for change:

To ensure the rent discount is reviewed against these conditions.

COMMITTEE RECOMMENDATION ITEM FPOL2102-2

(Officer's recommendation, as amended)

1. Approve a Lease between the City of Fremantle and the Bakpak Freo Pty Ltd for 18 Phillimore Street, Fremantle and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:
 - a. Lease area: 941m²
 - b. Lease commencement date: TBA
 - c. First term: ten years
 - d. Second term: five years subject to;
 - a. The lessee carries no outstanding arrears associated with the initial 10-year term
 - b. The lessee is not in breach of any lease terms
 - c. The nature of the lessee's business remains predominantly as backpacker hostel accommodation
 - e. Rent: \$100,000 per annum + GST
 - f. Rent Review: Consumer Price Index annually on the Lease Commencement date. Market rent review every third year.
 - g. *Rent Adjustment: From the commencement of the lease the rent payable will be 25% of the Annual Rent until whichever is first of the following;*
 - i. Reopening of international tourism to Western Australia;*
 - ii. Opening of the lessee proposed bar/restaurant;*
 - iii. Two years from the commencement of the lease.*
 - h. Permitted use: Hostel accommodation, bar and restaurant.
 - i. Condition precedent: The lease is subject to;
 - a. Surrender of the existing lease between the City of Fremantle and Bakpak Freo Pty Ltd

- b. The lessee gaining all planning and building approvals.
- c. The lessee gaining liquor license approvals.

Carried: 6/1

For

Cr Andrew Sullivan, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

Against

Cr Marija Vujcic

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Hannah Fitzhardinge

Amend part g, to include an additional condition, as shown in green italics:

- g. Rent Adjustment: From the commencement of the lease the rent payable will be 25% of the Annual Rent until whichever is first of the following:**
 - i. Reopening of international tourism to Western Australia, *or***
 - ii. Opening of the lessee proposed bar/restaurant, *or***
 - iii. An improvement of business operations through regular quarterly review of the financial accounts of the business, or***
 - iv. Two years from commencement of the lease.**

Amendment carried: 11/1

For

Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

Reason for change

To add an additional condition to further clarify the intent, to ensure that market rent will be restored when conditions are right.

AMENDMENT 2

Moved: Cr Rachel Pemberton

Seconded: Cr Doug Thompson

Add the following words as part 1 of the recommendation:

- 1. In recognising that prior to COVID-19 BakPak Freo Pty Ltd was paying full market rent, added value to Fremantle's economic mix and that the impacts of COVID-19 have effectively reduced the large majority of their trade, council agree that:**
 - a. in recognition of the unprecedented event that is COVID-19, it is reasonable to accept that full rent would normally be received and therefore this request would be considered exempt from the "Leasing of City Property in a competitive manner", and**
 - b. this request should therefore be considered as exempt from the Leasing of City Property in a Competitive Manner Policy**

Amendment carried: 11/1

For

Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

PROCEDURAL MOTION

At 6.42 pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Cr Su Groome

Seconded: Cr Bryn Jones

The item be deferred to the next appropriate Finance, Policy, Operations and Legislation Committee meeting to consider impacts of this proposition for other businesses in Fremantle.

Carried: 10/2

For

Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Sam Wainwright, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Hannah Fitzhardinge, Cr Frank Mofflin

Additional officer's comment

The vacancy audit recently completed by the City has city centre vacancy at 19.2%. Accommodation sits at an estimated 2.5% vacancy.

Based on leasing activity with other City properties, the majority of interest in the current market lies with A/B grade properties (Kings Square). Older properties such as 7-9 South Terrace are receiving very low-moderate interest at present.

The Backpackers is currently fitted out for the purpose of accommodation, making it very costly for a new tenant to refit for a different purpose. It is also a heritage building which creates other constraints.

Given the location, it is unlikely to be suitable for retail. The only other suitable uses would be office and hospitality.

Office makes up 11.8% of the estimated city centre total vacancy, which is fourth after retail (24.3%), services (20.9%) and café/restaurants (17.2%). The lessee is proposing a hospitality outcome, a sector which is representative of vacancy challenges in the CBD, suggesting that if the City went to market its unlikely there would be alternative uses given the other space that is available on the market.

Anecdotally the most movement appears to be with the new retail/hospitality/office being offered as part of the Manning Buildings and FOMO as part of a flight to quality with new

A grade stock coming online at competitive rates. This would suggest that older stock like the backpackers is likely to be undesirable in the current market.

The current lessee is only paying a subsidised rent because it is currently a legal requirement for the City to do this in line with COVID legislation.

A limited level of market evidence can be demonstrated via a similar property on Pakenham Street which was originally a backpackers and has an internal layout similar to that of Bakpak Freo. The property has been vacant for several years and appears to be proving very difficult to lease in the current market. The property can viewed at <https://www.realestate.com.au/for-lease/property-11-pakenham-st-fremantle-wa-6160-502859858>

Based on the information at hand it is felt it would be very challenging to re-tenant the building in the current market.

COMMITTEE RECOMMENDATION ITEM FPOL2102-2
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Council:

- 1. Approve a Lease between the City of Fremantle and the Bakpak Freo Pty Ltd for 18 Phillimore Street, Fremantle and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:**
 - a. Lease area: 941m²**
 - b. Lease commencement date: TBA**
 - c. First term: ten years**
 - d. Second term: five years subject to;**
 - a. The lessee carries no outstanding arrears associated with the initial 10-year term**
 - b. The lessee is not in breach of any lease terms**
 - c. The nature of the lessee's business remains predominantly as backpacker hostel accommodation**
 - e. Rent: \$100,000 per annum + GST**
 - f. Rent Review: Consumer Price Index annually on the Lease Commencement date. Market rent review every third year.**
 - g. Rent Adjustment: From the commencement of the lease the rent payable will be 25% of the annual rent subject to the following conditions:**
 - ii. application for a building permit being lodged within 4 weeks of the commencement of the lease**
 - iii. Substantial commencement of works to occur within 4 weeks of receiving an approved building permit**
 - iv. Subject to achieving the previous conditions rent payable will be 25% of the Annual Rent until whichever is first of the following:**
 - a) Reopening of international tourism to Western Australia, or**
 - b) Opening of the lessee proposed bar/restaurant, or**

- c) An improvement of business operations through regular quarterly review of the financial accounts of the business, or*
- h. Two years from commencement of the lease.**
- i. Permitted use: Hostel accommodation, bar and restaurant.**
- j. Condition precedent: The lease is subject to;**
 - i. Surrender of the existing lease between the City of Fremantle and Bakpak Freo Pty Ltd**
 - ii. The lessee gaining all planning and building approvals.**
 - iii. The lessee gaining liquor license approvals.**

Carried: 6/0

**Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2103-5 KINGS SQUARE PLACE DEVELOPMENT WORKING GROUP

Meeting date: 10 March 2021
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Council
Attachments: NA
Additional information: NA

SUMMARY

The purpose of this report is to seek council approval for the establishment of a City of Fremantle Working Group that facilitates external engagement and collaboration with key stakeholders in order to develop effective ongoing management and activation of the revitalised Kings Square precinct.

This report recommends that Council approve the immediate establishment of a Kings Square Place Development Working Group in accordance with the Terms of Reference outlined in the officer recommendation.

BACKGROUND

The construction of the Walyalup Civic Centre which forms part of the broader Kings Square redevelopment has been under construction since 2018. Construction is now nearing completion and the 2021 calendar year will see a large majority of the broader redevelopment completed and operational.

As the project moves from construction into its operational life, the ongoing place management and activation of the precinct and collaboration with surrounding stakeholders to achieve this will be critical in realising the benefits associated with the broader project.

The City has been progressing the development of approaches to the successful place management and activation of the precinct and how it can be leveraged to attract more visitors, foot traffic and investment into the broader CBD. Engagement and collaboration with key external stakeholders to further develop this approach will be critical to the success of the precinct.

It is proposed that a City of Fremantle working Group is established to facilitate this process.

FINANCIAL IMPLICATIONS

A key outcome of the working group will be contribution to the establishment of a Place Management Plan, which may recommend allocation of budget to certain initiatives in future budgets.

LEGAL IMPLICATIONS

The working group and associated terms of reference has been established in accordance with City of Fremantle guidelines.

CONSULTATION

A key purpose of the working group proposed will be to facilitate consultation with key stakeholders and the Fremantle business community relating to the place management, activation and ongoing development of the Kings Square precinct.

OFFICER COMMENT

The completion of the broader Kings Square development presents a significant opportunity to promote the current revitalisation of Fremantle's city centre and build positive perceptions among potential visitors, residents and investors.

The ongoing development and success of the Kings Square precinct will require strong consideration and planning around the following:

- Place management priorities and principles inclusive of design, activation, events and prioritisation of infrastructure for the urban realm.
- Development and delivery of brand, marketing and communications strategies including the establishment of a brand narrative for the precinct for both destination and investment marketing.
- Ongoing engagement and collaboration with adjacent and surrounding businesses.
- Enabling access to, engagement with and community ownership of the space for the broader community.
- Leveraging the significant investment made to date in order to attract further external investment into the City Centre and greater Fremantle.
- Enabling opportunities for the private sector, major existing stakeholders and other partners to contribute to and participate in the ongoing activation of the precinct.

The City's economic development team is in the process of developing a Place Management Plan for precinct which intends to identify and communicate strategies and initiatives that will assist in the achievement of the above-mentioned objectives.

In doing this, officers wish to engage key stakeholders from both the immediate precinct and the Fremantle business community to assist in the establishment of the plan.

Officers propose that the following stakeholders are included in the working group in order to ensure Fremantle's business community and relevant stakeholders are adequately represented in the development of the plan:

- One chairperson being an elected member of the City of Fremantle
- Representatives from the following key stakeholders:
 - One representative from the Fremantle Chamber of Commerce
 - One representative from Sirona Capital
 - One representative from St. Johns Anglican Church
 - One representative from the City's Destination Marketing Working Group

- Representatives from the following key business sectors:
 - One representative from Fremantle's hospitality business sector
 - One representative from the Indigenous business sector
 - One representative from Fremantle's retail business sector
 - One representative from Fremantle's professional service business sector (e.g. banking, dentists, accountants etc)

The overarching role of the group will be to provide ongoing advice and recommendations to council on matters related to the activation and promotion of the Kings Square precinct, participation in business and community engagement activities, and provision of ongoing advice and feedback in relation to the Place Management Plan that is to be developed by officers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2103-5 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council

1. **Approve the immediate establishment of a 'Kings Square Place Development Working Group' in accordance with the following Terms of Reference:**

A. Purpose

The purpose of the Kings Square Stakeholder Working Group is to provide a mechanism for the City to engage with and seek feedback from key stakeholders on the ongoing development of Kings Square as a key attractor and catalyst for the revitalisation of Fremantle's City Centre.

Based on the advice and feedback sought from the group Officers will develop, for council's consideration, a place management plan that outlines a coordinated approach to maximising the opportunity associated the investment that has been made into the precinct.

B. Outcomes

1. *The group will provide advice and/or recommendations to council on the following:*
 - a. *Place management priorities and principles inclusive of design, activation, events and prioritisation of infrastructure for the urban realm.*
 - b. *Development and delivery of brand, marketing and communications strategies including the establishment of a brand*

narrative for the precinct for both destination and investment marketing.

- c. Engagement and collaboration with adjacent and surrounding businesses.*
- d. Enabling access to, engagement with and community ownership of the space for the broader community.*
- e. Leveraging the significant investment made to date in order to attract further external investment into the City Centre and greater Fremantle.*
- f. Enabling the private sector, major existing stakeholders and other partners to contribute to and participate in the ongoing activation of the precinct.*

- 2. Engagement with the local business community (e.g. via open forums held quarterly) on the advice provided by the Group and opportunities for business and community involvement in future activities.*
- 3. Officers will develop for council's consideration, a place management plan that outlines an approach to the above-mentioned considerations.*

C. Formation of group

Members to be appointed by council:

- 1. One chairperson being an elected member of the City of Fremantle*
- 2. Representatives from the following key stakeholders, to be nominated by the organisation:*
 - a. One representative from the Fremantle Chamber of Commerce, must be a current board member or the Chief Executive Officer.*
 - b. One representative from Sirona Capital.*
 - c. One representative from St. Johns Anglican Church.*
 - d. One representative from the City of Fremantle Destination Marketing Working Group*
- 3. Representatives from the following key business sectors to be determined through an open process and appointed by the Chief Executive Officer:*
 - a. One representative from Fremantle's hospitality business sector with suitable qualifications and/or experience.*
 - b. One representative from the Indigenous business sector with suitable qualifications and/or experience.*
 - c. One representative from Fremantle's retail business sector with suitable qualifications and/or experience.*
 - d. One representative from Fremantle's professional service business sector (e.g. beauticians, banking, dentists) with suitable qualifications and/or experience.*

D. Role of the group

- 1. Provide ongoing advice and recommendations to council on matters related to those outlined in section B (1).**
- 2. Participate in business and community engagement activities outlined in section B (2).**
- 3. Provide ongoing advice and feedback in relation to the Place Management Plan that is to be developed by officers as per section B (3).**

E. Chairperson

The Chairperson is to be the elected member representative of the City of Fremantle.

F. Administration

City officers are to:

- Prepare reports for council's consideration related to the group's advice or recommendations.**
- Take into account the Group's advice and recommendations to exercise delegated authority as per the City's delegated authority register.**
- Provide secretariat support to the group (e.g. prepare and distribute meeting agendas and maintain and distribute good records).**
- Appropriate delegates determined by the Chief Executive Officer to attend working group meetings and contribute as and when required.**

G. Decision making

- 1. The working group has no decision-making authority. The group provides advice and recommendations to council on matters related outlined in section B (1).**
- 2. A quorum of at least 50% of the group is required to submit recommendations to council.**
- 3. In the event of an equal number of votes from group members on a matter, the Chairperson holds the casting vote.**

H. Frequency of meetings

A minimum of four meetings a year must be held. It is expected that more frequent meetings will be required in the first six months of the group's operation.

I. Term of membership

Working Group members will hold a term until the next ordinary election of council in October 2021, as required by the Act.

J. Key performance indicators (KPIs)

Primary KPI:

Completion of a Place Management Plan for the precinct that has the support of working group members, reflects feedback from the community and is endorsed by Council prior to the end of the 2020 calendar year.

2. Appoint Cr. _____ as the elected member representative for the Kings Square Place Development Working Group, as per the terms of reference.
3. Authorise the Chief Executive Officer to appoint appropriate representatives from the stakeholders identified in section C (2) of the Terms of Reference as members of the Kings Square Place Development Working Group.
4. Authorise the Chief Executive Officer to carry out an Expression of Interest (EOI) Process and appoint the appropriate representative positions outlined in section C (3) of the terms of reference as members of the Kings Square Place Development Working Group.

Carried: 6/0

Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

OFFICER'S ADDITIONAL INFORMATION

The following proposed alternative recommendation has been prepared in response to the feedback provided by Committee members at the Finance, Policy, Operations and Legislation Committee meeting (10 March), for Council consideration. Changes to the committee recommendation are shown in green italics.

OFFICER'S ALTERNATIVE RECOMMENDATION

Council

2. Approve the immediate establishment of a 'Kings Square Place Development Working Group' in accordance with the following Terms of Reference:

A. Purpose

The purpose of the Kings Square Stakeholder Working Group is to provide a mechanism for the City to engage with and seek feedback from key stakeholders on *an initial 12-18 month approach to establishing Kings Square as a key attractor and catalyst for the revitalisation of Fremantle's City Centre.*

Based on the advice and feedback sought from the group Officers will develop, for council's consideration, *an implementation plan that outlines a coordinated approach to maximising the opportunity associated with the completion of the revitalised precinct over the immediate term.*

B. Outcomes

1. The group will provide advice and/or recommendations to council on the following:
 - a. *Short to medium term priorities and approaches to activating the square to drive visitation to Fremantle's CBD.*
 - b. Development and delivery of brand, marketing and communications strategies including the establishment of a brand narrative for the precinct to drive external awareness.
 - c. Engagement and collaboration with adjacent and surrounding businesses.
 - d. Enabling access to, engagement with and community ownership of the space for the broader community.
 - f. Enabling the private sector, major existing stakeholders and other partners to contribute to and participate in the *initial activation* of the precinct.
2. Engagement with the local business community (e.g. via open forums held quarterly) on the advice provided by the Group and opportunities for business and community involvement in *initial* activities.
3. Officers will develop for council's consideration, *an implementation plan* that outlines an approach to the abovementioned considerations.

C. Formation of the Group

Members to be appointed by council:

4. One chairperson being an elected member of the City of Fremantle
5. Representatives from the following key stakeholders, to be nominated by the organisation:
 - a. One representative from the Fremantle Chamber of Commerce, must be a current board member or the Chief Executive Officer.
 - b. One representative from Sirona Capital.
 - c. One representative from St. Johns Anglican Church.
 - d. One representative from the City of Fremantle Destination Marketing Working Group
3. Representatives from the following key business sectors to be determined through an open process and appointed by the Chief Executive Officer:
 - a. One representative from Fremantle's hospitality business sector with suitable qualifications and/or experience.
 - b. One representative from the Indigenous business sector with suitable qualifications and/or experience.
 - c. One representative from Fremantle's retail business sector with suitable qualifications and/or experience.

- d. One representative from Fremantle's professional service business sector (e.g. beauticians, banking, dentists) with suitable qualifications and/or experience
- e. *One representative from Fremantle's arts and culture sector with suitable qualifications and/or experience.*

D. Role of the group

4. Provide ongoing advice and recommendations to council on matters related to those outlined in section B (1).
5. Participate in business and community engagement activities outlined in section B (2).
6. Provide ongoing advice and feedback in relation to the Place Management Plan that is to be developed by officers as per section B (3).

E. Chairperson

The Chairperson is to be the elected member representative of the City of Fremantle.

F. Administration

City officers are to:

- Prepare reports for council's consideration related to the group's advice or recommendations.
- Take into account the Group's advice and recommendations to exercise delegated authority as per the City's delegated authority register.
- Provide secretariat support to the group (e.g. prepare and distribute meeting agendas and maintain and distribute good records).
- Appropriate delegates determined by the Chief Executive Officer to attend working group meetings and contribute as and when required.

G. Decision making

4. The working group has no decision-making authority. The group provides advice and recommendations to council on matters related outlined in section B (1).
5. A quorum of at least 50% of the group is required to submit recommendations to council.
6. In the event of an equal number of votes from group members on a matter, the Chairperson holds the casting vote.

H. Frequency of meetings

A minimum of four meetings a year must be held. It is expected that more frequent meetings will be required in the first six months of the group's operation.

I. Term of membership

Working Group members will hold a term until the next ordinary election of council in October 2021, as required by the Act.

J. Key performance indicators (KPIs)

Primary KPI:

Completion of a short – medium term implementation plan for the precinct that has the support of working group members, reflects feedback from the community and is endorsed by Council prior to the end of the 2020 calendar year.

2. Appoint Cr. _____ as the elected member representative for the Kings Square Place Development Working Group, as per the terms of reference.
3. Authorise the Chief Executive Officer to appoint appropriate representatives from the stakeholders identified in section C (2) of the Terms of Reference as members of the Kings Square Place Development Working Group.
4. Authorise the Chief Executive Officer to carry out an Expression of Interest (EOI) Process and appoint the appropriate representative positions outlined in section C (3) of the terms of reference as members of the Kings Square Place Development Working Group.
5. *Request that officers commence the development of a vision and strategic approach for the longer-term development and management of the square and bring back to council for further consideration.*

FPOL2103-6 ARTIST STUDIO PROGRAM POLICY

Meeting date: 10 March 2021
Responsible officer: Manager Arts and Culture
Decision making authority: Council
Attachments: 1. Artist Studio Program Policy
Additional information: Nil

SUMMARY

This report discusses the management and leasing of City spaces to artists and recommends the Artist Studio Program Policy, provided in Attachment 1, be adopted.

BACKGROUND

The Artist Studio Program (the Program) facilitates the short-term leasing of city owned spaces at low-cost to artists. The proposal, as per the Policy, is for the City to offer leases for a maximum of five years with no option to extend, thus enabling the opportunity to be accessed by as many artists as possible.

The Policy provides an overarching framework defining how the spaces incorporated within the Program are leased in an open and competitive manner to artists and the ongoing management of these spaces.

Since February 2017 a trial Studio Program has been implemented and currently includes the following locations:

- Moores Building of Contemporary Art Studios, Henry Street
- 10 Captains Lane, Arthur's Head
- 15 Mrs Trivett Place, Arthur's Head
- Unit 1 and 4 J Shed, Arthur's Head

The properties can change overtime to include or remove spaces from the program.

Expired tenancies in the trial have been placed in holding-over arrangements until formal endorsement of the Artist Studio Program Policy.

FINANCIAL IMPLICATIONS

Within the Artist Studio Program context, *market value* is described as relative to and competitive with similar offerings within the region. The fees are set based on several factors including floor area, availability of services and facilities, exclusive versus shared use, security and quality of light with annual adjustment in accordance with Consumer Price Index.

When the current lease agreements conclude, and should the Artist Studio Program be endorsed, the income derived will be reassessed in relation to *market value*.

LEGAL IMPLICATIONS

The City must dispose of property in accordance with the *Local Government Act 1995* and any other legislation or City policies.

CONSULTATION

No consultation was undertaken as a result of this report.

OFFICER COMMENT

The Program fulfils the City's obligations under the Strategic Community Plan 2015-25 by attracting and retaining diverse quality artists, incubating, supporting and developing a vibrant arts community, and supporting work options for artists.

The Artist Studio Program provides artists with affordable spaces to work and is one of the ways the City can support and grow the arts in Fremantle.

There is demand for low-cost working spaces for artists. Key studio providers in Fremantle experience high occupancy rates, most with waitlists. The City is regularly contacted by artists seeking low-cost studio space. 5-year leases for artist studios are industry standard. The 5-year term provides artists a stable duration in which to establish their practice.

If gentrification continues to increase the value of property in Fremantle, provision of City managed studio space ensures a supply of affordable artist workspaces and protects Fremantle's future as a creative city.

Endorsement of the policy would formalise the way studios are managed and leased. It outlines clear selection criteria to ensure equity and transparency.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2103-6 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council adopt the Artist Studio Program Policy, as included at attachment 1

Carried en bloc: 6/0

**Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2103-7 BUDGET REVIEW 2020-2021

Meeting date:	10 March 2021
Responsible officer:	Manager Finance
Decision making authority:	Council
Attachments:	1. Rate Setting Statement – By Nature and Type 2. Net Current Assets Report 3. List of Budget Amendments for Budget Review 4. List of Budget Amendments with Nil Overall Impact for Budget Review
Additional information:	Nil

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* a review of the 2020-2021 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 December 2020.

This report recommends that Council:

1. Adopt the budget review for the period ending 31 December 2020 and financial reports provided in Attachment 1 and 2.
2. Approve the required budget amendments to the adopted budget for 2020-2021 mid-year budget review as provided in Attachment 2 and 3.
3. Note that a copy of this report will be sent to the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.

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 City has undertaken the review within this period based on the year to date revenue and expenditure position as at 31 December 2020. Finance Officers reviewed the budget performance for each service unit with the responsible Manager. The entire draft budget review was then considered by the Executive Team.

In addition to this annual budget review the City reviews it's 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 provided an overall nil net budget variance.

The following is the summary of the budget amendments by directorate:

Directorate	Description	Category	Budget Amendment	Manager Comments
	Opening Surplus	Opening Surplus	1,535,883	Balance of opening surplus from 2019-2020 financial year to be allocated
Office of the Chief Executive		Net Savings	\$57,300	Budget savings of \$57,300
City Business		Net Savings	\$520,840	Budget Savings of \$520,840
Community Development		Net Savings	\$206,350	Budget Savings of \$206,350
Strategic Planning and Projects		Net Deficit	(\$79,775)	Additional Budget Requested \$79,775
Infrastructure and Projects		Net Deficit	(\$1,242,159)	Additional Budget Requested \$1,242,159
People and Culture		Net Deficit	(35,000)	Additional Budget Requested \$35,000
100034.5960	COVID Provision	Operating Expenditure	(963,439)	Contingency for potential impact on revenue due to COVID
	Staff Establishment	Nil overall	-	
	Staff Establishment	Net Savings	905,000	Net staff establishment savings
	Agency Labour/Consultancy	Net Deficit	(400,000)	Additional budget of \$400,000 requested for agency labour/Consultancy, funded from salary savings.
	New Positions	Net Deficit	(285,000)	Additional budget of \$285,000 requested for new positions, funded from salary savings.
	Leave Provision & Long Service Leave Transfer Required	Net Deficit	(220,000)	Additional budget of \$170,000 requested for leave accruals and additional budget of \$50,000 required for long service leave transfer to other councils, funded from salary savings.
	Grand Total		-	

The amendments to budget account numbers to the adopted budget for 2020-2021 are submitted to Council for approval as outlined at *Attachment 3 List of Budget Amendments for Budget Review*.

Budget Amendments – Nil Overall Impact

The amendments to budget account numbers to the adopted budget for 2020-2021 are a reallocation of budget from one account to another with a nil budget impact are submitted to Council for approval as outlined at *Attachment 4 List of Budget Amendments with Nil Overall Impact for Budget Review*.

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.

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 end of financial year.

A detailed rate setting statement for the period ending 31 December 2020, incorporating adopted budget amendments to date for this financial year is presented for council to consider in the attached.

The report recommends amendment to budget line items where a material variance between the current budget and the expected outcome at end of financial year is anticipated as these variances will have an impact upon the expected end of year surplus or deficit. A detail of individual account changes is provided in the table above.

The following table provides a summary of the budget review results by Nature and Type. Positive variances shown as \$xxx and negative variances are shown as (\$xxx) 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)	1,535,883
Revenue from operating activities (excluding rates)	
Operating Grants, Subsidies and Contributions	93,380
Fees and Charges	389,845
Interest Earnings	(55,000)
Reimbursement Income	(174,334)
Other Revenue	127,000
	380,891
Expenditure from operating activities	
Employee Costs	374,620
Employee costs - Agency Labour	(400,000)
Materials and Contracts	(749,385)
Utility Charges (gas, electricity, water)	69,000
Other Expenditure	(1,213,439)
	(1,919,204)
Amount attributable to operating activities	(2,430)
Investing Activities	
Capital Revenue	
Capital Grants and Subsidies/ Contributions for the development of Assets	716,555
	716,555
Capital Expense	
Purchase Community Land and Buildings	(1,124,000)
Purchase Infrastructure - Roads	(143,146)
Purchase Infrastructure - Parks	(552,075)
Purchase Infrastructure - Other	(5,000)
Purchase Plant and Equipment	(5,904)
	(1,830,125)
Amount attributable to investing activities	(1,113,570)
Reserve Transfers	
Transfer to Reserves (Restricted) - Capital	32,000
Transfer to/from reserves	32,000
Amount attributable to financing activities	32,000
Budgeted deficiency before general rates	(1,084,000)
General rates estimated to be raised	1,084,000
Closing Funding Surplus (Deficit)	-

A snapshot highlight of the major variances (<> \$50,000) included in the budget review (excluding staff establishment and agency labour) by Directorate are as follows:

CEO Directorate

The net result from CEO directorate is an overall saving in the budget of \$57,300. The net variance by team is as follows:

Team	Amount
Festivals Team	-
Fremantle Arts Centre Team	57,300
Grand Total	57,300

A summary of significant adjustments within this budget review for CEO Directorate are:

Team	Account Details	Amount	Reason
Fremantle Arts Centre Team	Admission and Membership Inc	300,000	Increase in revenue from education services due to more courses at Fremantle Art Centre
Fremantle Arts Centre Team	Commission Inc	52,000	Additional revenue received as larger Christmas Bazaar with more stalls was achieved than estimated
Fremantle Arts Centre Team	Contract Exp - Security Services	60,660	Decrease Expenditure and Revenue Budget - Reduction in South Lawn Events due to COVID restrictions
Fremantle Arts Centre Team	Hire Rent Inc	(120,300)	
Fremantle Arts Centre Team	Materials Exp - Trading Stock	87,000	Fewer events resulting in less trading stock required
Fremantle Arts Centre Team	Merchandise Sales Inc	(302,390)	Increase revenue of \$72,500 from Sunday Music program, offset by \$374,890 revenue reduction in South Lawn Events due to COVID Restrictions

City Business Directorate

The net result from City Business directorate is an overall saving in the budget of \$520,840. The net variance by team is as follows:

Team	Amount
Business Solutions and Development Team	(165,000)
City Business Leadership	(75,000)
Commercial Parking Team	54,840
Commercial Property Team	(13,500)
Community Safety and Rangers Team	5,000
Economic Development Team	-
Environmental Health Team	(18,500)
Field Services Compliance Team	(20,000)
Field Services Management	8,000
Finance Team	(100,000)
Information and Technology Management	(15,000)
IT Operations Team	(16,000)
Parking Compliance Team	7,000
Revenue Team	869,000
Grand Total	520,840

A summary of significant adjustments within this budget review for City Business are:

Team	Account Details	Amount	Reason
Business Solutions and Development Team	Software Licence Exp	(140,000)	Increase expenditure required for software licencing: \$50,000 for TechOne Licence and \$90,000 for M-Files
City Business Leadership	Contract Exp - Legal	(100,000)	Additional budget requested for Legal fees in regard to Fremantle Markets and High Street
Commercial Parking Team	Property Lease Exp	52,320	Reduction in lease fees due to decreased estimated parking revenue for Car Park 31 Fishing Boat Harbour as lease fees based on parking revenue under agreement.
Economic Development Team	AccumSurp - Transf from Reserve (Capital Projects)	(500,000)	Less reserve transfer required due to the savings of \$500,000 from P-11829 Design and construct-Kings Square Commercial tenancy.
Economic Development Team	Capital WIP- Contract Labour and Materials	500,000	Budget savings of \$500,000 from P-11829 Design and construct-Kings Square Commercial tenancy. The savings used to fund additional budget request for P-10297 Construct-Walyalup Civic Centre and Library (KS)
Economic Development Team	Contract Exp - Consultants	(90,560)	FUNDED PROJECT Programme Expert in Residence funded from Department of Industry grants and unspent grants from Notre Dame.
	Grant funded	90,560	
Finance Team	Interest Inc - Bank and Term Deposit	(100,000)	Decrease Revenue Budget - Actual interest rates on term deposits lower than estimated due to the interest rate cut.
Revenue Team	Provision for Doubtful Debts Exp	(250,000)	Provision made for potential bad debts as at 30 June 2021, in particular for Covid 19 relief provided to commercial properties
Revenue Team	Rate Inc - Interims	1,100,000	Interim rates income is more than anticipated due to increased valuation for a couple of improved city centre properties and several industrial properties at Rous Head

Community Development Directorate

The net result from Community Development directorate is an overall saving in the budget of \$206,350. The net variance by team is as follows:

Team	Amount
Communications and Media Team	(20,000)
Community Development Leadership	(30,000)
Community Development Management	(174,000)
Community Development Team	-
Community Legal Centre Team	38,000
Leisure Centre Team	387,850
Lifelong Learning Team	(3,500)
Visitor Services Team	8,000
Grand Total	206,350

A summary of significant adjustments within this budget review for Community Development are:

Team	Account Details	Amount	Reason
Community Development Management	Capital WIP- Contract Labour and Materials	(144,000)	2 NEW PROJECTS: 1. P-11965 Purchase - Leisure Centre - Disinfectant System (\$50k) 2. P-11968 Purchase - Leisure Centre - Pool blankets (\$94k). Full details of these projects are available below in the section <u>New Projects – Included</u>
Leisure Centre Team	Admission and Membership Inc	344,850	Revenue back to pre-covid levels earlier than expected • Operate Fremantle leisure centre health club (\$164k) • Operate Fremantle leisure centre aquatics (\$81k) • Operate Fremantle leisure centre swim school (\$100k)

Strategic Planning Directorate

The net result from Strategic Planning directorate is an additional budget request of **(\$79,775)**. The net variance by team is as follows:

Team	Amount
Development Approvals Management	35,000
Strategic Town Planning Management	(114,775)
Grand Total	(79,775)

A summary of significant adjustments within this budget review for Strategic Planning are:

Team	Account Details	Amount	Reason
Development Approvals Management	License Permit Inc	75,000	Revenue ahead of year to date budget due to an 25% (approx.) increase in the volume of Planning Applications received by the City (compared to July - Sept of 2019). This is due to the various Government incentives, including the Australian & WA Government Home Builder Grants.
Strategic Town Planning Management	Capital WIP- Contract Labour and Materials	(114,775)	NEW PROJECT- P11974 - Contribution - Knutsford St Precinct Infrastructure. The City's share of the Knutsford St infrastructure upgrade works

Infrastructure & Projects Directorate

The net result from Infrastructure & Projects directorate is an overall deficit in the budget of **(\$1,242,159)**. The net variance by team is as follows:

Team	Amount
Asset Management Team	(830,000)
Buildings Project Management Team	-
Construction and Maintenance Teams	(36,275)
Facilities and Environmental Management	(10,000)
Facilities Management (Buildings)	(111,000)
Infrastructure and Strategic Projects Leadership	(8,334)
Infrastructure Engineering Management	(15,000)
Parks and Landscapes Management	(8,000)
Parks and Landscapes Team	(100,000)
Traffic and Engineering Design Team	(17,000)
Waste Collection Team	(106,550)
Grand Total	(1,242,159)

A summary of significant adjustments within this budget review for Infrastructure & Projects are:

Team	Account Details	Amount	Reason
Asset Management Team	Capital WIP- Contract Labour and Materials	(900,000)	Budget for new project P-11670 Design and construct - Leisure Centre Pool Roof (\$900k) Full details of these projects are available below in the section <u>New Projects – Included</u>
Buildings Project Management Team	AccumSurp - Transf from Reserve (Capital Projects)	500,000	Transfer budget for P-10297 Construct-Walyalup Civic Centre and Library (KS) funded from P-11829 Design and construct-Kings Square Commercial tenancy.
	Capital WIP- Contract Labour and Materials	(500,000)	
Construction and Maintenance Teams	Contract Exp - General	(50,000)	Private works for Fire Clean up, fully reimbursed from City of Melville.
	Private Works and Reinstatement Inc	50,000	
Parks and Landscapes Management	Capital WIP- Contract Labour and Materials	(404,075)	Budget for new project P-10412 - Design and Construct – Booyembara Park Masterplan (\$404,075) funded by cash-in-lieu contribution from East Village subdivision. Full details of these projects are available below in the section <u>New Projects – Included</u>
	Contribution Inc - From Trust Funds - Capital	404,075	
	Capital WIP- Contract Labour and Materials	(180,000)	Budget for P-11819 - Design and Construct – Dick Lawrence – Playspace (\$180,000) fully funded by Local Roads and Community Infrastructure program. Full details of these projects are available below in the section <u>New Projects – Included</u>
	Non-Operating Grant-Dept of Infrastructure	180,000	
Parks and Landscapes Team	Contract Exp - General	(55,000)	Cost for Maintain Play Equipment higher than budgeted reactive maintenance and compliance repair works.
	Other Inc - Handling Fee	105,000	

Team	Account Details	Amount	Reason
Waste Collection Team	Reimbursement Inc	(147,000)	Decrease Revenue Budget - Net reduction of revenue (\$42,000) for Container Deposit Scheme. Slow start experienced by all refund points as many people didn't start to bring in collected containers until December. Original budget split to Reimbursement income (payments made in cash to customers for containers reimbursed by WARRRL (WA Return Recycle Renew Ltd) and Handling fee (Commission income).
	Contract Exp - Cash Collection	(156,200)	Net increase of contract expense of \$33,700 for Container Deposit Scheme. Contract Exp – Cash Collection budget is split from contract Exp – General to account payments made in cash to customers for containers, which are reimbursed by WA Return Recycle Renew Ltd (WARRRL).
	Contract Exp - General	122,500	Contact Exp – General to account annual operational cost of \$12,500 plus start- up cost which to be recovered slowly over years.

People and Culture Directorate

The net result from People and Culture directorate is an overall deficit in the budget of **(\$35,000)**. The net variance by team is as follows:

Team	Amount
People and Culture Management Team	(35,000)
Grand Total	(35,000)

Employee Cost and Agency Labour

The forecast for employee cost is an estimated \$905,000 in savings from salaries and wages. This is mostly due to vacancies throughout the year. Of this \$400,000 is required to offset the increase expenditure required for agency staff and consultancy due to the use of temporary staff. Of this \$285,000 is required for new positions. The remaining balance of \$220,000 is being used to fund the leave provision and long services leave transfer to other councils. The net result from the staff establishment and agency labour is nil in the below table.

The staff establishment and agency labour summary by Directorate is as below:

Directorate	Budget Amendments			Grand Total (+Budget Savings)
	Staff Establishment Savings	Agency Labour/ Consultancy	New Positions	
CEO	135,000		(50,000)	85,000
City Business	130,000	(60,000)		70,000
Community Development	170,000			170,000
Strategic Planning and Projects	70,000			70,000
Infrastructure and Projects	360,000	(340,000)	(195,000)	(175,000)
People and Culture	40,000		(40,000)	0
Sub Total	905,000	(400,000)	(285,000)	220,000
Less Leave Provision & Long Service Leave Transfer Required				(220,000)
Balance				0

Revenue Provision – Included

It is proposed as part of this budget review to establish a COVID provision for the amount of \$963,439 as a contingency for the potential impact on revenue due to any future COVID restrictions. This will allow Council to absorb any financial impact as a result of COVID-19 restrictions that may occur to this value. This account can be reviewed by council at year end.

New Projects – Included

It is proposed as part of this budget review to fund the following new projects:

Team	Account Details	Net Amount	Reason
Economic Development Team	P-11973 Entrepreneurs Program- Expert in Residence	-	FUNDED PROJECT Programme Expert in Residence funded from Department of Industry grants and unspent grants from Notre Dame. Budget \$90,560
Community Development Leadership	Project-10186 Prepare a community facilities plan	(30,000)	FUNDED PROJECT Budget required for consultancy cost to prepare a community facility plan, funded from salary savings in Asset Management. Note: Consultant has been engaged.
Community Development Management	P11964 - Purchase - Leisure Centre - Leak Monitoring	(30,000)	NEW PROJECT As required by Australia Standard AS29237:2019 - The storage and handling of liquefied chlorine gas. The leak monitoring system is required to be able to alert / notify an operator that there is a leak 24/7.
Community Development Team	P-11965 Purchase - Leisure Centre - Disinfectant System	(50,000)	NEW PROJECT Replace existing System 3 (Program Pool) Ultraviolet Light Disinfectant System. Current unit is old and damage wipers are not working / motherboard is not working.
	P-11968 Purchase - Leisure Centre - Pool blankets	(94,000)	NEW PROJECT Replacement of failing pool blankets. Current blankets pose an OSH risk.
	MP - Age Friendly Communities - Together Again Cafe Project	-	FUNDED PROJECT Grant to be received from Department of Communities for programme Together again Café. Budget of \$15,000
Strategic Town Planning Management	P11974 - Contribution - Knutsford St Precinct Infrastructure	(114,775)	NEW PROJECT The City's share of the Knutsford St infrastructure upgrade works
Infrastructure Engineering Management	P-11966 Design and Construct - Montreal St - Traffic Calming	(10,000)	NEW PROJECT Installation of traffic calming on Montreal Street in conjunction with Fremantle Golf Course realignment and High Street projects
	P-11977 - Design and Construct – CBS Crossing	-	FUNDED PROJECT To design and construct a new guarded school crossing on High Street between Parry Street and Stirling Street, to improve safety for pedestrians and schoolchildren. Fully funded project budget of \$28,000 by Christian Brothers College.
	P-11976 Install - Kellow Place - Solar Lighting	(5,000)	NEW PROJECT Kellow Place in Fremantle has a PAW (public access way) which was closed to the public for a trial period by the City. The trial has now finished, and the Department of Planning has ordered the access way be re-opened. A recommended condition of opening is to install lighting. This project is for the supply and installation of

Team	Account Details	Net Amount	Reason
			suitable lighting to comply with the recommended condition before opening the PAW to the public.
Parks and Landscapes Management	P-10412 - Design and Construct – Booyembara Park Masterplan	-	FUNDED PROJECT Review of the Booyembara Park masterplan (1999) and design and construct outstanding elements. Commencement of Stage 1 works at Booyembara Park funded by cash-in-lieu contribution from East Village subdivision. Budget of \$404,075
Parks and Landscapes	P-11819 - Design and Construct – Dick Lawrence - Playspace	-	FUNDED PROJECT Renewal of play space at Dick Lawrence Oval fully funded by Local Roads and Community Infrastructure program. Budget of \$180,000
	P- 11978 - Proclamation Tree Plaque	(8,000)	NEW PROJECT Replacement of the Proclamation Tree Plaque
Asset Management Team	Manage salary of Asset Management Team	30,000	FUNDED PROJECT Salary vacancy savings used to fund consultancy cost for Communities Facilities Plan P10186
	P-11670 Design and construct - Leisure Centre Pool Roof	(900,000)	NEW PROJECT Refurbish existing roof structure and replace roof sheeting. Current sheeting has reach end of life and is a risk to pool users. The project will also reduce energy usage and create a better environment for pool users and staff.
People and Culture Management Team	P-11655 Plan-Kings Square change management	(20,000)	NEW PROJECT Stage 1 of project for post-move change, culture and utilisation survey and recommendations report to collect pre-move data in order to measure the impact of the move. The City has not undertaken a change, engagement or culture survey since 2018. The data collected will enable the City to better adapt and match our workplace to our staff needs, this is the critical next phase of a transition to ABW.
Grand Total		(1,231,775)	

Requested Projects – Excluded

For Council information the following projects were requested as part of budget review however have been excluded through the Executive Management review process. Therefore, these projects are not been included in the budget amendments to be approved. As the current budget review is balanced, to include any of these projects will require an amendment to another line item. Alternatively, these projects may be considered as part of next year's long-term financial plan and annual budget process.

Team	Account Details	Net Amount	Reason
Community Development Management	Leisure Centre - Lane rope replacement	30,000	Replacement of lane ropes that are nearing end of life.
Asset Management Team	Kings Square – Town Hall balcony reinstatement	325,000	Refurbish and upgrade the Fremantle Town Hall balcony dress circle to improve all abilities access and make structurally sound.
Infrastructure Engineering Management	Design and Construct - Nicholas Street - Drainage	35,000	Construction of pits and pipe system and connect into the existing drainage sump network.
	Program - Road safety - South Tce Node 2	268,000	South Tce - Jenkin St is the second Node within the South Terrace Traffic Calming Project. The South Tce-Jenkin St Node works are designed to slow down motorists, encourage pedestrian movements and is bicycle friendly. Drainage works have already been completed at this intersection in 18/19. This budget request will fund the completion of the surface level treatment works which includes the footpath widening, road narrowing, removal of temporary speed humps and installation of intersection plateau, street furniture, landscaping and ground level artworks.
	Design and Construct - Duffield Street - Footpath	60,000	Design and construction of a pedestrian footpath on Duffield Avenue joining the footpath infrastructure in Beaconsfield. There are currently no pedestrian facilities on Duffield Ave. This local street is adjacent to a local primary school and Fremantle College. Requests from residents have also been received to build this missing link of infrastructure.
Facilities Management (Buildings)	P-11971 Design and construct - Depot - Staff amenities	60,000	The current external amenity at the depot has one female toilet and two pans in the male side of the toilet block which does not meet the required number of toilets as per current workplace standards. In addition, the toilets are not accessible and in poor condition. The depot requires a new toilet block which increase the number of toilets to meet current workplace standards. In addition, the toilet block must be of a flexible design (transportable) so that it can be relocated if the depot were to be re-organised for future land development. This will require hydraulic works

Team	Account Details	Net Amount	Reason
			to be done based on a suitable location that is accessible to existing underground services.
Parks and Landscapes Management	Design and Construct - Coral Park - Irrigation	25,000	Replacement of Coral Park irrigation system
	Design and Construct - Alfred Park - Irrigation	40,000	Replacement of Alfred Park irrigation system
	Install - Stevens Reserve - Cricket nets	15,000	Park Infrastructure Renewal of astro turf cricket nets.
	P-11969 - Program - Parks - Infrastructure	100,000	Renewal of assets to improve park amenity including benches, drinking fountains, sporting infrastructure.
	Total	958,000	

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2103-7 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Adopt the budget review for the period ending 31 December 2020 and financial reports provided in Attachment 1 and 2.**
- 2. Approve the required budget amendments to the adopted budget for 2020-2021 mid-year budget review as provided in Attachment 2 and 3.**
- 3. Note that a copy of this report will be sent to the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**

Carried en bloc: 6/0

**Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2103-8 CLIMATE CHANGE ENGAGEMENT

Meeting date:	10 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Climate Change - Engagement Report - October 2020 2. Draft Climate Emergency Position Statement
Additional information:	Nil

SUMMARY

On 22 May 2019, Council was presented with a letter from the Fremantle Youth Network expressing concern regarding climate change and calling for action. Council resolved to declare that the world is in a state of climate and biodiversity emergency, and to seek feedback from the community on further actions it might take to give effect to the declaration.

After cancellation of an initial program due to COVID-19, a lower key engagement was conducted in September/October 2020. The purpose of this report is to consider the outcomes of this process and further steps Council may wish to take in response. It recommends that Council note the feedback received to date and support progression of a second stage of engagement, adopt a consolidated Climate Emergency Position Statement and continue advancement of the Corporate Energy Plan.

BACKGROUND

On 22 May 2019, Council received a letter from the Fremantle Youth Network regarding climate change and calling for action on this, and resolved to:

1. *Accept the Fremantle Youth Network's letter to council and support the Networks concerns on the important issue of climate change in the City's continuing advocacy.*
2. *Acknowledge the latest report of the Intergovernmental Panel on Climate Change (IPCC).*
3. *Declare that we are in a state of climate and biodiversity emergency that requires urgent action by all levels of government, including by local councils.*
4. *Acknowledge that the City of Fremantle is likely to be substantially affected by climate impacts, particularly sea level rise, heat waves, drought and floods.*
5. *Call upon the State and Federal Governments to:*
 - a. *acknowledge that there is a climate and biodiversity emergency, and*
 - b. *back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements at 1.5%.*
6. *Agree to continue to work with the Fremantle Youth Network in our continuing advocacy on this important issue.*
7. *In conjunction with the Fremantle Youth Network write to the Fremantle federal and state members and to relevant federal and state ministers advising them of council's resolution and urge them to acknowledge a climate emergency and to act with urgency to address the crisis.*

8. *Seek feedback from the community on further actions it might take to give effect to the declaration and the results of this feedback to be subject to a further report at the next appropriate meeting of council. (C1905-1)*

An engagement process responding to the request for community feedback specified in Resolution 8 was originally planned to commence with the Fremantle Youth Climate Forum programmed for April 2020. Unfortunately, COVID19 and its impacts lead to the cancellation of the event and the budget allocated for it. As an alternative, in September, the City hosted a seminar on climate change responses called “*Speeding up the low carbon transition*” and launched a survey on how the Fremantle community would like to be engaged on the topic of climate change, as a first step in the process.

My Say Freo survey: “Climate Change: what’s next for Fremantle?”

From 10 September 2020 to 18 October 2020 the survey was run via My Say Freo. Its purpose was to gain a preliminary understanding of how the community was thinking about climate change, including any concerns and hopes for the future. The survey also included questions regarding how people wanted to engage with the topic of climate change. 76 responses were received as outlined in the attached Engagement Report. Feedback has also been received through less structured engagement, including from the Youth Network, and One Planet and low carbon living seminars run at Knutsford.

What we heard

The key findings from the process were that:

- When asked if climate change is an **important issue** to them, to 93% of survey respondents said it is. Themes that consistently arose were the wide-reaching nature of the impacts, concern for future generations, deep concern with destruction and existential threat, a need to take responsibility and wanting a better future. For those who said it isn’t an issue of concern the main reason was concern over pressing day-to-day issues or that climate change shouldn’t be a concern of Council.
- The most popular topics that respondents wanted to **learn** about were economy and built environment, followed by politics and personal action.
- The most preferred methods of **participation** were in-person seminars and practical actions, followed by field trips and webinars. Access requirements included proximity to public transport routes, daytime scheduling, provision of quiet space and recordings made available online.
- **Lobbying** state and federal governments for climate change action and adaptation was the top action that respondents believe the City of Fremantle should prioritise in order to respond to climate change. Many other suggestions for action were made.
- In addition, the final question in the survey asked people to nominate themselves if they had particularly knowledge of or personal experience of climate change that they were willing to share, to which 20 people responded with offers relating to a wide variety of climate change relevant topics.

The engagement responds to Council's objectives act as a transparent and responsive organisation working in partnership with the community, with the action on climate change contributing to its objectives around environmental responsibility and leadership. Additionally, engagement with the community on climate change issues is one of the actions in the recently adopted One Planet Action Plan.

OFFICER COMMENT

Responding to the feedback gathered in the initial engagement, and working within the current year's budget parameters and COVID restrictions (and potential risks), a program of events relevant to climate change is proposed that initially focuses on:

- Provision of opportunities for people to attend seminars/webinars that cover some of the preferred topic areas.
- Livestreamed (to Covid-proof) field trips to locations of climate change impact around the City.
- Building community resilience to the impacts of climate change.

The following schedule is proposed for the remainder of the financial year:

1: Seminar series continues online

April and June 2021, venue(s) TBC

Building on the "Speeding up the low carbon transition" seminar of 22 September 2020, the following topics are proposed for two livestreamed webinars, in line with the outcomes of the survey.

Social impacts of climate change

- Implications for people experiencing vulnerable situations (e.g. homelessness, disability)
- Rental stress in inefficient homes
- Health implications

Climate change and risk

- How the finance and insurance industries are responding to climate change
- Asset management in a changing climate
- Planning in a changing climate

2: Livestream: *Climate change in Fremantle field trip with local experts*

August, 2021

The field trip could be to one of several locations around the City that is or will be experiencing impacts from climate change, guided by staff from relevant areas and potentially other experts on the topic (e.g. from Murdoch University). The purpose is to provide community members with the opportunity to discuss the direct impacts of climate change in person, and for staff to talk about the work the City is undertaking towards climate proofing Fremantle.

The fieldtrips would be livestreamed using a service such as Facebook Live, which would allow people to ask questions of the presenter. The video could then be uploaded to the City's YouTube channel and promoted through its social media channels.

Topic areas could include:

- Indigenous perspectives on climate change – rising seas between Manjaree and Wadjemup
- Heritage – impacts on West End from sea level rise, inundation and increased storms
- Biodiversity – habitat loss and restoration
- Walking city – returning to low carbon transport in a changing climate
- Heat island effect, growing our urban forest, what to do when you can't plant trees
- Water – how to maintain and enhance POS with more hot weather and less water
- Coastal issues – sea level rise, erosion, inundation, acidification

In addition to the above, the City will continue to engage with the community on climate change through the following channels:

Climate Clever

- Further expand communications campaign to increase signups to Climate Clever.

1 Million Women

- Further expand communications campaign to encourage people to download and use the app to make commitments to reducing their carbon footprint.
- Create and publish content for 1 million women app

City of Fremantle website

- Finalise updates and new content about climate change and its impacts for inclusion on City's website.

Additions for 2021/22

Subject to resource availability, and hopefully less risk associated with COVID, additional initiatives contemplated for 21/22 include:

Building Resilience Pitch Night

- Co-host a “pitch evening” in collaboration with community groups such as the Fibonacci Centre and FIAQ, which is basically a networking event for people who want to share knowledge and skills related to sustainability and community resilience and find potential collaborators.
- Extend first invitations to those who offered to share knowledge and skills in the survey

Practical skills workshops

Workshops related to building resilience at home and learning practical climate proofing skills could cover the following topics:

- Climate proofing gardens and home.
- Energy efficiency, renewable energy.
- Building resilience at home and with your local community.

Visioning activities

This project could have two parts, and act as a feed into the Strategic Community Plan review programmed for 21/22-22-23:

1. Facilitated workshop

Participants explore different visions for the future, climate catastrophe and “business as usual” versus a resilient community and adapted/adaptable urban form.

2. Postcards from Freo’s Future

Creative project asking people to tell us, while reflecting on the changing climate, “What does Fremantle look like in 2050?”. Prompts could include

- Did the world act to bring down emissions?
- How did Fremantle manage to climate proof itself?
- What’s it like to live in 2050?

Postcards could be printed at home or available at Town Hall, cafes, visitor’s centre, and will be displayed around the city in empty shop windows, café windows, possibly the new admin centre. It would also be possible to use the City’s social media and web presence to share the postcards, similar to the [Is This How You Feel](#) project.

Seminar series continues

Communicating about climate change

- Conversations with friends and family
- Getting involved: influencing change

Other actions resulting from the survey

In addition to events and workshops, it was clear from the survey that participants wanted the City to continue to advocate for action on climate change, and work on reducing its own emissions.

Advocacy

One of the main findings of the climate change engagement survey was that the City should continue to advocate for action on climate change from all levels of government. In order to do this effectively and consistently, a consolidated position statement regarding climate emergency has been prepared, drawing on Council's previously adopted positions (Attachment 2). In addition to support advocacy, the position statement assists in the clear communication of Council's position to the community.

Development of a Climate Emergency Action Plan could also assist in articulating the City's response to the climate emergency and raise awareness of the issue as being one of importance for all levels of government. The development of an Action Plan would gather together and make visible climate proofing and mitigation actions the City already undertakes or has planned and assist in identifying any gaps in its response. WALGA will soon be providing templates that would assist in this process. This exercise is not, however, considered as high a priority as advancing the key recommendations from existing plans such as the Corporate Energy Plan, and so is not recommended for pursuit at this time.

Corporate emissions

The other main finding was that the City should focus on reducing its own emissions. As such, the City should continue to implement (and ideally fast track) the recommendations in Corporate Energy Plan to achieve net 100% renewable energy by 2025 including:

- Facilitating completion of the South Fremantle solar farm.
- If the solar farm does not progress, participating in a group renewable energy power purchase agreement through WALGA or purchasing renewable energy through the standard electricity contract.
- Working with Western Power to change streetlights to energy efficient LED lights.
- Developing a low carbon fleet plan.
- Developing a plan to transition City owned buildings away from natural gas consumption.

FINANCIAL IMPLICATIONS

Events proposed for the remainder of 20/21 can be accommodated within existing resource parameters. Some additional activities contemplated for 21/22 (such as the skills workshop and facilitated visioning) would be subject to budget availability, at an estimated cost of \$7500.

The cost implications of implementing the Corporate Energy Plan vary and are dependent on several factors. The costs of shifting electricity to 100% renewable range from \$65,000 to \$250,00 per year additional cost, depending on source and lock in period. The Corporate Energy Plan includes recommendations for transitioning streetlights to LED, which has an upfront cost of approximately \$2.5m and a \$300k per year saving in energy costs, with an approximate ten-year payback period. These matters are subject to separate reporting.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Engagement process and findings outlined in attached Engagement Report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council

1. Note the community feedback on Climate Change received as outlined in the Engagement Report provided in Attachment 1.
2. Note and support the following actions proposed in response to the community feedback received on Climate Change:
 - a. the program of additional engagement and capacity building proposed for 20/21
 - b. additional engagement and capacity building activities in 21/22 (subject to budget availability)
 - c. progression of implementation of the Corporate Energy Plan (subject to budget availability)
3. Adopt the Climate Emergency Position Statement provided in Attachment 2 for the purposes of coherent communication of Council's previously adopted positions.

COMMITTEE RECOMMENDATION ITEM FPOL2103-8 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council

1. **Note the community feedback on Climate Change received as outlined in the Engagement Report provided in Attachment 1.**
2. **Note and support the following actions proposed in response to the community feedback received on Climate Change:**
 - a. **the program of additional engagement and capacity building proposed for 20/21**
 - b. **additional engagement and capacity building activities in 21/22 (subject to budget availability)**
3. ***Progression of implementation of the Corporate Energy Plan (subject to budget availability).***
4. **Adopt the Climate Emergency Position Statement provided in Attachment 2 for the purposes of coherent communication of Council's previously adopted positions.**

Carried: 6/0

**Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

A minor amendment was made to the officer's recommendation, to make part 2c a new part 3, and the original part 3 to be numbered part 4.

**FPOL2103-9 STRATEGIC COMMUNITY PLAN REVIEW 2022: PROPOSED
ENGAGEMENT METHODOLOGY**

Meeting date:	10 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Draft SCP Review Part 1 - Engagement Methodology
Additional information:	1. Summary of Proposals Received (Confidential) 2. Cost Estimate for Preferred Approach (Confidential)

SUMMARY

In November 2020, Council resolved on a broad pathway to review the Strategic Community Plan and the key strategies which support it. The purpose of this report is to consider a proposed methodology and associated budget requirements to undertake this.

This report recommends that Council:

1. Endorse the broad engagement methodology for the Strategic Community Plan review outlined in Attachment 1.
2. Support 'in principle' inclusion of the budget estimate of \$173,500 for engagement on the Strategic Community Plan review in the draft 21/22 budget.

BACKGROUND

The Local Government Act requires that each local government have a 'plan for the future'. The Local Government (Administration) Regulations specify that this include a Strategic Community Plan which must be reviewed at least every four years in consultation with the community. A set of integrated planning guidelines published by the Department of Local Government provide further guidance on this.

On 25 November 2020, Council considered a report outlining the findings of an audit of strategic documents, and a logical pathway to review and update the Strategic Community Plan and progressively align documents into a simpler and more coherent framework (FPOL2011-9). Council consequently resolved to:

Approve:

- a. *The planned review of the Strategic Community Plan over two financial years in 21/22 – 22/23 (subject to budget approval).*
- b. *The development of a methodology for the review which:*
 - i. *Builds on previous engagement processes.*
 - ii. *Re-examines community priorities in the post COVID-19 environment.*
 - iii. *Explores implications of Westport for Fremantle (should relocation of the port continue to be maintained as the state's preferred long term option).*
 - iv. *Includes of the development of Fixed Core Strategies addressing each of Key Focus Areas of the Strategic Community Plan as part of the review.*

The resolution also requested that:

a further report be submitted to Council by March 2021 outlining the proposed methodology and associated budget requirements of the proposed review to inform the 21/22 budget.

The purpose of this report is to outline the proposed methodology and budget requirements for the review.

Maintenance of the City's strategic planning framework contributes to several Capability objectives outlined in the current Strategic Community Plan and enables resource capabilities to be better matched to the community's needs and priorities.

OFFICER COMMENT

The key outputs of the project will be a new Strategic Community Plan, key strategies for its delivery, and an engagement report documenting the process and input received.

The key outcomes should include; an integrated strategy; clearer priorities; measurable and robust performance monitoring; representative and transparent community input; enhanced community understanding of the role and function of local government, opportunities and constraints; greater ownership of the plan by the community, Council and staff; useful inputs for other activities eg local planning strategy. Updates to the long term financial plan would be an expected consequence.

To inform the development of engagement methodology and determine budget requirements for this review, Requests for Proposals were sought. Four proposals were received, as outlined in (Confidential) Additional Information 1.

Whilst all of the proposals have merit, none are considered to fully address the outcomes sought to the extent desired, particularly with regard to providing sufficient detail to inform the development of subsidiary 'key strategies' (those relating to each of the Strategic Community Plan's 'Key Focus Areas').

Options to progress the engagement component of the review are:

1. Accept the proposal most strongly aligned to Council's expectations (and budget capacity), noting that some internal resourcing will continue to be needed to deliver these; or
2. Define a fixed methodology and seek quotations directly against that; or
3. Define a clear methodology and appoint a suitably qualified contract staff member to deliver it; or
4. Define a clear methodology and divide its delivery between consultants and a suitably qualified but part time contract staff member, working in partnership with each other.

Whilst all options are valid, if Council wishes to pursue the optimum process, Option 4 is recommended. If Council wishes to pursue a simpler, more restricted and contained review, Option 1 would be recommended (potentially with some additions). To some degree, the appropriate option and therefore required budget depends on Council's expectations for scope and scale.

If Option 1 were pursued, the recommended appointment is contained in (Confidential) Additional Information Attachment 1.

If any of the other options were pursued, definition of the methodology and associated budget requirements is required now. A high level proposal for this is outlined in Attachment 1, summarised as follows.

1. Stage 1: 'Understand' (Background and Baseline): July – Nov 2021

Purpose: To summarise where we are at and what we already know so the process can *Build.. on previous engagement processes* (as per Council resolution), and ensure an informed basis for engagement and plan development in the future.

2. Stage 2: 'Define' (Focus Definition) (Nov-Dec 21)

Purpose: To share with post-election Council and key staff the conclusions of Stage 1 (background and baseline) and use this information to agree on potential focal points for engagement (scenarios or critical questions to incorporate into the discussion).

3. Stage 3: 'Explore, Ideate, Test' (Engagement) (Feb – June 22)

There are two almost concurrent components proposed in this stage.

Stage 3A: Broad Engagement (Feb – May 22)

Purpose: Using the outputs from stage 1 and 2, *Re-examine community priorities in the post COVID-19 environment* (as per Council resolution), building community awareness, capacity and engagement, and exploring alternatives and trade-offs.

Offer a spectrum of engagement options so people can opt in based on both their level of interest (low to high) and a range of methods to suit their preferences (online, pop up, in person, self-led discussion).

Stage 3B: Specialist Engagement (Apr to June 22)

Purpose: Test and explore specific issues / focus areas in more detail, incorporating key stakeholders. The issues / focus for 3B should remain flexible to respond to stage 2 outcomes, but likely to include:

- *iii. Explores implications of Westport for Fremantle (should relocation of the port continue to be maintained as the state's preferred long term option). (as per Council resolution)*
- Strategy pathways and priority actions to achieve Key Focus Area outcomes of the Strategic Community Plan.

Additional Information Attachment 2 provides an estimated cost breakdown for the suggested process. With the appointment of a project officer, further refinement to the methodology could occur within the budget parameters.

The next stage of the project (stage 4 'Develop' - 22/23) will involve analysis, strategy development and potentially some further focussed engagement to test the plan and seek feedback if desired. It could involve further targeted engagement on specific budgetary elements to help make any particularly significant decisions: eg. *'To achieve retain services X and Y at current levels, would you support an increase in rates of Y, or*

would you prefer to reduce these services?'. Or 'Two significant projects have been proposed to address A: B and C. Which do you think has higher priority and why?' This process would only work where Council genuinely believes either option is appropriate and would only be recommended where Council lacks sufficient information from the earlier processes to make such decisions. Definition of the broad engagement focus in Stage 2 could reduce this eventuality. It is also suggested a community plan launch is factored in post-completion to 'close the loop' with participants and build excitement and maintain ownership on delivery of the strategic plan. Further definition of this stage will occur through Stage 3 above.

In the event that budget capacity is limited, a revised scope tailored to available budget (to be defined) and focussing on service levels and trade-offs to refine and focus the current would be suggested.

FINANCIAL IMPLICATIONS

The cost estimate for the recommended engagement approach is \$173,500. This could be reduced to \$112,500 by removing some elements.

Alternative methodologies outlined by consultants range between around \$30,000 (for a very basic, survey focussed approach) to \$130,000 (for a more comprehensive approach and including preparation of a revised Strategic Community Plan).

LEGAL IMPLICATIONS

Review of the Strategic Community Plan is required under the *Local Government (Administration) Regulations* at least every 4 years.

CONSULTATION

Consultation is required in the preparation of the Strategic Community Plan. This report outlines a proposed methodology for this.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM FPOL2103-9 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Endorse the broad engagement methodology for the Strategic Community Plan review outlined in Attachment 1.**
- 2. Support 'in principle' inclusion of the budget estimate of \$173,500 for engagement on the Strategic Community Plan review in the draft 21/22 budget.**

Carried en bloc: 6/0
Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

**FPOL2103-10 NOTICE OF MOTION BY CR HANNAH FITZHARDING –
INVESTIGATION INTO POSSIBLE INTRODUCTION OF FREMANTLE
CARD FOR FREMANTLE RATEPAYERS**

Meeting date: 10 March 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

ELECTED MEMBER SUMMARY

The City of Fremantle is a vibrant regional centre which provides a wide variety of services to our local community as well as the greater regional community. Many of these services are funded through rates provided by the local community and a user service charge. The result being that using some of these services includes the same user service charge as all other users.

This Notice of Motion seeks to request the Chief Executive Officer to investigate the option and opportunity of introducing a Fremantle Card for Fremantle ratepayers to use when accessing City of Fremantle services which may acknowledge the contribution already being made to provide the service and offer a benefit to the ratepayer. The investigation would consider, but not be limited to;

- How such a card could/would be used.
- Where the card could be used.
- What benefit the card could provide for the user.
- Costs associated with the development and implementation of a card.

The investigation should consider the cost benefit analysis and business case for implementing such a card and as such will also outline the process, systems and governance surrounding the possible use of such a card.

OFFICER COMMENT

An investigation into the provision of a Fremantle card could be undertaken by the City. As the investigation is undertaken there may be elements that require further council input to ensure that any options being considered could be adequately refined to reflect the intention of such a card.

Some financial resources may be considered through the draft 2021/22 budget process to support the development of outline for governance and systems options to support the investigation. These will be better understood as the investigation planning takes place.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2103-10

(Elected member motion)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council requests:

The Chief Executive Officer to investigate the option and opportunity of introducing a Fremantle Card for Fremantle ratepayers to use when accessing City of Fremantle services which may acknowledge the contribution already being made to provide the service and offer a benefit to the ratepayer. The investigation would consider, but not be limited to;

- How such a card could/would be used
- Where the card could be used
- What benefit the card could provide for the user
- Costs associated with the development and implementation of a card

Carried: 4/2

For

Cr Hannah Fitzhardinge, Cr Jenny Archibald
Cr Adin Lang, Cr Sam Wainwright

Against

Cr Andrew Sullivan, Cr Doug Thompson

**FPOL2103-11 NOTICE OF MOTION BY CR RACHEL PEMBERTON –
COMMUNICATION OF DIVERSE AND AFFORDABLE HOUSING
OBJECTIVES AND CONCERNS TO THE MINISTER FOR HOUSING
AND STATE HOUSING AUTHORITY**

Meeting date: 10 March 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

ELECTED MEMBER SUMMARY

The City of Fremantle is a vibrant, inclusive city with a diverse population and proud heritage. Whilst evolution and change is natural and desirable, the City's Strategic Community Plan, supporting policies and planning instruments have sought to ensure that a diversity of housing including affordable housing is achieved, reflective of the needs of our existing and future communities.

The redevelopment of Housing Authority sites within Fremantle is resulting in a significant loss of public housing, which, if not replaced, has the potential to undermine this objective. The redevelopment of Davis Park, in particular, could result in a reduction of over 200 public housing units, and the displacement of many long term Fremantle residents from their community. Whilst there are many benefits to the redevelopment of the site, this aspect is of concern and is causing considerable distress to many affected residents.

Beaconsfield residents are currently being asked to move out of the area into alternative housing in places such Bibra Lake, North Fremantle or further afield. This is displacing long term residents, some of whom have lived in the Beaconsfield community for many decades and made their lives and homes there. The Council understood residents would be able to remain in the area by being housed in the new development as it was implemented in a staged approach. However it appears the properties are being vacated, boarded up and demolished prior to the commencement of any redevelopment.

Approximately 500 public housing dwellings have been, or are being, demolished in the City of Fremantle over the last 5 years and have not been replaced. This further reduction in affordable housing for the local community undermines the Strategic Goal to have an inclusive and diverse community.

This Notice of Motion seeks to communicate Council's diverse and affordable housing objectives to the Minister for Housing and the State Housing Authority and to request that public housing levels be maintained, and long term residents being displaced by the Heart of Beaconsfield redevelopment be accommodated locally and allowed to move into the redeveloped area at the earliest opportunity so they may continue to live within their existing (and our) community.

OFFICER COMMENT

This issue and, in particular, the displacement of long term residents as a result of redevelopment has been raised by both community members and councillors on a number of occasions, most recently during consultations on the Heart of Beaconsfield and Davis Park precinct projects. The concerns have been shared with the Department of Communities. The Department has indicated that it will seek to relocate tenants in accordance with their wishes and in the locality where possible. It is understood that a proportion of new dwellings on redeveloped sites will be allocated to new public housing but that concentrations will be reduced in line with long standing Department policy. No details of public housing numbers have been provided in the Structure Plan submitted for Davis Park or in response to recent enquiries.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

ELECTED MEMBER MOTION

Moved: Cr Sam Wainwright

Seconded: Cr Jenny Archibald

Council:

1. Note there has been a significant decrease in the amount of public housing within the City of Fremantle as a result of redevelopment of Housing Authority sites including Burt Street, Holland Street and the Davis Park Precinct.
2. Request the Chief Executive Officer to write to the Minister for Housing and the Department of Communities:
 - a. Stating Council's strategic objective to maintain a housing mix that is "diverse and affordable, to meet the current and future needs of the City's residents"
 - b. Requesting that public housing levels be maintained and redeveloped public housing units be replaced in the area to ensure retention of affordable housing options in our community
 - c. Requesting that long-term residents affected by the Heart of Beaconsfield redevelopment are able to remain in their community by being offered public housing in the local area and the option to move into dwellings in the first stages of the Davis Park Precinct redevelopment.

LOST: 3/4

For

Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright

Against

Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang

Cr Hannah Fitzhardinge used her casting vote **AGAINST** the recommendation resulting in it being **LOST**.

PROCEDURAL MOTION

The following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

The item be referred to the Ordinary Meeting of Council on 24 March 2021, to enable committee members time to prepare possible amendments for Council consideration.

Carried: 6/0

Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

11.3 Strategic Planning and Transport Committee 17 March 2021

SPT2103-2 MEDIUM DENSITY CODE - SUBMISSION

Meeting date:	17 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Committee
Attachments:	1. Additional Detailed and Technical Comments
Additional information:	1. Areas within the City of Fremantle Coded R30-R60 2. Scope of Modification by Local Planning Framework

SUMMARY

Residential development in Western Australia is subject to the Residential Design Codes (or 'R-Codes'), a state planning policy adopted by reference into most planning schemes.

The Western Australian Planning Commission has released for public comment a major revision to the R-Codes replacing all the medium density (R30-R60) provisions with a new 'Medium Density Code'.

The purpose of this report is to consider the proposed changes and determine Council's position on them.

This report recommends that Council make a submission on the draft Medium Density Code which, in summary:

1. Is broadly supportive of the preparation of the Medium Density Code, its objectives, structure and general approach.
2. Is supportive of the increased focus on external (including garden) and internal building design outcomes.
3. Is supportive of a number of the new standards including those relating to increased outdoor living areas, landscaping and tree planting, internal building dimensions and sustainability standards.
4. Suggests further consideration of a number of other deemed to comply standards with regards to their capacity to facilitate good design outcomes, particularly in infill contexts.
5. Flags a concern regarding the additional regulation of local planning policy proposed.
6. Queries the appropriateness and extent of the proposed density bonus provisions to enable higher density in suitable locations compared to a contextually responsive, strategically lead approach utilising local planning strategies and schemes which consider local capacity beyond simply proximity to public transport.
7. Makes a series of other more minor comments.

BACKGROUND

As has been outlined in previous reports to Council, the State Government is pursuing an agenda of planning reform aimed at:

1. Creating great places for people;
2. Making planning easier to understand and navigate; and
3. Making planning systems consistent and efficient.

For further details refer www.dplh.wa.gov.au/planning-reform.

As part of the program, a unit focussed on improving design quality has pursued a number of initiatives including:

1. Providing detailed guidance for the establishment and operation of design review panels
2. Establishing an overarching State Planning Policy 7.0 on 'Design of the Built Environment'
3. Establishing a Precinct Design policy which sits under the overarching Design policy, as State Planning Policy 7.2
4. Renaming the Residential Design Code (or 'R-Codes') as State Planning Policy 7.3 (or SPP7.3) and placing this under the overarching Design Policy
5. Breaking the R-Codes into two parts:
 - a. 'Volume 1 – Low and Medium Density'
 - b. A new 'Volume 2 – Apartments'

In response to concerns about the quality of design of much medium density development and an absence of housing diversity, the WAPC has released for public comment new provisions for Medium Density (generally R30-R60) development in the form of a new Part C 'Medium Density Code' for inclusion in Volume 1 of the R-Codes. Parts A and B of the R-Codes relate to general operation, and the Low Density Code, so that the structure of the R-Codes would become:

1. Volume 1: Low and Medium Density:
 - a. Part A – Operation of the Code
 - b. Part B – Low Density Code
 - c. Part C – Medium Density Code
2. Volume 2 - Apartments

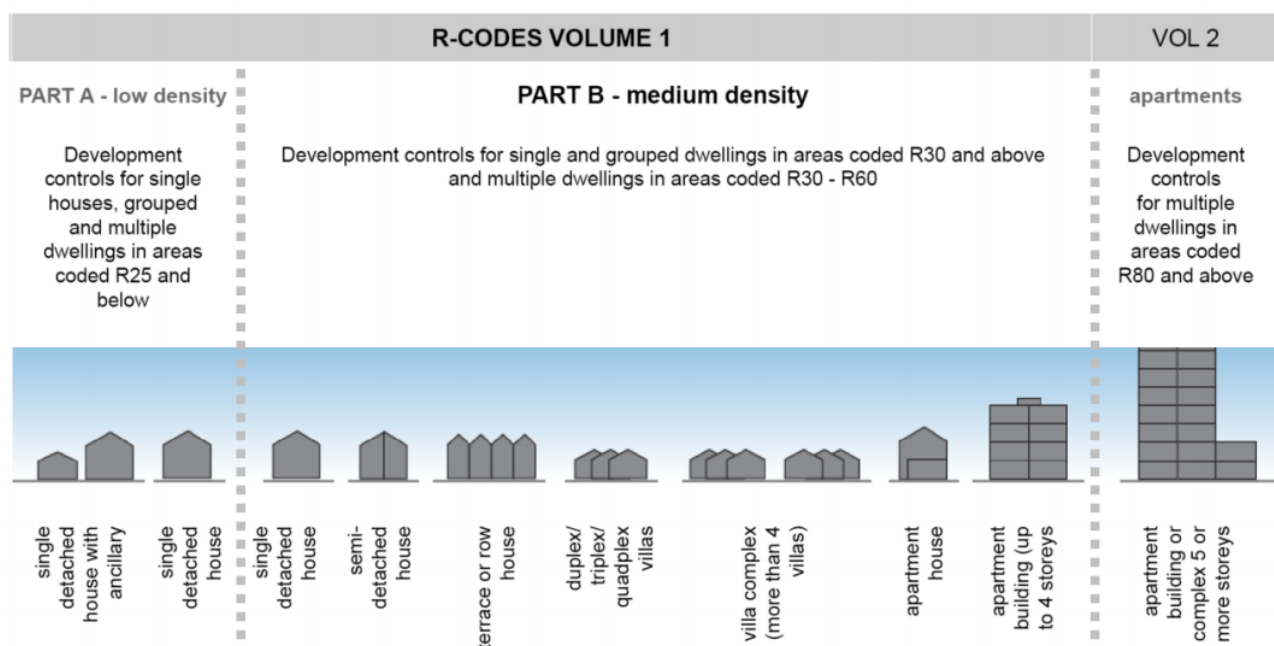
The purpose of this report is to consider the new Medium Density Code and determine Council's position on it, to provide the basis of a submission on the revisions. A copy of the new Code can be viewed on the Department of Planning, Lands and Heritage's website at <https://consultation.dplh.wa.gov.au/strategy-and-engagement/medium-density/>

The R-Codes apply to almost all residential development and so have implications for a number of Council's strategic objectives including those relating to housing diversity, quality of design, places for people and sustainable urban and built form.

The Medium Density Code is proposed to apply to:

- All single houses and grouped dwellings in areas coded R30 and above; and
- All multiple dwellings in areas coded R30-R60.

Higher density multiple dwellings would be subject to the Volume 2 Apartment Code, whilst development under R30 would be subject to Volume 1 Part 1 (essentially the existing R-Codes, though subject to some minor updates recently reported to Council. (refer Item SPT2008-2)



Under Local Planning Scheme No. 4, the following areas are zoned R30-R60 and so would be subject to the Medium Density Code:

- Parts of central Fremantle
- The Wray Avenue precinct
- South Fremantle
- Small pockets of Beaconsfield (along the ridge)
- Small pockets of Hilton (north of South Street)
- The area east of Gibson Park
- Northbank
- Pockets of North Fremantle
- Various 'Development' zone sites where the approved Structure Plan provides for medium density. (refer Additional Information attachment 1 for an indicative plan)

OFFICER COMMENT

As a starting position, the challenges with facilitating quality development and genuine housing diversity under the current R-Codes, and the importance of both of these objectives is agreed, and so the focus of the review and the preparation of the new Code is supported.

Medium Density Code Overview

The Medium Density Code is divided into 4 sections:

1. Land
2. The Garden
3. The Building
4. Neighbourliness.

A series of individual design elements is provided under each of these sections, as follows

R-Codes Volume 1: Draft Part C – Medium Density Code	
Section	Key Elements Covered
1. Land	Site area provisions, including: • Basic site area requirements for each R-Coding (R30-R100+); • Method of calculating medium and average site area for dwelling yield/subdivision purposes; • Requirements for where small lots of less than 100sqm in size can be created ('microlots'); • 'Opt-in' bonuses for reduced site area, subject to satisfying certain locational characteristics and design criteria (discussed later in this report).
2. The Garden	Landscaping and tree considerations, including: • Provision of a primary garden area for each dwelling or alternatively private open space for multiple dwellings; • Requirements for tree planting, landscaping and deep soil areas; • Communal open space for grouped dwellings and multiple dwellings (i.e. where common property is provided in a development).
3. The Building	Internal site planning and building design factors, including: • Provision of a primary living space, of minimum internal dimension, for each dwelling; • Access to natural light and ventilation considerations, including provision of external windows for habitable rooms and shading devices; • Size and layout requirements for particular dwelling types, including minimum internal floor areas; • Minimum and maximum car parking requirements; • Storage, waste management, external fixture and outbuilding provisions; • Minimum universal design requirements for larger grouped and multiple dwelling developments. • Ancillary dwelling, aged and dependent dwelling and 'small dwelling' (previously single bedroom dwelling) design requirements; • Special criteria for housing on lots less than 100sqm.

R-Codes Volume 1: Draft Part C – Medium Density Code	
Section	Key Elements Covered
4. Neighbourliness	Amenity considerations for adjoining properties and the streetscape, including: • Site coverage/open space; • Building height, lot boundary setbacks and boundary walls, including revised method of calculation; • Site works and retaining walls, including a revised method of calculation for retaining wall setbacks; • Street setbacks, building frontage, surveillance, street fencing and garage width; • Site vehicle and pedestrian access; • Solar access (i.e. overshadowing) and visual privacy (i.e. overlooking) of adjoining sites.

This structure and the focus of each section is clearer than in the current R-Codes and so is supported. Update of Part B (Low Density) to the same structure would also be beneficial.

The changes are extensive, with the detail often proving critical. Reviewing the new document in sufficient depth to capture every point is difficult, however key points noted are highlighted below, with various additional more detailed comments provided in Attachment 1. These comments supplement earlier, officer-level feedback provided on a previous draft which the City was invited to informally trial.

Part A – Operation of the Code

Volume 1 of the Codes (Low and Medium Density) is proposed to continue to provide two approval pathways to applicants:

- A streamlined 'deemed to comply' set of standards under each design element, compliance with which will provide approval; and
- A performance-based set of 'design principles' requiring the exercise of judgement.

Whilst this approach limits the capacity of approval authorities to negotiate good design, particularly where deemed to comply standards are low, it is understood to have been retained to provide the simplicity and streamlined approval process sought under the Planning Reform agenda. More pragmatically, it also recognises the capacity limitations of the current framework and industry. For these reasons, it is supported as not ideal from a design perspective, but appropriate, subject to deemed to comply standards being lifted to require a better base level of built form quality.

In pursuit of greater consistency of standards between local governments, the current R-Codes include a list of design elements in relation to which local government cannot adopt replacement standards through local planning policy. The Medium Density Code proposes to expand these exclusions, providing the WAPC with much greater oversight and control over local residential planning policy (refer Additional Information attachment 2).

Whilst it is to be hoped and assumed that well justified and formulated local planning policies will be supported by the WAPC, the reduction in autonomy inherent in this approach will be of concern to local government. It is recommended that this concern be flagged along with a request that the revised Codes make clearer statements confirming the suitability of local variation through policy to reflect local context, and to exclude Heritage Area Policies from the requirement to obtain WAPC approval.

The revised Codes also propose that all local governments undertake an audit of local planning policies and provide conflicting policies to the WAPC for approval within 12 months of gazettal of the Code, after which they will be deemed invalid. The statutory suitability of pursuing such an approach through a policy is questionable. The resource implications for local governments of complying with this requirement could also be considerable, and risk diverting time and resources away from planning work which, in a local context, is of a higher priority. That aside, the challenges to the industry of 138 local governments with differing requirements is acknowledged, and, if local government reform and amalgamation is not to be pursued, does require alternative responses.

From a preliminary review, the following City of Fremantle policies would require review and / or referral to the WAPC for approval under the draft proposal:

1. Local Planning Policy 2.4 – Boundary Walls in Residential Development
2. Local Planning Policy 2.9 – Residential Streetscape Policy
3. Local Planning Policy 2.10 – Landscaping of Development and Existing Vegetation on Development Sites
4. Approximately 12 precinct-specific LPPs including for Hilton, Beaconsfield and White Gum Valley Local Centre zones, the Former Kim Beazley school site (WGV)

The workload involved in this task is significant, most likely requiring major review of most policies, and could not be accommodated in house without essentially deferring most other strategic planning work.

Council may also like to note that consultation with neighbours affected by development is proposed to be modified to only occur where the City believes that detrimental impacts may be significant. This is, on the face of it, quite reasonable but creates some interpretation challenges (what level of impact is deemed 'significant?') and could increase conflict between the expectations of developers and local communities.

Part C – Medium Density Code

Land

Density Bonuses

One of the key changes proposed as part of the new Code are site area bonuses (reduced minimum and average lot size requirements) for development that satisfies certain locational and design criteria. The intent is to incentivise dwelling diversity in well serviced locations, and support the development of mixed schemes which combine a range of dwelling types (e.g. both apartments and grouped dwellings/townhouses), thus assisting increasing diversity. Base (Category 1) site area standards remain unchanged with the following two other categories having a bonus available:

Site Category 2 – Opt-in Requirements

- Development is located on a site within 250m of a 'high frequency' bus route or within 800m of a rapid transport route (referred in the R-Codes as 'Location A').
- Development is proposed on either a:
 - corner lot or a through-lot;
 - mid-block lot with rear access to a public right-of-way with a constructed laneway; or
 - lot with a minimum area of 1,200m² (which may be achieved through the amalgamation of two or more lots).
- Single houses and grouped dwellings shall have a primary individual frontage to a public street.

Site Category 3 – Opt-in Requirements

- Development is located on a site within 250m of a 'high frequency' bus route or within 800m of a rapid transport route (referred in the R-Codes as 'Location A').
- Development is proposed on a:
 - corner lot with a minimum of two street frontages; and
 - lot with a minimum area of 1,500m² (which may be achieved through the amalgamation of two or more lots).
- Single houses and grouped dwellings shall have a primary individual frontage to a public street.
- A local development plan has been prepared and approved by the local government addressing built form, streetscape, vehicle access/parking, landscaping, energy efficiency and universal design standards.

To provide an example, the reduced site area available under these arrangements for R30 is as follows:

R-Code	Dwelling type	Site area per dwelling (m²)		
		Site Category 1 (refer C1.1.2)	Site Category 2 (refer C1.1.3)	Site Category 3 (refer C1.1.4)
For residential development in areas coded R25 and below, refer to R-Codes Vol.1, Part B				
R30	Single house and Grouped dwelling	Min 260 Ave 300	Min 220 Ave 260	Min 180 Ave 220
	Multiple dwelling	Ave 300	Ave 260	Ave 220

The draft Codes state that in the case of dual coded lots, the minimum and average site area requirements are applied as per the lower density code, to avoid development achieving a 'double bonus'.

Other Site Area Provisions

In addition to the above, the draft Code introduces new ‘deemed-to-comply’ provisions for ‘Lots less than 100m²’, commonly referred to as ‘micro-lots’. The standards are generally consistent with the WAPC’s current Position Statement and require that:

1. There needs to be specific provision for lots of this size within an approved structure plan, which codes applicable land R100.
2. The lots not be less than 80m² in area
3. A local development plan be put in place which address built form, streetscape, vehicle access/parking, landscaping/water and waste collection matters,

Other site area reductions are available as per the current Codes for aged and dependant persons dwellings as well as ‘small dwellings’ (currently known as ‘single bedroom dwellings’), though with the density bonus increasing marginally to 35%. The design principles for site area also allow the WAPC to approve up to a 5% reduction in minimum and average lot sizes under certain circumstances. This reduction could potentially apply to all of the Site Categories 1 – 3 as noted above, not just the base code areas.

The revisions also see reintroduction of an average site area for multiple dwellings (in place of plot ratio controls) though to incentivise these and mixed schemes, the site area requirements for multiple dwellings are smaller than for grouped dwellings, particularly in the higher density range.

Comment

The notion of providing density bonuses to development that satisfies certain design/efficiency criteria reflects the approach the City has long employed. The criteria have some rational basis however are likely to apply to a large number of lots and could result in significant change in some areas. There is consequently a fundamental concern that this change undermines the role of local planning strategies and schemes in establishing appropriate densities with reference to a much wider range of considerations. If the criteria are to be retained, it is recommended that, as a minimum:

- The locational requirements be modified to refer to single high frequency routes and fixed routes, rather than allowing multiple services (which are more subject to timetable change) to be collectively considered high frequency
- Criteria C1.1.3 ii b which allows lots serviced by a rear laneway be removed as a criterion.

Further consideration should also be given to ensure that dwellings subject to the density bonus are of an adequate design quality: in Fremantle, the feedback from the community on this aspect was strong, resulting in the criteria listed in the Freo Alternative. These included referral to the Design Review Panel (called Design Advisory Committee in Fremantle), reduced site cover and higher sustainability standards. Some options the WAPC might like to consider include:

- a) Increased open space requirements for *Site Category 2 and 3 development* to offset additional building bulk, particularly considering the increased building height potentially available.

- b) Including additional development requirements for *Site Category 2* relating to street interface, landscaping, internal layout, deep soil areas and sustainability/accessibility.
- c) Increasing the design standards for *Site Category 3* to include an additional minimum 1.0 star NATHERS rating and a higher proportion of dwellings to achieve Gold standard universal design.

It is noted that the objective regarding diversity relates to lot diversity to support housing diversity, with no direct controls over housing type or scale beyond a minimum dwelling size and an indirect incentive to include multiple dwellings to the rear of lots where direct street frontage is limited. These criteria omit a key element of the Freo Alternative which set a maximum dwelling size (rather than lot size) to counterbalance the market trend towards large dwellings. In other locations, the housing need may be different, demonstrating the challenge inherent in promoting housing diversity through a state-wide incentive approach. Further consideration of this and perhaps application of a more performance-based approach is recommended to ensure that the Codes can deliver on this important objective.

The Garden

The introduction of 'Garden' provisions represents a further significant change and is welcomed. Loss of green space, canopy and garden has consistently been cited as a major concern with infill, and concern with unbroken roofscape and hardstand a broader criticism of much medium density development. Some of the key changes proposed are summarised as follows:

Element	Key Provision
Primary Garden Area	- Each single house and grouped dwelling to contain a primary garden area of minimum area and dimension depending on the site area. - This primary garden area is to be located in the northern half of the site. - Multiple dwellings shall instead provide an area of 'private open space' of minimum area and dimension. There are no northern orientation requirements for private open spaces.
Deep Soil Area	- Minimum 20% of each site area and common property area are to be a 'deep soil area'. - All deep soil areas are to be suitably landscaped. - Impervious surfaces not to exceed 30% of each deep soil area.
Trees	- Requirement for a minimum number of trees incorporated into development, with associated root protection areas. - Minimum tree planting and impervious surface requirements within the street setback area of development. - Tree sizes and numbers dependant on dwelling types and parent lot sizes.

	• Concessions for deep soil area and street setbacks where a 'significant existing tree' is retained on site.
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Comment

The inclusion of a section relating to 'garden' is an important symbolic gesture. Whilst a positive step forward, further strengthening of the standards and design principles is recommended. The definition of 'primary garden area' is *an external ground floor area for single house and grouped dwellings set aside on a site for the exclusive use of the occupants of the dwelling to which it abuts* which, when considered in tandem with the retention of generous site cover criteria, and acceptance of a series of intrusions and cover over garden areas may not result in much change from the current. The increase in minimum garden / courtyard area, inclusion of a deep soils area, and requirement for installation of a tree represent much more tangible changes and improvements and are supported. However some of the detail (such as the inclusion of capacity to pave 30% of the deep soil zone, as an example) undermine these improvements and, create a less clear cut standard, and so should be reviewed.

Review of Design Principles throughout the document to ensure that they are robust is also recommended; for example the Primary Garden Area seeks sufficient space to accommodate a tree, landscaping and 'useable and functional outdoor space'. Inclusion of the word 'amenable' in this list would better capture the desired outcome.

The Building

The Building focusses on an expanded series of 'internal' design elements. Key changes and new introductions are summarised as follows. A number of changes reflect parallel requirements introduced into the Apartment Code a couple of years ago.

Element	Key Changes
Internal amenity	• Each dwelling is required to have an internal 'primary living space' of minimum dimension, and each of these living spaces shall have access to either the primary garden area or private open space. • Every habitable room has at least one external window, visible from all parts of the room, and shall have a minimum of two openings (e.g. a window and a door) to allow for cross ventilation. • The primary living space of dwellings shall have at least one major opening oriented between north and east. • Minimum internal floor areas for all dwelling types and minimum size requirements for habitable rooms. • Minimum universal design requirements for development exceeding 4 dwellings, in accordance with the Australian Liveable Housing Design Guidelines. This is supported, consistent with the City's Age Friendly City Plan and Access and Inclusion Plan

Internal Amenity	Minimum and maximum car parking requirements; developments can provide nil parking where located within “Location A” i.e. within set distances of public transport. Maximum car parking requirements apply to all garaged parking spaces, no maximums for basement and carport-style parking.
External Fixtures	Sustainability infrastructure (e.g. solar panels, batteries, rainwater tanks) and functional utilities do not need to be screened and can be located to prioritise functional performance

Comment

The greater focus on quality of living space for future residents inherent in this section is supported. Similarly, most of the key changes outlined above are broadly supported, promoting improved living spaces, and supporting a number of the City’s integrated transport, aging in place and sustainability objectives.

The inclusion of minimum dwelling sizes has been much debated in the past, being potentially inconsistent with affordability objectives and the ‘tiny homes’ movement. On consideration, inclusion of this requirement is supported to ensure liveable dwellings, based on the experiences of the eastern states, noting that a smaller dwelling can be supported under the ‘design principles’.

The parking requirements and the introduction of maximums may raise some controversy. The reduction of minimum bay numbers is consistent with the City’s Integrated Transport Strategy and criteria for parking reduction in the scheme and so is supported, though it is accepted that reduced parking provision is likely to create (or perpetuate) a mismatch between on-site provision and demand in some areas until more alternatives and modal shift is achieved across the metropolitan area. As noted previously, the inclusion of bus routes which only qualify as high frequency through combination of routes is questioned. It is further noted that maximum parking provision rates relate only to above ground garage parking: no restriction is proposed on carports, uncovered or undercroft bays, and variations to the standards may be accessed via the Design Principles. This change is consequently more symbolic, reducing parking structure dominance rather than limiting provision. Review of the carport definition is, however, necessary to contribute to the more balance allocation of land and streetscape to parking structures.

Neighbourliness

'Neighbourliness' is intended to refer to how the development sits in its context and relates to surrounding development. Key changes from the current standards are as follows:

Element	Key Changes
Building Height	'Deemed to comply' building heights for all storeys have increased by 1 metre, e.g. a two-storey dwelling with a pitched roof now is permissible up to 7 metres (wall height) and 10 metres (roof height), these are currently 6m and 9m respectively. - Clarification on method of calculation of building height for different roof forms e.g. pitched, concealed, skillion. - Increased 'deemed to comply building height in R40 to R60 to 3 storeys, and in R80 and R100 to 4 storeys.
Lot Boundary Setback	- Simplified setback calculation for lot boundary setbacks for dwellings and retaining walls. Provision for nil setback reductions for carports, patios, verandahs, similar to that proposed for lower density development, to fast track approvals for these minor structures which are commonly located close to a lot boundary - New provisions for as-of-right boundary wall height and placement. Instances where boundary walls can be proposed have been broken up into three Categories with specific design requirements
Streetscape	- Street setback simplified to basic minimum – no requirement to reference corresponding setbacks of adjacent buildings - Minimum requirements for street surveillance and frontages, including maximum garage width provisions, up to 80% width for 2 storey height or greater. The retention of surveillance requirements is supported however as is noted above, the suitability of side by side subdivision in some older areas is queried. - Street fencing provisions, introducing a new one-third visual permeability rule up to a maximum height of 1.5 metres. Higher fencing is permitted on major roads provided it is screened with landscaping
Solar Access (Overshadowing)	- Overshadowing calculation to exclude dividing fence - New provision for consideration of solar panels on adjoining properties, and maximum shadow requirements for properties 'diagonally adjacent' to a development site (i.e. in addition to shadow of properties directly south).

Visual Privacy	• For development adjoining an existing dwelling – increased ‘cone of vision’ radiuses for the assessment and setback of major openings, and alternative allowance for the ‘offsetting’ of adjacent major openings combined with provision of planters and horizontal building elements. • For development adjoining a vacant site – reduced ‘cone of vision’ radiuses for the assessment and setback of major openings. This assumed to be on the basis that the vacant site can take into account the location of windows and overlooking in its own design.
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Comment

Generally the trend in the streetscape sections is to simplify requirements, in a number of standards to a ‘lower’ deemed to comply standard. This will support the objective of facilitating medium density and may be appropriate in major new redevelopment but is likely to pose challenges for infill seeking to fit into established streetscapes, hence the concern regarding additional controls on local planning policy.

The increased clarification on building height calculation, and better accommodation of different roof forms is supported. The justification for increased 1m building height across categories is marginal but should assist in reducing instances of marginal non-compliance. The increase in building height in terms of storeys in densities over R40 is a much more significant change which raises concerns for heritage areas. In infill areas, in particular, offsetting an increase in height with an increase in open space might have supported an argument that building bulk is simply being differently (and arguably better) managed however as open space provisions remain largely unchanged, the increase in building height and removal of plot ratio controls is likely to result in more massive built form.

The ‘reduced’ boundary setbacks and garage frontage standards are similarly of concern primarily from an infill and heritage character perspective. Clearer acknowledgement of the need to vary deemed to comply criteria to retain heritage and streetscape character is recommended across the board.

Site cover standards remain unchanged from the current R-Codes. Given the concern consistently expressed with the unbroken ‘roofscape’ being created in some infill areas, the focus on better design underpinning the review, and the increased provision for building height and bulk, this is disappointing. The introduction of provision for trees in new development may assist in breaking up roofscape to some degree but is considered insufficient. Whilst consideration of affordability need to be weighed against built form outcomes, and remains an very important consideration, the prevalence of large medium density dwellings suggests that in some areas at least, the driver for higher site cover is not housing affordability, in the pure sense, so much as market demand for larger dwellings at a lower price point. This may support urban consolidation objectives to some extent, but misses many others, and should be very carefully weighed. This again represents the challenge of establishing an effective single standard to cover such a wide range of contexts, and supports some local differentiation, particularly where local community support for infill is sought.

FINANCIAL IMPLICATIONS

Update of all Local Planning Policies to align with the new Codes will require resourcing. If outsourced, this would be estimated to cost between \$30,000 to over \$100,000, depending on the extent of provision Council wishes to retain. Progressive review in-house can be accommodated at the cost of rate of progress on other priorities (e.g. scheme review, Heart of Beaconsfield, Parking Plan, Mixed Use review). However, officers would advise against reducing the prioritisation of such projects which are strategically important to the Council and the City.

LEGAL IMPLICATIONS

The R-Codes are a State Planning Policy adopted by reference into most local planning schemes.

CONSULTATION

The draft Medium Density Code is available for public comment until 16 April 2021. Further details are available on the WAPC's 'Citizen Space' page for this project at www.consultation.dplh.wa.gov.au/strategy-and-engagement/medium-density/

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority.

COMMITTEE RECOMMENDATION ITEM SPT2103-2 **(Officer's recommendation)**

Moved: Cr Andrew Sullivan Seconded: Cr Bryn Jones

Council

- 1. Approve a submission to the Western Australian Planning Commission on the revised draft State Planning Policy 7.3 'Residential Design Codes- Volume 1 – Low and Medium Density' based on the following key points:**
 - a. The challenges with facilitating quality development and genuine housing diversity under the current R-Codes, and the importance of both of these objectives is agreed.**
 - b. The introduction of a separate Medium Density Code is supported.**
 - c. The overall format, structure and broad design themes and elements of the draft Code are supported, improving public comprehensibility of the Code.**
 - d. The usability of Part 1 would be further improved if the Low Density Code were arranged in a similar manner, to improve consistency between both parts**
 - e. The provision of additional diagrams and explanatory figures throughout the document to illustrate application and inform interpretation is supported.**

- f. On balance the retention of a ‘Deemed to Comply’ pathway is supported in acknowledgement of the resource limitations available for application assessment. It is noted, however, that unless the Deemed to Comply standards are high, this approach provides limitations on the ability of the Code to achieve good design outcomes. If the approach is retained, a number of Deemed to Comply standards should be increased.**
- g. The requirement for WAPC approval of an increased proportion of local planning policies raises significant concerns with regards to local character and autonomy, and the proposed policy audit requirements also present significant resource implications for local governments. It would be more acceptable if greater acknowledgement were included in the document regarding importance of local context in formulating standards in infill locations, particularly in heritage areas, and if Heritage Area policies were exempt from the WAPC approval requirement.**
- h. The use of bonus criteria to support greater density and housing diversity in well serviced locations is supported as a broad principle however the criteria proposed are considered inappropriate, potentially undermining the role of local planning strategies and schemes in establishing appropriate densities giving regard to a wider range of considerations. If the approach is to be retained, it is recommended that:**

 - Criteria C 1.1.3 ii b (laneway access) be removed, having too wide an application and potentially resulting in too dramatic a change,**
 - the high frequency bus routes definition exclude achievement of the frequency criteria by combining multiple services**
 - further consideration be given to increasing the design standards through, for example through support from a Design Review Panel, increased garden area and increased sustainability standards, reflective of the community priorities identified by the City in its engagement on the Freo Alternative.**
 - further consideration be given to ensuring the bonuses contribute to housing diversity as distinct from lot diversity.**
- i. Further consideration should be given to the opportunity to accommodate microlots in areas not subject to a structure plan, through a specific zoning mechanism.**
- j. The references to gardens, inclusion of larger outdoor living areas, requirements for installation of trees and landscaping, and deep soil areas are strongly supported. Further review of the detail regarding the treatment of these is recommended to simplify their definition and ensure they meet their objectives.**
- k. The wording of Design Principles should be reviewed throughout to ensure that they are clear, robust and so likely to effectively facilitate desired outcomes.**
- l. The inclusion of a higher internal building design requirements is supported.**
- m. The reduction of minimum parking requirements for dwellings (particularly smaller dwellings in well serviced locations) is supported.**

- n. The inclusion of some minimum dwelling size standards is tentatively supported, based on the experiences of other cities, subject to the Design Principles offering a suitable pathway for really well designed , usable, amenable and suitably demonstrated variations.
- o. Concern is expressed over the impact of increased building height, reduced street setbacks and increased garage frontage, particularly in heritage areas. Greater acknowledgement of heritage as a design consideration and the need for local planning policy in heritage areas to supplement the Codes is requested.
- p. Open space provisions should be reviewed to make better provision for open areas to counterbalance increased height, scale and density, particularly in established areas undergoing infill. Review of the definition of open space to review the high covered area inclusions classed as open space should form part of this, to support clearer communication of intent / outcome and transparency of the planning process.
- q. Further detailed and technical suggestions as outlined in Attachment 1.

2. Note:

- a. the proposed requirement for all Local Planning Policies involving variations to most design elements of the Medium Density Code to obtain WAPC approval within 12 months of gazettal of the new Code,
- b. the requirement to review numerous existing policies this will necessitate in Fremantle and
- c. the resourcing challenge this presents in the context of other priorities and strategic planning commitments.

Carried: 7/0

Cr Frank Mofflin, Cr Andrew Sullivan, Cr Geoff Graham,
Cr Bryn Jones, Cr Adin Lang, Cr Marija Vujcic, Cr Jenny Archibald

Cr Andrew Sullivan requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Adin Lang.

Additional Officer Comment

During discussion of the item at the Strategic Planning and Transport Committee meeting on 17 March, Committee members indicated that they felt it was important to clearly emphasise the most significant issues raised by the proposed Medium Density Code when the City's submission is made to the WAPC. Officers consider this could best be done by preparing a covering statement/executive summary to accompany the City's detailed submission presented in part 1 of the Committee Recommendation and Attachment 1 to the item.

Officers also suggest that a request could be made for City representatives to meet with the Chair of the WAPC and/or senior Department of Planning staff responsible for the Medium Density Codes project to discuss key points of the City's submissions, and that the City discuss with WALGA opportunities to identify whether other local governments hold similar views to the City of Fremantle on some of these key points and if so, how they could be represented in a WALGA submission.

An amended officer's recommendation addressing these matters is presented below.

AMENDED OFFICER'S RECOMMENDATION

Council

1. Approve a submission to the Western Australian Planning Commission on the revised draft State Planning Policy 7.3 'Residential Design Codes- Volume 1 – Low and Medium Density' as follows: ~~based on the following key points:~~

1.1 The following issues are considered to be of major significance and will be highlighted in a summary statement introducing the City's submission:

- a. The challenges with facilitating quality development and genuine housing diversity under the current R-Codes, and the importance of both of these objectives is agreed. The proposed changes to the Code make some contribution to these, but are still felt to fall short of an optimum outcome, and so require further development.
- b. The requirement for WAPC approval of an increased proportion of local planning policies raises significant concerns with regards to local character and autonomy, and a recognition of regional differences. ~~and~~ The proposed policy audit requirements also present significant resource implications for local governments. ~~The proposed requirements~~ would be somewhat more acceptable if greater acknowledgement were included in the document regarding importance of local context in formulating standards in infill locations, particularly in heritage areas, and if Heritage Area policies were exempt from the WAPC approval requirement.
- c. The use of bonus criteria to support greater density and housing diversity in well serviced locations is supported as a broad principle however the criteria proposed are considered inappropriate, potentially undermining the role of local planning strategies and schemes in establishing appropriate densities giving regard to a wider range of considerations. If the approach is to be retained, it is recommended that:
 - Criteria C 1.1.3 ii b (laneway access) be removed, having too wide an application and potentially resulting in too dramatic a change,
 - the high frequency bus routes definition exclude achievement of the frequency criteria by combining multiple services
 - further consideration be given to increasing the design standards through, for example, ~~through~~ support from a Design Review Panel, increased garden area and increased sustainability standards, reflective of the community priorities identified by the City in its engagement on the Freo Alternative.
 - further consideration be given to ensuring the bonuses contribute to housing diversity as distinct from lot diversity.

1.2 Other points to be made in the City's submission are:

- a. The introduction of a separate Medium Density Code is supported.
- b. The overall format, structure and broad design themes and elements of the draft Code are supported, improving public comprehensibility of the Code.
- c. The usability of Part 1 would be further improved if the Low Density Code were arranged in a similar manner, to improve consistency between both parts
- d. The provision of additional diagrams and explanatory figures throughout the document to illustrate application and inform interpretation is supported.
- e. On balance the retention of a 'Deemed to Comply' pathway is supported in acknowledgement of the resource limitations available for application assessment. It is noted, however, that unless the Deemed to Comply standards are high, this approach provides limitations on the ability of the Code to achieve good design outcomes. If the approach is retained, a number of Deemed to Comply standards should be increased.
- f. Further consideration should be given to the opportunity to accommodate microlots in areas not subject to a structure plan, through a specific zoning mechanism.
- g. The references to gardens, inclusion of larger outdoor living areas, requirements for installation of trees and landscaping, and deep soil areas are strongly supported. Further review of the detail regarding the treatment of these is recommended to simplify their definition and ensure they meet their objectives.
- h. The wording of Design Principles should be reviewed throughout to ensure that they are clear, robust and so likely to effectively facilitate desired outcomes.
- i. The inclusion of a higher internal building design requirements is supported.
- j. The reduction of minimum parking requirements for dwellings (particularly smaller dwellings in well serviced locations) is supported.
- k. The inclusion of some minimum dwelling size standards is tentatively supported, based on the experiences of other cities, subject to the Design Principles offering a suitable pathway for really well designed , usable, amenable and suitably demonstrated variations.
- l. Concern is expressed over the impact of increased building height, reduced street setbacks and increased garage frontage, particularly in heritage areas. Greater acknowledgement of heritage as a design consideration and the need for local planning policy in heritage areas to supplement the Codes is requested.
- m. Open space provisions should be reviewed to make better provision for open areas to counterbalance increased height, scale and density, particularly in established areas undergoing infill. Review of the definition of open space to review the high covered area inclusions classed as open space should form part of this, to support clearer communication of intent / outcome and transparency of the planning process.
- n. Further detailed and technical suggestions as outlined in Attachment 1.

2. Note:

- a. the proposed requirement for all Local Planning Policies involving variations to most design elements of the Medium Density Code to obtain WAPC approval within 12 months of gazettal of the new Code,
- b. the requirement to review numerous existing policies this will necessitate in Fremantle and
- c. the resourcing challenge this presents in the context of other priorities and strategic planning commitments.

3. Note the following additional proposed actions by officers in relation to the City's submission:

- a. Submission of a request to the WAPC for City representatives to meet with the Chair of the WAPC and/or senior Department of Planning staff responsible for the Medium Density Codes project to discuss key points of the City's submission.
- b. Discussion with the Western Australian Local Government Association (WALGA) regarding opportunities to identify whether other local governments hold similar views to the City of Fremantle on some of the key points in 1 above and if so, how they could be represented in a WALGA submission.

SPT2103-3 CAT BUS REVIEW 2020/21 AND FINDINGS

Meeting date:	17 March 2021
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Central Area Transit (CAT) Review 20/21 report
Additional information:	1. CAT Bus Routes

SUMMARY

In June 2020, in response to the impacts of COVID-19, Council resolved on a temporary suspension of the Red CAT bus and a reduction in service of the Blue CAT bus service for 12 months, and requested that a review of the service be undertaken. Council specified the parameters of the review and provided supplementary direction in considering an update report on the review in September 2020.

This report considers the findings of the review and, in summary, recommends that Council:

- 1. Reaffirm the value and strategic alignment of the service.**
- 2. Note the conclusions of the review.**
- 3. Acknowledge that the opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.**
- 4. Continue the current suspension / reduced service level for a further financial year whilst:**
 - consultation occurs with landowners within 400m of the service routes regarding their preparedness to contribute through a Specified Area Rate a proportion (between 10 and 25%) of the City's cost of the service; and**
 - Council further considers its budget priorities;****with a view to reintroducing either the full (pre-June 2020) service or a reduced frequency (15-20 minute) service on both Blue and Red CAT routes under a renewed agreement with the PTA in 22/23.**

BACKGROUND

A Central Area Transit (CAT) bus service (or variation of it) has operated in Fremantle since 2000. The service has been periodically reviewed and has evolved over time to the current two CAT routes shown in Additional Information attachment 1. The service operates under a contractual agreement between the City of Fremantle and the Public Transport Authority (PTA), which expires on 31 October 2022.

In response to the significant social and economic disruption of the COVID-19 pandemic on the CAT service and City income, Council considered a temporary reduction of the CAT bus service and in June 2020 resolved as follows.

- 1. Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:*

- a. Cease operation of the Red CAT service; and
 - b. Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes) for a period of up to 12 months, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) as a matter of urgency.
2. Council acknowledges the high level of patronage the Fremantle CAT buses have enjoyed and the importance of the service to a broad cross-section of the community. Subject to a more equitable and sustainable funding model, the Council would prefer the services to be retained in some form.
3. Council requires the Chief Executive Officer (CEO) to conduct an internal review of the CAT bus service during the 2020/21 financial year, in consultation with the service providers, the Chamber of Commerce, the Destination Marketing Working Group, major local attractions and the State Government, to consider appropriate level of service or alternative operational and funding models. The review is to include consideration of the following matters and actions with relevant stakeholder input and community consultation:
 - a. request the State government to look more favourably at funding the bulk of the Fremantle CAT services;
 - b. request the Minister for Transport to agree to a variation to the funding split.
 - c. request the Minister for Tourism to seek State assistance to provide this essential service to tourists;
 - d. request the Minister for Education and UNDA to work with the City to explore funding mechanisms that will enable the service to be available to their students;
 - e. prioritise parking investigations in areas serviced by the CATs with the aim of generating additional funding mechanisms for these services.
 - f. explore modifying the routes so the service is more cost effective, and to increase the catchments served.
 - g. liaise with the PTA to explore the option of converting the Fremantle CAT services to a low-cost, high frequency shuttle service;
 - h. investigate alternative funding models to generate revenues for area specific services, including the option to establish special area rates.
 - i. consider appropriate level of service or alternative operational and funding models, including a free transit zone. (C2006-8)

Council considered a subsequent report on the progress of the review on 23 September 2020 and resolved as follows:

Council:

1. *Notes the progress of the CAT review and proposed project approach.*
2. *Endorses concurrent investigation of two distinct types of service options as set out below in the next stage of the review process:*
 - a. *A service broadly based on the features of the current CAT service focused on maximising access to residents and visitors to key destinations and services in Fremantle. Secondary objectives are to:*
 - i. *To support the economic vitality and functionality of Fremantle businesses.*
 - ii. *Reduce traffic congestion in the Fremantle City Centre.*
 - iii. *Encourage use of public transport.*
 - iv. *Support a peripheral car parking model.*
 - b. *A Free Transit Zone model of service giving wider access to any service user within the City of Fremantle boundary. (SPT2009-4)*

The purpose of this report is to consider the findings of this investigation.

The CAT bus contributes directly to the Council's transport objectives, and indirectly to a number of its economic, social and place-based objectives. A review of the service provides the opportunity for Council to evaluate the CAT bus services' contribution towards these objectives in the context of its Capability objectives.

OFFICER COMMENT

The review document (provided in Attachment 1) outlines:

1. Background and current service
2. Previous reviews and their findings
3. Current bus services and gap analysis
4. Benchmark comparison with other similar services in the metropolitan area
5. Route efficiencies and options
6. Other service options (including a Free Transit Zone)
7. Funding options
8. Conclusions

In preparing the report, the City liaised with the following organisations:

1. Public Transport Authority (PTA)
2. Department of Education, and local schools
3. Notre Dame University
4. Chamber of Commerce
5. Destination Marketing Working Group
6. Town of East Fremantle.

The City also corresponded with Tourism WA, and has previously consulted with the City of Cockburn.

The City attended and provided an update on the review to the South Fremantle Precinct Group on 15 December 2020.

In summary, the review has concluded that:

1. The current CAT service has evolved over time to provide a valuable and well patronised local area transit. It serves both existing residential areas in the city centre and South Fremantle, emerging residential areas to the north east of the city centre, and key commercial and visitor/tourist destinations.
2. Increasing catchments and routes results in an increase in cost, which is undesirable in the current financial context.
3. Reducing the route provides cost saving opportunities but result in a reduction in service to residents and businesses, inconsistent with the primary objective of the service identified by Council in September 2020.
4. The current route represents, all factors considered, the most efficient available within the current cost.
5. Additional external funding for the CAT service is highly unlikely within the foreseeable future.
6. Some modest revenue generation may be achievable through introduction of fees to currently free parking on the CAT routes along Ord Street and Marine Terrace.
7. The most feasible modified funding source could be a Specified Area Rate but is untested for community interest at this time, and introduces administrative complexities.
8. Maintenance of the current CAT service is desirable and aligns with Council's strategic objectives but must be weighed against other priorities (also contributing to Council's goals) and opportunity cost.
9. It is challenging to robustly measure the contribution of any given service option towards various strategic objectives because of the absence of data on patron profile and preference. Collection of further data remains a high priority.

The review report is provided for Council's consideration. There are an extensive range of options available and some complex considerations, making selection of the most appropriate option challenging, and somewhat subjective. Based on the assessment of options undertaken to date, and the direction Council has established to guide the review, it is suggested that Council:

1. Reaffirm the desirability of a CAT service as an add-on service to that provided by the state through the PTA, and its alignment with various strategic objectives including:
 - 1.1. Supporting investment, increased residential and commercial populations and increased visitation
 - 1.2. Enabling more sustainable movement and transport options (with associated reduction in emissions)
 - 1.3. Supportive active and public transport use
 - 1.4. Improved peripheral parking opportunities
 - 1.5. Improved urban environment, amenity and 'liveability'
 - 1.6. Social inclusion opportunities
2. Note the conclusions that:
 - 2.1. The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.
 - 2.2. Options involving an increased cost should be put aside as unfeasible at this time.
 - 2.3. Additional external (third party) funding is unlikely to become available within the foreseeable future.

- 2.4. The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.
3. Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID continues, request a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20minutes) of the Blue CAT for a further financial year whilst:
 - 3.1. Engagement occurs with landowners within 400m of the CAT route with regards to their appetite to contribute a proportion (between 10% and 25% of the City's costs) towards the running of the CAT with a view to determining whether reintroduction of the original service can be accommodated the following financial year. Commercial landowners already paying a Specified Area Rate be excluded from this in recognition of current economic challenges and in support of Recovery strategies.
 - 3.2. Further investigation occur regarding patronage profile.
4. Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of a new multi-year agreement between the City and the PTA.
5. Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:
 - 5.1. Return to full service: at an estimated cost of \$670,000p/a.
 - 5.2. Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.
6. Note that a further option to maintain the more popular Blue CAT service only (\$450,000p/a) is not recommended due to its inconsistency with Council's direction to focus on services broadly aligned with the pre-2020 service, and its reduced strategic alignment (providing lesser support for a peripheral parking model, connection of key destinations, social inclusion and service for strategic development sites).
7. Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.
8. Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.
9. Request that officers provide a community and stakeholder update on the status of the review and continue to liaise with the Public Transport Authority regarding management of the service agreement in accordance with Council's resolution.

FINANCIAL IMPLICATIONS

The current (excluding temporary COVID-related service reduction) cost of the CAT bus service is \$1.1 million with the City's (60%) contribution to this being approximately \$670,000 p/a.

Operation of a Blue and Red CAT service both at a frequency of 15 to 20 minute intervals would reduce the City's contribution to \$535,000 p/a.

The introduction of a Specified Area Rate equal to 10-25% of City's contribution would generate between \$67,000 and \$167,500p/a.

LEGAL IMPLICATIONS

The CAT bus service operates under agreement with the PTA: changes to service will require its agreement. The current agreement expires in September 2022 and continuation of the service beyond that date will require renegotiation and a new agreement.

The introduction of Specified Area Rating “for the purpose of meeting the cost of the provision by it of a specific work, service or facility” is provided for under CI 6.37 of the *Local Government Act 1995*.

CONSULTATION

The City has consulted with the following key agencies in this review of the CAT bus service:

- PTA
- Department of Education and local schools (John Curtin, CBC)
- Notre Dame University
- Chamber of Commerce
- Destination Marketing Working Group
- Tourism WA
- Town of East Fremantle

All parties support the operation of the service, but no further funding opportunities were identified.

Consultation informing residents of the preliminary conclusions of the review and seeking feedback on the recommended approach (specifically the potential to introduce a Specified Area Rate to support continued funding of the service) is recommended.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COMMITTEE RECOMMENDATION ITEM SPT2103-3 **(Officer’s recommendation)**

Moved: Cr Geoff Graham Seconded: Cr Bryn Jones

Council

- 1. Reaffirm the desirability of a CAT service as an add-on bus service to that provided by the state through the PTA, and its alignment with various strategic objectives including:**
 - 1.1. Supporting investment, increased residential and commercial populations and increased visitation**
 - 1.2. Enabling more sustainable movement and transport options (with associated reduction in emissions)**

- 1.3. Supportive active and public transport use
 - 1.4. Improved peripheral parking opportunities
 - 1.5. Improved urban environment, amenity and liveability
 - 1.6. Social inclusion opportunities.
2. Note the following conclusions of the Central Area Transit (CAT) Review 20/21 report provided as Attachment 1 to this item:
 - 2.1. The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.
 - 2.2. Options involving an increased cost should be put aside as unfeasible at this time.
 - 2.3. Additional external (third party) funding is unlikely to become available within the foreseeable future.
 - 2.4. The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.
3. Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID-19 is continuing into 2021/22, authorise the Chief Executive Officer to request the PTA to agree to a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20 minutes) of the Blue CAT to the end of the 2021/22 financial year whilst:
 - 3.1. Engagement occurs with landowners within 400m of the CAT route with regards to their appetite to contribute a proportion (proposed: 10% - 25% of the City's costs) towards the running of the CAT with a view to determining whether reintroduction of the original service can be accommodated the following financial year. Commercial landowners already paying a Specified Area Rate be excluded from this in recognition of current economic challenges and in support of Recovery strategies.
 - 3.2. Further investigation occur regarding patronage profile.
4. Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of new multi-year service agreement between the City and the PTA.
5. Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:
 - 5.1. Return to full service: at an estimated cost of \$670,000p/a.
 - 5.2. Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.
6. Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.

- 7. Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.**
- 8. Note that officers intend to provide a community and stakeholder update on the status of the review.**

Carried: 7/0

**Cr Frank Mofflin, Cr Andrew Sullivan, Cr Geoff Graham,
Cr Bryn Jones, Cr Adin Lang, Cr Marija Vujcic, Cr Jenny Archibald**

Additional Officer's Comment

During discussion of the item at the Strategic Planning and Transport Committee meeting on 17 March, Committee members indicated some reservations about consideration of and community engagement on a potential Specified Area Rate in the absence of better data on bus patronage. The importance of obtaining improved data before making a final decision was also flagged.

An amended officer's recommendation addressing these matters is presented below.

Amended Officer's Recommendation

Council

- 1. Reaffirm the desirability of a CAT service as an add-on bus service to that provided by the state through the PTA, and its alignment with various strategic objectives including:**
 - 1.1. Supporting investment, increased residential and commercial populations and increased visitation**
 - 1.2. Enabling more sustainable movement and transport options (with associated reduction in emissions)**
 - 1.3. Supportive active and public transport use**
 - 1.4. Improved peripheral parking opportunities**
 - 1.5. Improved urban environment, amenity and liveability**
 - 1.6. Social inclusion opportunities.**
- 2. Note the following conclusions of the Central Area Transit (CAT) Review 20/21 report provided as Attachment 1 to this item:**
 - 2.1. The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.**
 - 2.2. Options involving an increased cost should be put aside as unfeasible at this time.**
 - 2.3. Additional external (third party) funding is unlikely to become available within the foreseeable future.**

- 2.4. The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.
3. Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID-19 is continuing into 2021/22, authorise the Chief Executive Officer to request the PTA to agree to a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20 minutes) of the Blue CAT to the end of the 2021/22 financial year. ~~whilst:~~
 - ~~3.1. Engagement occurs with landowners within 400m of the CAT route with regards to their appetite to contribute a proportion (proposed: 10% – 25% of the City's costs) towards the running of the CAT with a view to determining whether reintroduction of the original service can be accommodated the following financial year. Commercial landowners already paying a Specified Area Rate be excluded from this in recognition of current economic challenges and in support of Recovery strategies.~~
 - ~~3.2. Further investigation occur regarding patronage profile.~~
4. During the extended period of reduced CAT service operation referred to in 3 above, request officers to:
 - 4.1 Further investigate and obtain data regarding patronage profile and, based on this,
 - 4.2 Prepare a further report on opportunities for Specified Area Rate contributions towards the cost of running the CAT from landowners within 400m of the CAT route for Council's consideration.
- ~~4.~~ 5. Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of new multi-year service agreement between the City and the PTA.
- ~~5.~~ 6. Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:
 - ~~5.1~~ 6.1 Return to full service: at an estimated cost of \$670,000p/a.
 - ~~5.2~~ 6.2 Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.
- ~~6.~~ 7. Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.
- ~~7.~~ 8. Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.
- ~~8.~~ 9. Note that officers intend to provide a community and stakeholder update on the status of the review.

**SPT2103-4 REVIEW OF LOCAL PLANNING POLICY 1.3 – PUBLIC
NOTIFICATION OF PLANNING PROPOSALS –REVISED POLICY**

Meeting Date:	17 March 2021
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Revised Local Planning Policy 1.3 – ‘Community Consultation on Planning Proposals’
Additional Information:	1. Current Local Planning Policy 1.3 – ‘Public Notification of Planning Proposals’ 2. Planning Reform Fact Sheet – ‘Improved Consultation Practices’ 3. Revised Sign on Site Templates for Complex & Standard Applications

SUMMARY

The City’s *Local Planning Policy 1.3 – Public Notification of Planning Proposals* (LPP 1.3) was prepared in 2008 and outlines how the City will undertake consultation on various planning proposals, with a particular focus on development applications. The policy aims to provide for greater transparency and consistency in respect to consultation processes for planning applications.

A review has been undertaken to:

1. Align the policy to recent modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* which introduce new standards for consultation.
2. Incorporate some minor improvements to wording and approach, including:
 - a. More legible structure and use of plain English (including in the title)
 - b. Some greater flexibility on when Public Information Sessions are held
 - c. Some greater clarity on R-Code consultation
 - d. Introduction of a new standard for on-site signage for applications incorporating an image for significant applications.

The report recommends adoption of a revised policy. Consultation on the revisions is considered unnecessary given that the Regulation alignments are mandatory and the other modifications are considered minor.

BACKGROUND

On 26 February 2020, Council considered a report on the status of the City’s local planning scheme. This identified (amongst other things) that the City currently has close to 100 local planning policies which cover numerous matters relating to planning and development of land within the Fremantle municipality. A number are quite dated. The scheme review report concluded that the City’s planning scheme is satisfactory in its existing form, but should be maintained based on an agreed program of projects including “*periodic / recurrent / ongoing policy review for the purpose of rationalising the policy framework*” (SPT2002-4).

Following introduction of changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* to standardise many statutory consultation processes (refer

Additional Information attachment 1), review of the Local Planning Policy 1.3 - Public Notification of Planning Proposals (LPP 1.3) has been prioritised.

Current Policy

LPP 1.3 (refer Additional Information attachment 1) was originally adopted by Council in May 2008 as an amalgamation of two older Council policies from the 1990s, and has seen a number of minor amendments since that time. The policy provides a consolidated outline of how the City will undertake 'public notification' (i.e. consultation) on statutory planning proposals, namely:

- Development applications;
- Structure plans;
- Scheme amendments;
- Local development plans (LDPs);
- Local planning policies (LPPs); and
- Subdivisions creating more than twenty (20) lots; only where such a proposal has not previously been advertised as part of a scheme amendment, structure plan or local development plan.

The approach and content of the policy has generally been seen as effective, and has been replicated by a number of other local governments throughout the Perth metropolitan area.

Planning Regulations

Consultation processes for many statutory planning proposals are defined in planning legislation (principally the *Planning and Development (Local Planning Schemes) Regulations 2015*- 'the Regulations'). These processes have traditionally been defined as minimum requirements, with the City's LPP1.3 clarifying and expanding on these. As part of the state government's planning reform agenda, a number of changes to the planning framework are being introduced to streamline approval processes, improve comprehensibility and increase consistency. This includes, amongst others, changes to the Regulations to:

- provide greater detail on consultation processes to be followed for some application types;
- create a distinction between 'standard' and 'complex' development applications (which the City's LPP 1.3 already had);
- remove the automatic requirement for proposals to be physically displayed for review or advertised in local newspapers;
- require display on local government websites; and
- state many consultation processes and timeframes as fixed (not minimums) unless otherwise approved by the WAPC. (refer Additional Information attachment 2 for state government Fact Sheet)

Update of LPP1.3 to reflect these changes to the Regulations is necessary, as the Regulations prevail over the policy.

The opportunity has also been taken to update some other aspects of the policy to increase clarity and efficacy. Further improvements and refinements may be necessary and / or desirable over time (particularly if further changes to the R-Code consultation process eventuate) however given the rate of change, and attention on consultation, an immediate (if interim) update to the policy is considered preferable to delay.

The review contributes to the Council's governance objectives relating to transparency, consultation, access to information and clarification of frameworks, and forms part of its scheme review program.

OFFICER COMMENT

The key issues identified and proposed modifications to the policy proposed in response are summarised as follows:

ISSUE	PROPOSED MODIFICATION
Name The current policy name references the statutory planning terminology rather than using 'plain English'	Update name (and content to some degree) to apply a more 'plain English' approach.
Structure & Legibility The current policy is focussed around a summary table with extensive footnotes on how this is to be interpreted. This can be confusing.	Slight restructure to outline processes by generic requirement then application type is proposed to make it easier to understand.
Scope & Detail The current policy focusses on development applications (being the most common type) in much greater levels of detail than for other application types	Provide additional detail on other application types (whilst avoiding excessive duplication)
The current policy does not explain how it interrelates with Council's general 'Community Engagement' policy	Provide additional information on this
The current policy does not clearly explain how it interrelates with the Regulations	Provide additional information on this, and the limitations it places on the City
Regulation Modifications The current policy requires update to align with the modified Regulations to: • Change term 'Significant' application to 'Complex' application • Update timeframes • Reflect consultation radii for notice to nearby landowners	Update policy accordingly
Structure Plan / Local Development Plan Delineation The current policy applies the same consultation requirements to Local Development Plans as it does to Structure Plans	Amend policy to detail separate engagement methodologies with more extensive requirements for Structure Plans, consistent with their differing roles and the direction provided in the Regulations
R-Code Consultation	Include some further detail on R-Code consultation

The current policy provides little explanation of the R-Code consultation requirements as distinct from other applications requiring consultation under the scheme. This creates a conflict with the R-Codes and can be confusing	
Neighbour Sign Off The policy allows for a “neighbour sign off” to be provided for one R-Code variation only. Applicants commonly seek to have neighbours sign-off on multiple variations to waive the required 14-day consultation period.	Allowance for more than one neighbour sign off to be provided by an applicant for a development application as long as neighbours are consulted in accordance with the requirements of the policy.
Information Sessions There is a common misconception from the public that “Community Information Sessions” on a planning proposal will involve formal ‘town hall style’ presentations from City officers as opposed to the more informal and contemporary drop in session.	Rename to ‘Talk to a Planner’ (information) sessions to reinforce the fact that they are flexible and informal, provide the opportunity for members of the public to discuss a proposal face to face with City officers. The naming also reflects the ability for participants to attend the session at a time of their choosing.
In person Community Information Sessions not an ideal method for some proposals (e.g. smaller strategic proposals) – which often result in very low to nil attendance, representing a waste of resources	Make sessions 'optional' for some planning proposals (instead of mandatory).
Preliminary Consultation There is ambiguity as to when the City should undertake preliminary community consultation on a planning scheme amendment (before formal initiation)	Define clearer criteria regarding when the City will undertake preliminary community consultation on planning scheme amendments (referencing the three ‘categories’ of amendment defined in the Regulations)

Given that the updates represent a combination of mandatory changes (i.e. as stipulated by the Regulations) or minor updates only, consultation on the revisions is considered unnecessary.

Updates to the on-site signage template to advertise proposals has also been undertaken concurrent with the review, to reflect the new ‘Manner and Forms’ for consultation signage provided by the Department of Planning Lands and Heritage, and to make signage more visually appealing – refer Additional Information attachment 3. Inclusion of an image on Complex proposals will be required given the better communication this will provide and the relative simplicity of this offered by modern digital print technology. The quoted price for a full colour aluminium backed sign with illustration is only slightly higher than for those within an image at \$295.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The 'deemed provisions' of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 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.*".

The *Planning and Development Act 2005*, the *Planning and Development (Local Planning Scheme) Regulations 2015* and the Scheme all incorporate consultation requirements with which the policy must align (with some limited opportunity for expansion).

CONSULTATION

The Schedule 2 'deemed provisions' of the *Planning and Development (Local Planning Scheme) Regulations 2015* state that public comment should be invited on new or amended local planning policies except where the amendment is minor (CI 5 (2)).

COMMITTEE RECOMMENDATION ITEM SPT2103-4 **(Officer's recommendation)**

Moved: Cr Geoff Graham

Seconded: Cr Bryn Jones

Council:

- (a) adopt the amended version of Local Planning Policy 1.3 – Community Consultation on Planning Proposals provided in Attachment 1 to this report and,**
- (b) pursuant to Clause 5 (2) of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations, determine that the amendments to the policy are minor.**

Carried: 7/0

**Cr Frank Mofflin, Cr Sam Wainwright, Cr Geoff Graham,
Cr Bryn Jones, Cr Adin Lang, Cr Marija Vujcic, Cr Jenny Archibald**

**SPT2103-5 PROPOSED SCHEME AMENDMENT NO. 82 - LAND USE AMENDMENT
- OUTCOMES OF ADVERTISING AND FINAL ADOPTION –
(SCA0001/20)**

SUMMARY

The City has undertaken community consultation on a proposed complex scheme amendment (No. 82) to Local Planning Scheme No. 4 (LPS4). The amendment seeks to:

- Reduce the inconsistencies between the City's land use definitions within Local Planning Scheme No. 4 (LPS4) and the State's model scheme provisions.
- Introduce land uses proposed in several Western Australian Planning Commission (WAPC) position statements that would be of benefit to the City but are not yet in the model provisions.
- Introduce two definitions for particular land uses requiring greater management (namely drive through food outlets and large format digital signs) but which do not have an acceptable equivalent within the model provisions or existing WAPC position statements.
- Create and/or modify the land use permissibility table and parking requirements for the new and modified land uses mentioned above.

Community consultation on the amendment was undertaken from 9 December 2020 to 9 February 2021, during which period one public submission was received, in support.

It is recommended that the amendment proposal be approved by Council and referred to the Western Australian Planning Commission with a recommendation for final approval by the Minister for Planning.

BACKGROUND

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

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations):

- Outline the procedures for making and amending schemes, including a requirement for local governments to submit a review of any operational local schemes by a set date.
- Create a set of *Deemed provisions* for local planning schemes, meaning that a number of standard provisions were effectively made a part of all local government planning schemes to promote uniformity across local government schemes.
- Outline a set of *Model provisions*, including land use definitions, intended to be adopted by local governments when creating or amending schemes, to further increase alignment over time.

A review of the City's planning scheme adopted by Council in February 2020 and later endorsed by the Western Australian Planning Commission (WAPC) recommended a series of updates to the scheme including, in the short term, review and alignment of land use definitions with Model Scheme Text (refer SPT2002-4).

The subject amendment (No. 82) addresses this recommendation, rationalising the City's land use definitions and aligning with the Deemed and Model provisions, and amending the land use and car parking tables to incorporate these new or amended uses. It also seeks to introduce new (refined) land use definitions for 'Drive-through food outlet' and 'Large digital signage'; both of these proposal types have posed some significant, complex and administratively costly planning challenges to the City in the past which could be better managed by recognising them as specific land use classes, distinct from the more generic and much lower impact 'Fast food outlet / lunch bar' (which can include a sandwich shop or a juice bar) and smaller scale and non-digital signage, and so managing their location more particularly. This will assist in streamlining the planning process for the more routine, low impact forms of development and allowing the appropriate focus on and management of the more significant.

The amendment was initiated by the Strategic Planning and Transport Committee on 16 September 2020, and consequently processed and advertised in accordance with the Regulations. For further detail, refer to the original 16 September 2020 SPT report (SPT2009-2).

The purpose of this report is to consider submissions received during the consultation period and determine the recommendation to be made to the Western Australian Planning Commission.

The maintenance of town planning instruments contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

OFFICER COMMENT

The City undertook public consultation for 60 days as required for a complex scheme amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3.

The proposal was advertised from 9 December 2020 to 9 February 2021, during which time one submission was received (refer Schedule of Submissions Attachment 1). The submission was in support of introducing clearer controls for large format digital advertising signs.

Final approval and referral of the Amendment is consequently recommended, incorporating a couple of minor administrative corrections identified by the Department of Planning, Lands and Heritage prior to advertising to remove a duplication of land use definition, and an omitted word in one reference to a land use name.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for a scheme amendment is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

CONSULTATION

Consultation on the Amendment has been carried out in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.3, as outlined in the report.

The Amendment was referred to the Environmental Protection Authority (EPA) prior to advertising: the EPA resolved not to assess the proposal and advised that it had no comment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION SPT2103-5 **(Officer's recommendation)**

Moved: Cr Bryn Jones

Seconded: Cr Frank Mofflin

Council:

- 1. Note the submission received on Amendment 82 to Local Planning Scheme No.4 as outlined in the Schedule of Submissions provided in Attachment 1.**
- 2. Resolve pursuant to regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 to adopt Amendment 82 to the City of Fremantle Local Planning Scheme No. 4 as shown in Attachment 2.**
- 3. Authorise the Mayor and the Chief Executive Officer to execute and affix the common seal of the City of Fremantle to the Amendment No. 82 to Local Planning Scheme No. 4 documentation as referred to in (2) above.**
- 4. Refer the executed Amendment No. 82 to Local Planning Scheme No. 4 documentation to the Western Australian Planning Commission with a request that the Minister for Planning grant it final approval**

Carried: 7/0

**Cr Andrew Sullivan, Cr Frank Mofflin, Cr Geoff Graham,
Cr Bryn Jones, Cr Adin Lang, Cr Marija Vujcic, Cr Jenny Archibald**

**SPT2103-6 NOTICE OF MOTION – REVIEW OF TAXI RANK/LOADING ZONE -
FREMANTLE MARKETS – SOUTH TERRACE, FREMANTLE – CR
ADIN LANG**

Meeting date: 17 March 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil
Additional information: Nil

ELECTED MEMBER SUMMARY

The Fremantle Markets are investigating opportunities and options for extending al fresco dining on South Terrace. The current mix of taxi rank, loading zone and bus stop makes this practically impossible. There may be an opportunity to rationalise the kerbside uses along this section of South Terrace to improve the serviceability of the City as well as facilitate al fresco dining.

The current loading zone is almost exclusively used by the markets – who confirm they would be happy for this to be removed. The taxi rank could be made available at another location in the CBD. The preference would be to keep the bus stop as close to existing location as possible.

A review of these uses and locations may result in a better overall outcome for the City.

OFFICER COMMENT

The scope of this review should be focussed to investigate what improvements can be made along this short section of street in a relatively short time period. It will also need to be broad enough to ensure that any existing problems are not simply moved to another location. The review could include, but not be limited to, the following:

- Data on current usage of existing kerbside facilities (loading, taxis and bus).
- Options for removing / relocating loading zone.
- Options for taxi rank to operate in the evening but not during the day.
- Options for the taxi rank to be removed / relocated.
- Collaboration with Public Transport Authority regarding improved locations of bus stops in light of the Markets, Hospital and future police station serviceability.
- Opportunities for increased al fresco dining space.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM SPT2103-6
(Officer's recommendation)

Moved: Cr Adin Lang Seconded: Cr Bryn Jones

ELECTED MEMBER MOTION

Council:

- 1. Requests officers undertake a review of the current location of the taxi rank and loading bay located outside Fremantle Markets on South Terrace to enable better pedestrian access, traffic flow and the option for Market traders to trade 7 days and utilise outdoor space as alfresco.**
- 2. As part of this review, and in the interests of future planning for the new WAPOL station on South Terrace, officers to review the location of the two bus stops: 1) outside the Markets and 2) adjacent to the Hospital.**
- 3. Request a further report that presents the findings of the review and potential options to be presented to Council not later than 31 July 2021.**

Carried: 7/0

**Cr Frank Mofflin, Cr Andrew Sullivan, Cr Geoff Graham,
Cr Bryn Jones, Cr Adin Lang, Cr Marija Vujcic, Cr Jenny Archibald**

12. From Previous Ordinary Council Meeting

C2102-3 SCHEDULE OF PAYMENTS JANUARY 2021

Meeting date:	27 February 2021
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	Schedule of payments and listing Purchase Card Transactions <i>Attachments viewed electronically</i>
Additional information:	Nil

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 2021, 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 2021, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$9,171,572.37 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 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$7,285,869.95
Purchase card transactions	\$27,708.46
Salary / Wages / Superannuation	\$1,857,993.96
Other payments (<i>as outlined in Attachment 1</i>)	\$0.00
Total	\$9,171,572.37

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending January 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Andrew Sullivan

Seconded: Cr Doug Thompson

Council:

- Accept the list of payments made under delegated authority, totalling \$9,171,572.37 for the month ending January 2021, as contained within Attachment 1.
- Accept the detailed transaction listing of credit card expenditure, for the month ending January 2021, as contained within Attachment 2.

PROCEDURAL MOTION

The following procedural motion was moved:

COUNCIL DECISION ITEM C2102-3

Moved: Cr Frank Mofflin

Seconded: Cr Marija Vujcic

The item be referred to the next Council meeting to enable sufficient time to review Attachment 1 and Attachment 2.

Carried: 11/1

For

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

Against

Cr Geoff Graham

Reason for change:

Due to an administrative error, the schedule of payment attachments were not available for viewing until the day of the meeting, therefore a procedural motion was moved to refer the item to the next Council meeting, to enable councillors sufficient time to review the attachments prior to approval.

12.1 Reports and Recommendations From Officers

C2103-1 MONTHLY FINANCIAL REPORT - FEBRUARY 2021

Meeting date: 24 March 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 28 February 2021
Additional information: Nil

SUMMARY

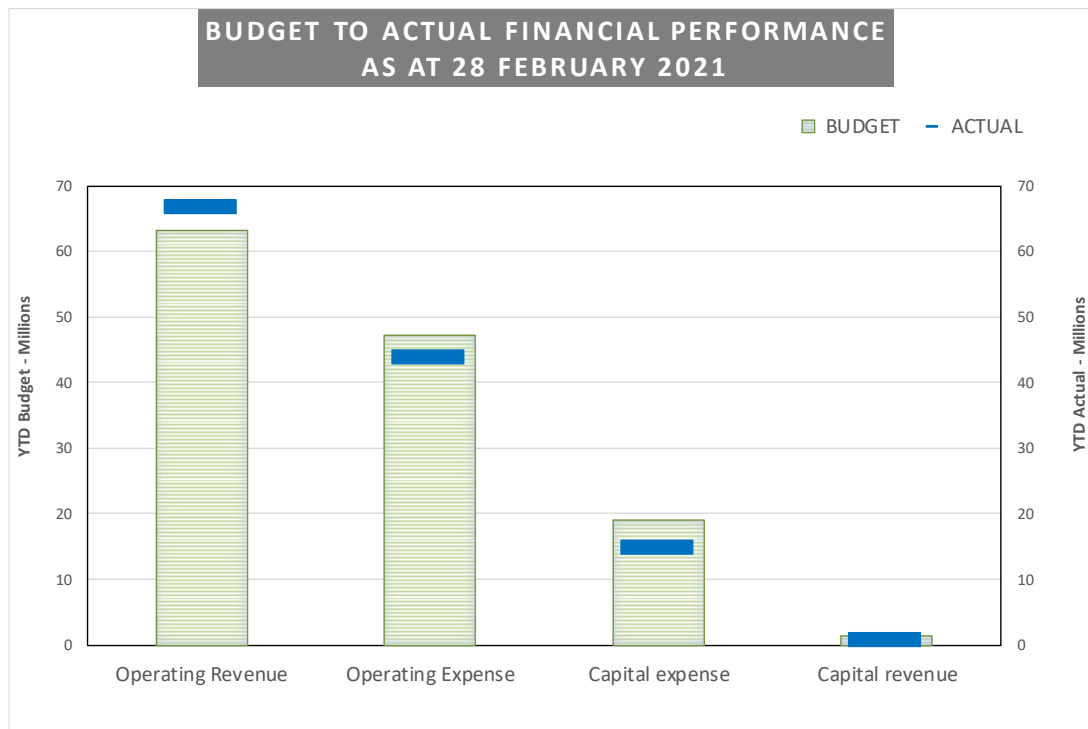
The monthly financial report for the period ending 28 February 2021 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

This report provides an analysis of financial performance for February 2021 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 graph and table provide a high-level summary of Council's year to date financial performance as at 28 February 2021.



Description	YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance % %	+/-
Opening Surplus	2.03	3.56	1.53	75.78%	
OPERATING					
Rate Revenue	46.99	48.36	1.37	2.92%	
Revenue	16.14	18.38	2.24	13.85%	
Expenses	(47.24)	(43.92)	3.32	7.04%	
Non-Cash Adj.	4.82	5.15	0.33		
	20.71	27.97	7.26	35.06%	
CAPITAL					
Revenue	1.30	0.85	(0.45)	(34.86%)	
Expenses	(18.99)	(14.82)	4.17	21.91%	
Financing	(1.53)	(1.74)	(0.21)	(13.91%)	
Reserve Transfers	15.44	12.48	(2.96)	(19.17%)	
	(3.78)	(3.23)	0.55	(14.10%)	
Closing Surplus	18.96	28.30	9.34	49.25%	

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

Income	Variance	
Fees and Charges	2,289,692	
Rates (including Annual Levy)	1,385,254	
Reimbursement Income	(267,676)	
Other Revenue	225,426	
Other Operating Income Items	(24,129)	
Total Operating Income	3,608,567	
Expenses	Variance	
Employee Costs	1,704,779	
Materials and Contracts	1,859,682	
Depreciation Expenditure	(309,645)	
Other Operating Expense Items	70,281	
Total Operating Expenses	3,325,097	

Further explanation of material variances, except rates income and employee variance, is included under officers' comments.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 28 February 2021 resulted in an additional \$9,340,173 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

Reduction in anticipated year to date position

- Reduction of net transfer to/from reserve of (\$2,960,642)
- Reduction of capital revenue of (\$452,998)

Increase in anticipated year to date position

- Increased general rates income of \$1,373,425
- Increased carried forward surplus from 2019/20 of \$1,535,883
- Increased operating revenue (excluding general rates) of \$2,235,142
- Underspending of operating expenditure to date of \$3,325,097
- Underspending of capital expenditure to date of \$4,160,372

It should be noted that processing of 30 June 2020 is still occurring as part of finalising end of financial year which will change the end of year surplus for 2019-20 financial year.

Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2020-2021 for reporting material variances as 10% or \$100,000, whichever is greater (Item SC2007-2 refers Council meeting on 8 July 2020).

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

Description	Variance Amount	Comment
Fees and Charges	2,289,692	 19%
Major Variances:		
Operate on street paid parking	208,080	Total street paid parking revenue is expected to meet estimated budget at year end. Currently showing additional as the budget assumed 50% to 70% of previous year level during July to September then reaching 100% from October onwards. Actual revenue

		greater than expected for July to September but have not reached 100% of prior year's level from October.
Operate car park 12A and 12B beach Street Fremantle	40,729	An increase of revenue has been submitted for mid-year budget review for these carparks. The revenue budget assumed 50% to 70% of previous year level during July to September then reaching 100% from October onwards. COVID recovery has been earlier than anticipated.
Operate car park cappuccino strip	103,558	
Lease Union Store 41-47 High Street Fremantle - Tenant Recovery	127,111	The budget for this year assumed minimal income for these tenants. The current variance is due to invoicing for rent continues to occur. These invoices will be reviewed against the Commercial Tenancies (COVID-19 Response) Act 2020 for the provision of rent relief and adjustments to be processed.
Lease Port Beach Restaurant 42 Port Beach Road North Fremantle	66,606	
Lease Evan Davies Building 13 South Terrace Fremantle - Tena	259,003	
Lease Investment Trust Old Fire Station 20 Phillimore Street	54,845	
Lease 38-40 Henry Street Fremantle University of Notre Dame	47,393	
Lease Clancys Tavern 51 Cantonment Street Fremantle	26,227	
Lease Australian Touristic Attractions Esplanade Park Fremantle	28,165	
Operate Fremantle leisure centre health club	318,368	Revenue recovery from COVID at the Leisure Centre has occurred earlier than expected resulting in an increase of revenue which has been submitted for mid-year budget review.
Operate Fremantle leisure centre aquatics	45,245	
Issue parking infringements	43,765	Budget Phasing - Revenue greater than expected Jul-Sep but on track to budget by year end
Provide arts centre education services	137,227	Increase in revenue from admissions and memberships which has been submitted for mid-year budget review.
Hire And Events - Recreation Reserves	101,484	Expect actual revenue at end of year to be slightly more than budget from hire of recreation reserves. Adopted budget was set up lower than previous years' level due to unknown event programme due to COVID.
Statutory Planning services	78,917	Revenue ahead of year to date budget due to an 25% (approx.) increase in the volume of Planning Applications received by the City (compared to July - Sept of 2019). This is due to the various Government incentives, including the Australian & WA Government Home Builder Grants. Has been submitted for mid-year budget review.
Support service units - Containers for Change	70,628	Budget to be adjusted at mid-year budget review. This increased income is to offset by the reduction in reimbursement income for Containers for Change.
Conduct Sunday music program	60,617	Increase in revenue from merchandise sales which has been submitted for mid-year budget review.

Conduct Bazaar Christmas markets	59,923	Increase in revenue from commission at Christmas markets which has been submitted for mid-year budget review.
Conduct art centre small concerts	53,313	Increase in revenue from merchandise sales at Fremantle Arts Centre concerts which has been submitted for mid-year budget review.
Conduct South lawn events	25,560	South Lawn events have generated revenue earlier than expected from pre- New Year event. However due to COVID an overall reduction in income and expense for South Lawn events is expected for this year which has been submitted to mid-year budget review.
Reimbursement Income	(267,676)	 (35%)
Major Variances:		
Support service units - Containers for Change	(170,915)	The income is lower than expected which has been submitted to mid-year budget review.
Other Revenue	225,426	 329%
Major Variances:		
Support service units - Containers for Change	61,820	This increased income is to offset by the reduction in reimbursement income above for Containers for Change. Budget to be adjusted at mid-year budget review.
Monitor financial accounting processes	57,052	Increased income due miscellaneous refunds received this year that were not budgeted.
Refer unpaid fines to fines enforcement	27,895	Revenue from FER fines to be correctly allocated to parking compliance where budgeted
Employee costs - Agency Labour	(211,832)	 (89%)
Major Variances:		
Waste Collection Team	(35,935)	Increased Agency labour cost is offset by savings in employee costs due to vacancies. Budget amendment has been submitted to Council for approval as part of mid-year budget review.
Parks and Landscapes Team	(61,859)	
Construction and Maintenance Teams	(93,072)	
Materials and Contracts	1,859,682	 14%
Major Variances:		
Maintain Medians, Verges and Street Gardens	307,363	Current budget variance to be utilised throughout the year. The year to date programmed maintenance invoicing is currently lower than forecast. Annual spring maintenance works (including planting, mulching and returfing) were reprogrammed to Autumn due to COVID.
Maintain Soft Landscaping - Recreation Reserves	212,552	
Maintain trees - road reserves and carparks	137,710	Forecast works for the remainder of the year to utilise the budget. The year to date programmed maintenance invoicing is currently lower than forecast. Large scale works are currently underway on essential powerline clearance works.
Collect & dispose waste - commercial	135,689	Allocation of waste collection costs between commercial waste budget and domestic waste budget will be reviewed to ensure actual costing is accurate. Full budget to be utilised by end of year.

Dispose of MSW at Regional Resource Recovery Centre (RRRC)	120,398	Awaiting supplier invoice
Maintain Sports Grounds	93,487	Some of the annual spring playing field maintenance program was delayed due to COVID. Works reprogrammed for autumn changeover. Full budget will be utilised by the end of financial year.
Operate car park 19 Roundhouse Fremantle	82,500	Operating lease actual payments allocated to new accounts to reflect interest expense and lease liability due to the change of accounting standard AASB16. These budgets to be moved to align with the legislated change.
Operate car park 12A and 12B beach Street Fremantle	46,278	
Operate community legal centre	31,665	
Operate car park 31 Fishing Boat Harbour Fremantle	25,181	
Refer unpaid fines to fines enforcement	80,602	Budget phasing No payments made to FER since November. Will be back on budget when referrals next made to FER
Maintain corporate GIS system	78,883	Invoice payment posted to incorrect account. Correction required.
Maintain footpaths	72,326	New Contractor for concrete footpaths has now been appointed and maintenance works scheduled to commence in Feb. Further commitments in place to increase spend throughout remainder of financial year.
Maintain Irrigation - Recreation Reserves	65,317	Year to date invoicing lower than forecast. High commitments for works currently underway expected to be invoiced in March and April. Full budget will be utilised by the end of financial year.
Maintain roads	65,073	Reduced road maintenance works in the first half of the financial year due to staffing vacancies. Recruitment progressing and further maintenance works already committed for the remainder of this financial year.
Project management office	50,176	Variance due to delayed procurement of consultant. Project will be back on target early 2021.
Maintain & operate public toilets	49,193	Budget phasing \$60,000 of pooled maintenance project works commence in March.
Operate Fremantle arts centre	46,052	Expenditure on merchandise less than expected which has been included in mid-year budget review.
Conduct South lawn events	44,879	Reduction in number of South Lawn events due to covid restrictions
Statutory Planning services	44,269	Budget phasing Legal expenditure lower than YTD budget. Budget may be required throughout the remainder of the year.
MOU Notre Dame	43,305	\$42,000 to be spent on Entrepreneurs program - expert in residence which has been included in mid-year budget review.
Remove graffiti	42,260	Early year reduction in graffiti removal activities. It's now back to normal service level. Cost savings to be included at mid-year budget review.
Maintain Trees - Recreation Reserves	41,967	Year to date invoicing lower than forecast. Forecast works for the remainder of the year will utilise the full budget.
Maintain Swales & Sumps	39,685	New contractor for swales and sumps has now been appointed and maintenance works progressing throughout Jan. Further commitments in place to

		increase spending throughout remainder of financial year.
Maintain Fremantle Leisure Centre	33,495	Current commitments still to be actualised for removal of 25m pool shade sail and temp replacement, PVC blind replacement to program pool.
Sustainability advice and projects	28,115	Delay in subscription invoices
Maintain Fremantle Boys School 92 Adelaide Street-Commercial	25,099	Budget phasing Works on auditorium floor to be commenced in May 2021.
Utility Charges	133,572	 11%
Major Variances:		
Commercial Property Team	59,442	This is mainly water expenditure for Union Store over budget, offset by reimbursement income. The budget will be revised at mid-year budget review.
Facilities Management (Buildings)	51,719	Awaiting supplier invoices for processing and payment
Other Expenditure	183,835	 15%
Major Variances:		
Allocate community development funding	55,183	Ad hoc expenditure less than expected to date on 1st round of community grants and neighbourhood quick response grants.
Coordinate external event enquiries and bookings	51,635	Minimum expenditure on community events to date due to COVID restrictions on events.
Lead community development directorate	33,282	Budget Phasing Some sponsorship expenditure might happen later in the year.
Capital Grants and Subsidies/Contributions for the development of Assets	(468,988)	 (39%)
Major Variances:		
P-11854 Resurface MRRG-South Tce	(26,975)	Grant claim lodged awaiting payment.
P-11904 - Design and Construct – Gilbert Fraser - Lighting	(173,333)	Budget phasing Project in procurement phase.
P-11680 Design and construct-Kings Square Playspace	(342,000)	Budget phasing Grant receipt delayed due to overall delays on the Kings Square project.
Purchase Community Land and Buildings	3,393,677	 20%
Major Variances:		
P-10297 Construct-Walyalup Civic Centre and Library (KS)	1,552,307	Budget phasing Delay due to practical completion of the project.
P-11882 -Design and construct - Fremantle Golf Course	1,466,056	Budget phasing The construction of the golf course commenced one month later than phased. Full budget to be utilised.
P- 10898 Relocation – AV Equipment & Installation (KS)	396,775	Budget phasing Estimated installation on site expected early to mid - April 2021
P- 11943 - Construct - Town Hall- Fire upgrade	50,000	Budget phasing Site works to commenced end of February 2021 expecting invoices by April.

Purchase Infrastructure - Parks	517,748	 40%
Major Variances:		
P-10295 Design and construct- Kings Square Public Realm Newman	404,142	Budget phasing The construction of stage 2 was delayed due to overall delays on the Kings Square project. Stage 2 construction has now commenced and the budget is to be utilised.
P-11680 Design and construct- Kings Square Playspace	121,626	Budget phasing The construction start was delayed due to overall delays on the Kings Square project. Playspace construction has now commenced and the budget is to be utilised.
Purchase Infrastructure - Other	140,470	 52%
Major Variances:		
P-11878 -Design and construct- Kings Square - Windows to the Past	137,949	Budget phasing Project commenced in February 2021. External funding being sought, and procurement approach being established. This project is expected to be carried forward to next financial year.
Transfer from Reserves (Restricted) - Capital	(2,952,387)	 (19%)
P- 11943 - Construct - Town Hall- Fire upgrade	(50,000)	Budget phasing Reserve transfer delayed due to overall delays on the Kings Square project.
P-11878 -Design and construct- Kings Square - Windows to the past	(137,949)	
P- 10898 Relocation – AV Equipment & Installation (KS)	(396,775)	
P-10295 Design and construct- Kings Square Public Realm Newman	(404,142)	
P-10297 Construct-Walyalup Civic Centre and Library (KS)	(2,144,134)	
General rates estimated to be raised	1,373,425	 3%
Major Variances:		
Raise rate income	1,373,425	Interim rates income is more than anticipated due to increased valuation for a couple of improved city centre properties and several industrial properties at Rous Head.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 28 February 2021.

C2103-2 STATEMENT OF INVESTMENTS – FEBRUARY 2021

Meeting date: 24 March 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Investment Report – 28 February 2021
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 28 February 2021 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 28 February 2021, as provided in Attachment 1.

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

- **Portfolio details as at February 2021;**
- **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 to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.

To this end the City will review and manage its investment portfolio to identify financial institutions which support either direct or indirect support of fossil fuel companies and has limited these investments in these institutions to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$295,457 against a year to date budget of \$351,722 which represents a negative variance of \$56,265.

Investment rates and returns on term deposits are lower after the announcement of a cash rate cut in November 2020. The budget for interest earning was based on a higher interest rate and therefore an interest revenue reduction of \$100,000 for 2020/21 FY will be submitted at the mid-year budget review in March for Council approval.

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 0.50% for the month of 28 February 2021. The City's actual portfolio return in the last 12 months is 0.86%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.21% (refer report point 8).

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 28 February 2021 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 28 February 2021

At period end the City's investment portfolio totalled \$55.02m. The market value was \$55.11m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments (<= 3 months)	\$23.29m
Term Deposits (> 3 months)	\$31.73m
TOTAL	\$55.02m

Of which:

Unrestricted cash	\$36.95m
Restricted cash (Reserve Funds)	\$16.74m
Restricted cash (Trust Funds)	\$ 1.33m
TOTAL	\$55.02m

The current amount of \$36.95m held as unrestricted cash represents 51.87% of the total adopted budget for operating revenue (\$71.24m)

2. Portfolio counterparty credit framework (as at 28 February 2021)

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. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

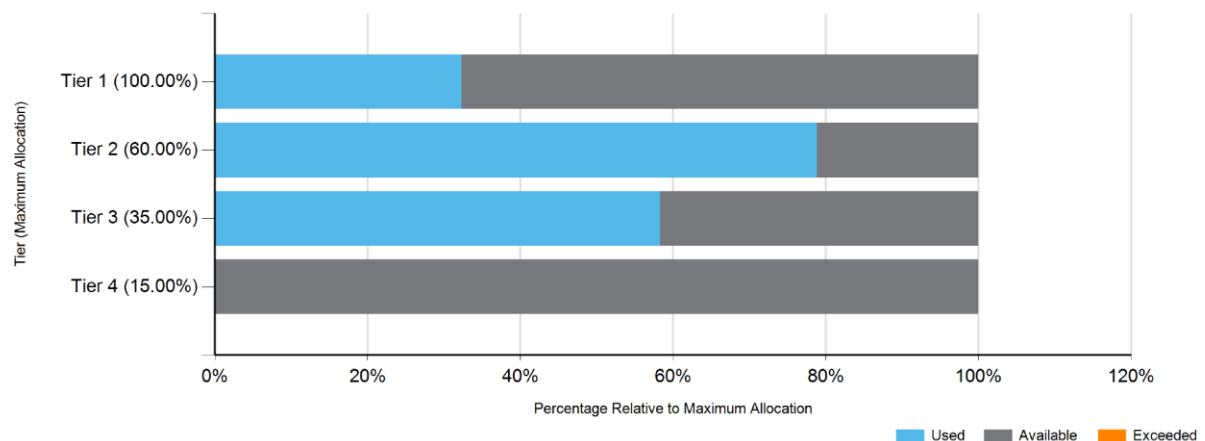
Counterparty credit framework

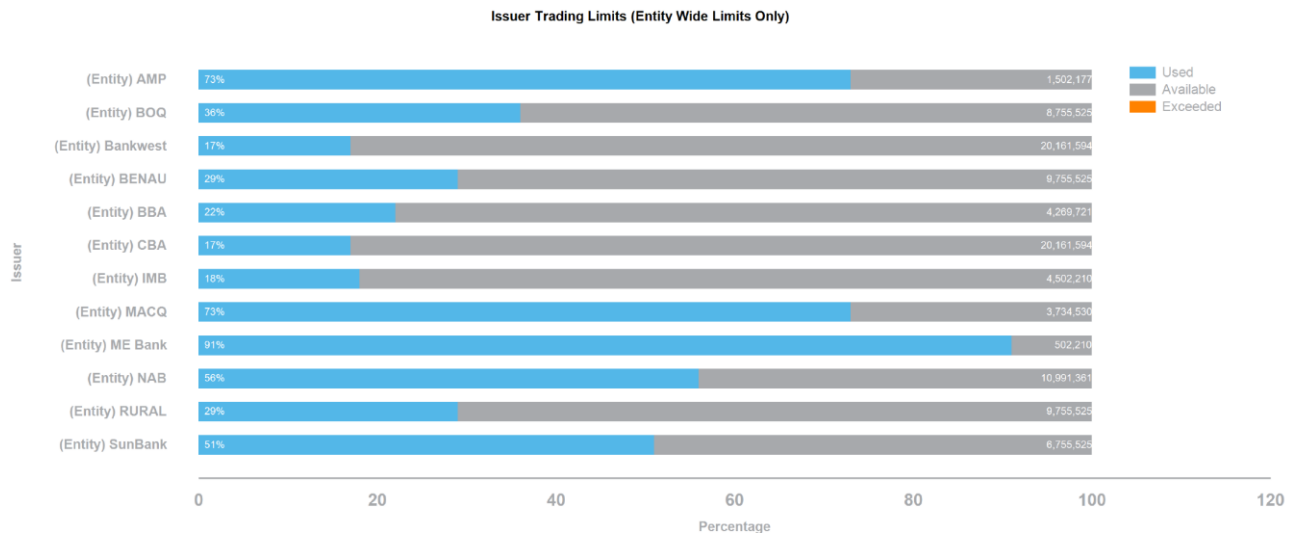
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

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

Portfolio Credit Framework Amounts Relative to Maximum Allocations





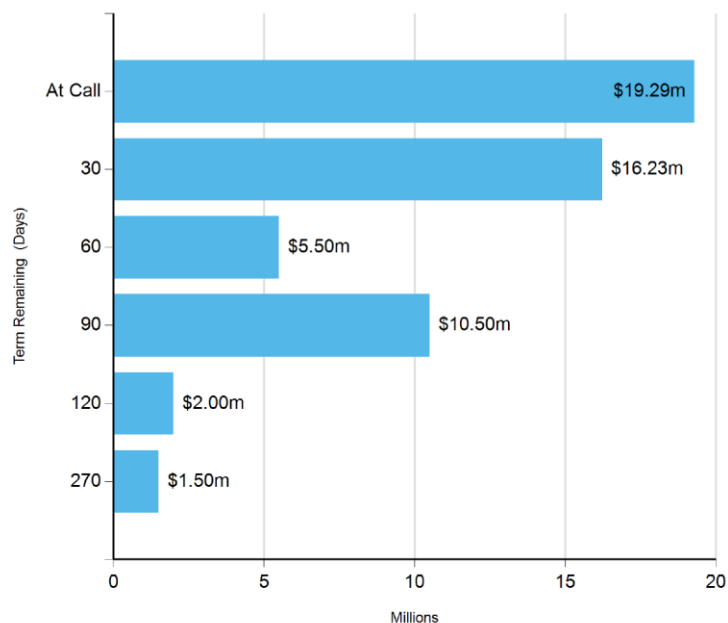
As reported in the above graph as of 28 February 2021, all investments of the portfolio were compliant.

3. Portfolio Liquidity Indicator (as at 28 February 2021)

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

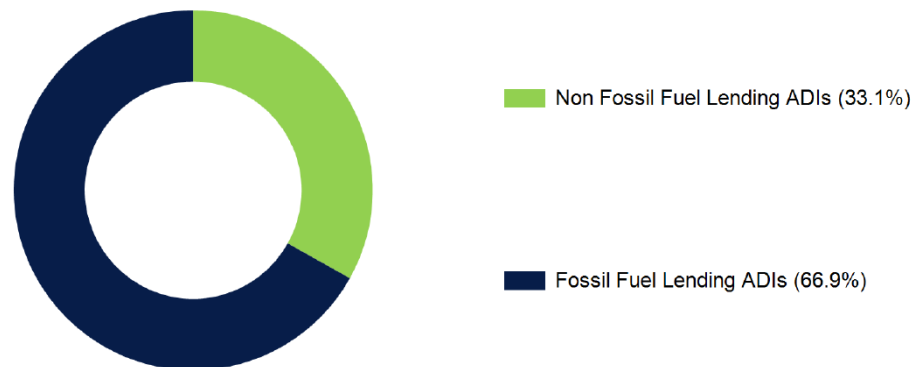


4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 28 February 2021)

At the end of this month, \$18.23m (33%) 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).

In order to address the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December investments have been made in accordance with the revised policy which has resulted in a slight increase in the percentage invested in “Green Investments” from 40% in November to 45% in December. However, this month due to the current market situation the City has been unable to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.

**Fossil Fuel vs
Non Fossil Fuel
Lending ADI**



5. Interest Income for Matured Investments (For 1 February 2021 to 28 February 2021)

During this month, there was no matured investments.

6. Investing Activities (For 1 February 2021 to 28 February 2021)

During this month, no new term investments were acquired.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Investment Report for the month ending 28 February 2021, as provided in Attachment 1.

C2103-3 SCHEDULE OF PAYMENTS FEBRUARY 2021

Meeting date: 24 March 2021
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically
Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending February 2021, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of February 2021, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,413,634.64 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

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

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

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending February 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$4,558,030.86
Purchase card transactions	\$30,364.09
Salary / Wages / Superannuation	\$1,825,239.69
Other payments (<i>as outlined in Attachment 1</i>)	\$0.00
Total	\$6,413,634.64

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending February 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$6,413,634.64 for the month ending February 2021, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending February 2021, as contained within Attachment 2.**

C2103-4 APPOINTING A COUNCILLOR TO PERFORM THE FUNCTIONS OF THE MAYOR

Meeting date: 24 March 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: Nil.
Additional information: Nil.

SUMMARY

This report seeks to appoint a councillor to perform the functions of the Mayors role during Mayor Brad Pettitt's absence.

BACKGROUND

At the Ordinary Council Meeting held on 25 November 2020 Mayor Brad Pettitt was granted a leave of absence from 1 February to the 20 March 2021 to enable him to focus on his campaign for election to State Government.

At the Ordinary Council Meeting held on 27 January 2021, Cr Frank Mofflin was appointed as the Councillor approved to perform the functions of the Mayoral role in the event that the Deputy Mayor was unavailable or unable to perform any or all of the functions of the Mayoral role during the Mayors leave of absence ending on 20 March 2021.

As the results of the State Election are not yet available it is considered prudent to extend the appointment of a Councillor to this position until the return of Mayor Pettitt or until the election of a new Mayor.

Council may wish to extend the appointment of Cr Frank Mofflin or hold another ballot to determine the Councillor to be appointed to this position going forward.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Section 5.35 of the *Local government Act 1995* allows a councillor to be appointed by council to perform the functions of the Mayor when the Deputy Mayor is unavailable or unable to perform those functions.

CONSULTATION

Nil.

OFFICER COMMENT

In accordance with section 5.34 of the *Local Government Act 1995* if the Mayor is unavailable or unable to perform the functions of the role, or the office of Mayor is vacant, then the Deputy Mayor may perform the functions of that role.

Where both the Mayor and Deputy Mayor are unavailable or unable to perform the functions of the role, (or one or both offices are vacant) council may appoint a councillor to perform the functions of the Mayor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council appoint Cr_____ to perform the functions of the Mayoral role, in the event that the Deputy Mayor is unavailable or unable to perform any or all of the functions of that role, until the return of Mayor Pettitt or until the election of a new Mayor.

13. Motions of which previous notice has been given

Nil

14. Urgent business

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

15. Late items

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

16. Confidential business

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

17. Closure