



Minutes

Ordinary Meeting of Council

Wednesday 13 May 2020, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held via electronic means
on **Wednesday, 13 May 2020** at 6.00 pm.

1 Official opening, welcome and acknowledgment

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

2.1 Attendance

The Presiding member confirmed that Elected Members were in their approved suitable place to participate in the meeting.

| | |
|------------------------|--|
| Dr Brad Pettitt | Mayor |
| Cr Andrew Sullivan | Deputy Mayor/South Ward |
| Cr Marija Vujcic | South Ward |
| Cr Doug Thompson | North Ward |
| Cr Bryn Jones | North Ward |
| Cr Rachel Pemberton | City Ward |
| Cr Adin Lang | City Ward |
| Cr Jenny Archibald | East Ward |
| Cr Su Groome | East Ward |
| Cr Geoff Graham | Beaconsfield Ward |
| Cr Hannah Fitzhardinge | Beaconsfield Ward |
| Cr Sam Wainwright | Hilton Ward |
| Cr Frank Mofflin | Hilton Ward |
| Mr Philip St John | Chief Executive Officer |
| Mr Glen Dougall | Director City Business |
| Ms Michelle Brennand | Director Community Development |
| Mr Paul Garbett | Director Strategic Planning and Projects |
| Mr Graham Tattersall | Director Infrastructure |
| Ms Charlie Clarke | Manager Governance |
| Ms Julia Kingsbury | Manager Development Approvals |
| Mr Jay Ellis | Manager Customer Service and Visitor Information |
| Mr Craig Best | Manager Asset Management |
| Mr Ryan Abbott | Manager Parks and Landscape |
| Mr Paul Dunlop | Manager Communications and Events |
| Ms Tanya Toon-Poynton | Senior Governance Officer |
| Ms Kayla Goodchild | Meeting Support Officer |

No members of the public attended the electronic meeting.

2.2 Apologies

Nil

2.3 Leave of absence

Nil

3. Applications for leave of absence

Nil

4. Disclosures of interest by members

Nil

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 29 April 2020:

Hilary Elliot submitted the following questions in relation to an item not on agenda:

Question 1

Could we please change the dog poo bags dispenser back to the corflute packs of yellow bags?

Response by Manager Parks and Landscape

The City has been trialling the rolled dispensing units for environmental and cost benefits. The environmental benefits of the rolled dispensing units are no core flute boxes to house each pack of 1000 bags (which are not recyclable). The rolled dispensing units have also seen a reduction in bag use of up to 30% in other Councils with a corresponding saving in budget.

The trial of the rolled dispensing units will allow assessment of a multitude of factors such as:

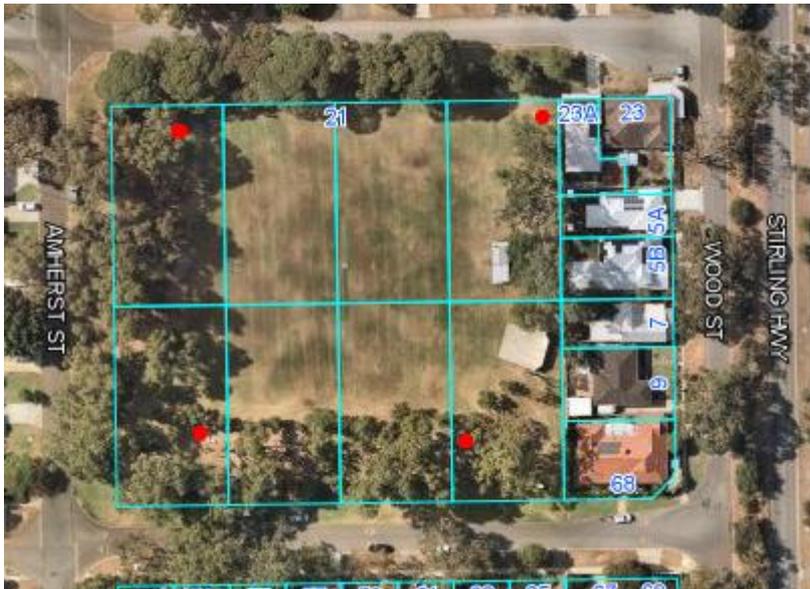
- Price (bags/dispensers)
- Bag style (square/single)
- Bag material (compostable/biodegradable/FOGO)
- Dispenser maintenance and refilling
- Ease of use
- Mounting options
- Locations

Question 2

Could you please place a box of bags on Horrie Long Reserve next to the BBQ on the double bins located there?

Response by Manager Parks and Landscape

There are currently four dog bag dispenser locations at Horrie Long Reserve located at the corner entry points to the park. Officers do not recommend installing another unit.



6. Public question time

Questions and statements from the following members of the public were received before the meeting and provided to elected members before the meeting. The questions were read aloud by the presiding member.

The following members of the public submitted questions in relation to item C2005-8 Fremantle Golf Course and Community Building

Gail Harper

Question 1

How much money has MRWA contributed to:

- Remediation of the Fremantle Public Golf Course?
- Replacing the golf course club house and the former facility at 26 Montreal Street?

Question 2

We were told at a recent Zoom meeting that the budget for the proposed co-located golf course club house/community centre' is \$3 million.

- Where is this money coming from?
- How is it being allocated between the two buildings?

Question 3

How much other money has been allocated to 'remediation' of the golf course; that is, what is 'the existing golf course budget' for works on the actual golf course apart from replacing the club house?

Question 4

What is the significance of a par 34 golf course?

Question 5

How much revenue per annum does the City of Fremantle get from:

- a) Royal Fremantle Golf Club?
- b) Fremantle Public Golf Course?
- c) Booyeembara Park (including the olive trees)?

Cathy Roads

Question 1

Why can't the integration with the building, olive grove and future options include one row of olive trees to the south, with the land on the north side being transferred to the course?

Question 2

I was under the impression the funding from Main Roads was to at least reinstate the golf course and provide like-for-like facilities. The current recommendation does not do this, and only alludes to increasing course length should sufficient budget become available to complete the works. In replacing the Fern site it does, however, fund a very much upgraded community centre. In effect, a successful business which employs staff and provides for a professional teacher will now be compromised for the sake of a row of olive trees. How can Council validate this recommendation?

Sandi Rogers submitted the following question on behalf of FERN in relation to an item not on the agenda:

Last time I asked I was promised a new community facility in North Freo. So far nothing.

Mayor, Brad Pettitt noted took the questions on notice.

The following members of the public submitted statements in relation to items on the agenda.

C2005 – 3 – 40 Wardie Street, South Fremantle

Mike Males

Ross Stewart

Dom Mariani

Jim Codde

C2005 – 2 – 36 Fifth Avenue, Beaconsfield

Michael Fic

C2005 – 8 – Fremantle Golf Course and Community Building

Helen Cariss

7. Petitions

Nil

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council confirm the minutes of the Ordinary Meeting of Council dated 29 April 2020.

Carried: 12/1

For

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

Against

Cr Marija Vujcic

10. Elected member communication

Nil

11. Reports and recommendations from committees

Nil

12. Reports and recommendations from officers

C2005 - 1 **FOUNDRY COURT, NO. 20 (LOT 70), NORTH FREMANTLE - DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION OF A TWO STOREY SINGLE HOUSE – (NB DA0047/20)**

Meeting Date: 13 May 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Agenda attachments: 1. Development Plans
Additional information: 1. Site photos

SUMMARY

Approval is sought for demolition of an existing house and construction of a new two storey Single house.

The proposal is referred to Council as it proposes the complete demolition of a house within a heritage area. The application also seeks discretionary assessments against the lot boundary setbacks of the Residential Design Codes (R-Codes).

The existing building is of no cultural significance, nor does it make a positive contribution to the character of the area therefore the application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for demolition of an existing house and construction of a new two storey Single house.

Development plans are included as attachment 1.

Site/application information

Date received: 14 February 2020
Owner name: Leanne Ryan
Submitted by: Ross McAndrew Architect
Scheme: Residential R25
Heritage listing: North Fremantle Heritage Area
Existing land use: Single house
Use class: Single house
Use permissibility: P



CONSULTATION

External referrals

Rivers and Estuaries

The application was referred to Rivers and Estuaries as it abuts a Department of Parks and Wildlife Development (DPAW) Control Area. Rivers and Estuaries have advised that they have no objection to the proposal subject to the following condition:

1. *The applicant shall ensure that appropriate on-site measures are implemented to prevent sediment from entering the stormwater system and river during construction.*

This condition has been imposed as part of the Officer's recommendation.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as discretion was sought for two boundary walls. The advertising period concluded on 3 March 2020, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply

requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Lot boundary setback

The above matters are discussed below.

Background

The subject site is located on the southern side of Foundry Court directly opposite the entrance to Keel Place. The site has a land area of approximately 546 m² and is currently a single house. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Heritage Area. The site is improved by the existence of a two storey Single house.

Demolition

Clause 4.14.1 of LPS4 states:

Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- a) has limited or no cultural heritage significance, and*
- b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

The City's Heritage Coordinator has reviewed the proposal and advised that the existing house on site was constructed c1996 and has no heritage significance. Demolition is supported under clause 4.14 of LPS4, as the place is not significant in its own right, nor does it contribute to the heritage significance of the locality.

Lot boundary setback

| Element | Requirement | Proposed | Extent of Variation |
|--|-------------|----------|---------------------|
| Ground floor (east) Bedroom | 1 m | Nil | 1 m |
| Ground floor (east) Covered Outdoor Area | 1 m | Nil | 1 m |
| Ground floor (west) Garage | 1 m | Nil | 1 m |

The lot boundary setback is considered to meet the Design principles of the R-Codes and policy *LPP 2.4: Boundary Walls in Residential Development* in the following ways:

- The bedroom boundary wall on the east elevation primarily abuts the existing garage boundary wall and clothes drying area on the adjoining lot and will have minimal impact on outdoor living areas and major openings to the adjoining lot.
- The covered outdoor living area on the east elevation is across from a 1m wide access way on the adjoining lot that provides separation distance for a bathroom window and a small bedroom window. The affected bedroom of the adjoining house has a much larger south-facing window that remains unaffected by the proposed boundary wall.

- The garage boundary wall to the west abuts existing vegetation on the adjoining house. The adjoining house is set back approximately 9.7m from the street, with the result that the proposed boundary wall abuts what is effectively the primary street setback area of the adjoining house, not private outdoor living space.
- All boundary walls are single storey, between 7m and 9m wide, and located on the eastern or western boundaries. This will result in minimal building bulk impact, and no impact to solar access as measured by the R-Codes.
- No submissions were received on the boundary walls.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COUNCIL DECISION ITEM C2005 – 1 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, demolition of an existing house and construction of a two storey Single house at No. 20 (Lot 70) Foundry Court, North Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 9 April 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 the issue of a Building Permit for the development hereby approved, all fencing within the Primary Street setback area shall be visually permeable above 1.0 metre above natural ground level as per clause 5.2.4 of the Residential Design Codes and thereafter maintained to the satisfaction of the City of Fremantle.**
- 4. Prior to the issue of a building permit or demolition permit, a Construction Management Plan shall be submitted and approved by the City of Fremantle detailing appropriate measures implemented to prevent sediment from entering the stormwater system and river during construction.**

5. Prior to occupation/ use of the development hereby approved, the boundary walls located on the east and west boundaries 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.

ADVICE NOTE:

- i. The applicant/owner is advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements during State of Emergency (COVID-19), the requirement to substantially commence this development within four years from the date of the decision letter is extended by an additional two years.
- 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 3.7.1 of the Building Code of Australia.
- iv. Prior to the issue of a building permit, the development is to comply with the applicable construction requirements as prescribed in Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas, to the satisfaction of the City of Fremantle.

As the property falls within a designated bush fire prone area, there is also a requirement to provide a Bushfire Attack Level (BAL) assessment by an appropriately accredited professional.

The BAL will determine the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, and is also the basis for determining the requirements for construction to improve protection of building elements from attack by bushfire.

The link below is to the WA accredited practitioners (View bpad accredited practitioner register) who will be able to assist with the relevant bush fire prone affected properties. <http://www.fpaa.com.au/bpad.aspx>

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

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2005 - 2 FIFTH AVENUE, NO. 36 (LOT 21), BEACONSFIELD – ANCILLARY DWELLING ADDITION TO AN EXISTING SINGLE HOUSE – (NB DA0002/20)

Meeting Date: 13 May 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Agenda attachments: 1. Development Plans
Additional information: 1. Site Photos

SUMMARY

Approval is sought for an Ancillary dwelling addition to an existing Single house at 36 Fifth Avenue, Beaconsfield.

The proposal is referred to the Council 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 Residential Design Codes (R-Codes) for car parking.

The application is recommended for conditional approval.

PROPOSAL

Detail

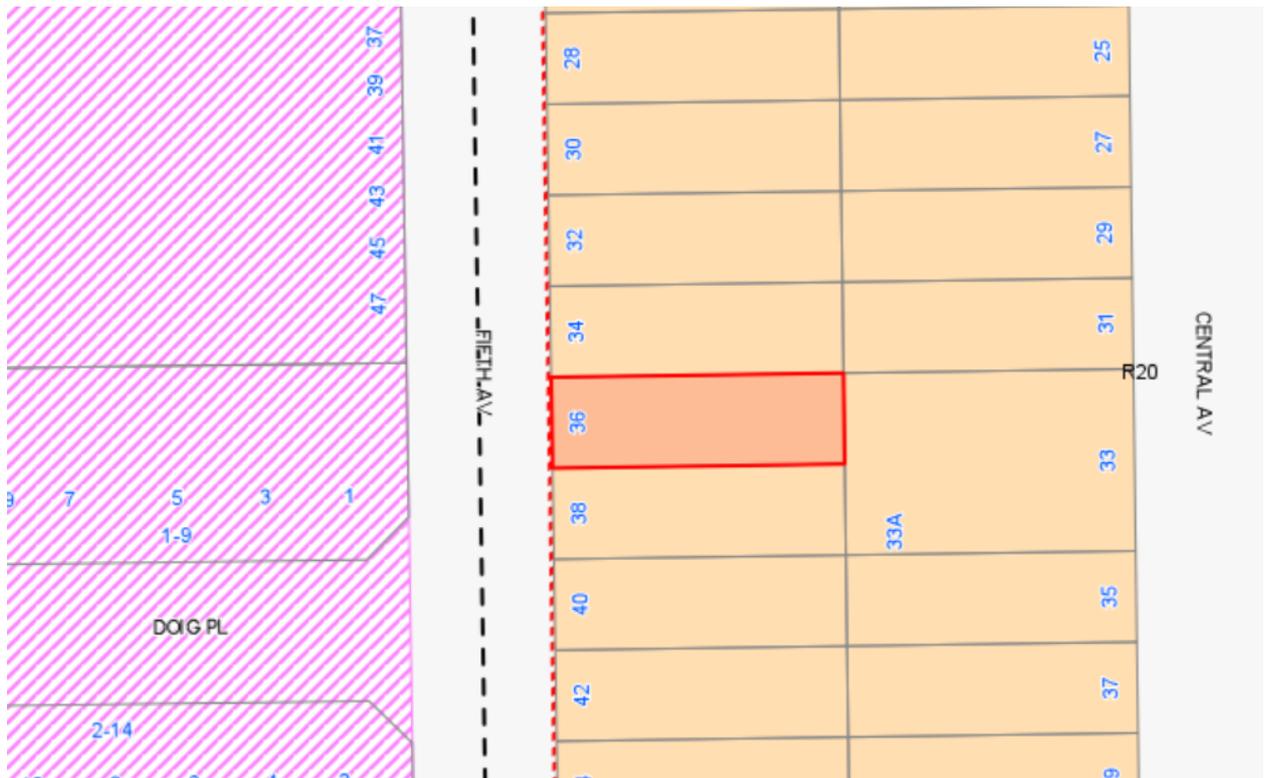
Approval is sought for an Ancillary dwelling addition at the rear of an existing Single house.

The proposed works include one onsite car bay. The original plans showed three tandem car bays located along the northern boundary, however, they did not meet the minimum width dimensions of AS2890.1 for car bays and it was unclear whether they would be usable in practice.

Development plans are included as attachment 1.

Site/application information

Date received: 6 January 2020
Owner name: Michael Fic
Submitted by: Michael Fic
Scheme: Residential R20
Heritage listing: Not Listed
Existing land use: Single house
Use class: P
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 parking discretion was sought against the R-Codes. The advertising period concluded on 6 March 2020, and two submissions were received. The following issues were raised (summarised):

- Concerns about the reflection of sunlight from the zincalume roof
- Concerns regarding building works and ground level changes disturbing other properties
- Lack of onsite car parking means even more vehicles would park on the verge. Currently, vehicles park on the verge and obstruct sightlines for the adjoining houses.

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

- There are no limitations or requirements for roof colour or design.
- No significant changes to ground levels are proposed. At any rate, all building works must be done in a manner that does not impact adjoining properties.

The remaining comment regarding parking is addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

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

- Onsite car parking

The above matter is discussed below.

The Ancillary dwelling otherwise meets all the relevant Deemed to comply requirements of the R-Codes including lot boundary setbacks, visual privacy, plot ratio, and open space.

Background

The subject site is located on the eastern side of Fifth Avenue between South Street and Lefroy Road. The site has a land area of approximately 530 m² and is currently a Single house. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed nor located in a Heritage Area.

The site is relatively flat. The lot is improved by a Single storey single house. There is a solid front wall that blocks views to and from the house, as well as impacting on vehicle sightlines. This wall is unauthorised and has been referred to the City's Compliance Services for future action.

Onsite car parking

| Element | Requirement | Proposed | Extent of Variation |
|-------------------------|-------------|----------|---------------------|
| Onsite car parking bays | 3 | 1 | 2 |

The car parking is considered to meet the Design principles of the R-Codes in the following ways:

- The existing Single house only has one car bay in lieu of two, so the proposed development only increases the shortfall by an additional bay.
- Although the crossover is not long enough to park a vehicle without extending over either the road or the footpath, Fifth Avenue is considered to have ample street parking available.
- The site is located approximately 220 metres from a Local Centre Zone that provides local convenience retailing, and is directly across Fifth Avenue from the future Davis Park/Heart of Beaconsfield redevelopment, which will see an increase in density, shopping and other land use activities that provide local restaurants and shops, thereby reducing the need for vehicle ownership.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COUNCIL DECISION ITEM C2005 - 2 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Su Groome

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Ancillary dwelling addition to an existing Single house at No. 36 (Lot 21) Fifth Avenue, Beaconsfield, subject to the following condition(s) :

- 1. This approval relates only to the development as indicated on the approved plans, dated 13 February 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. This development approval does not relate to any works or use within the road reserve or verge.**
- 3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**

ADVICE NOTES:

- i. The applicant/owner is advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements during State of Emergency (COVID-19), the requirement to substantially commence this development within four years from the date of the decision letter is extended by an additional two years.**
- 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. **The smoke alarms are required to be hardwired and interconnected (where there is more than one alarm) in accordance with Part 3.7.2 of the Building Code of Australia.**
- iv. **Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.**

Carried: 12/1

For

**Mayor Brad Pettitt, 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

**C2005 - 3 WARDIE STREET, NO. 40 (LOT 104) SOUTH FREMANTLE –
ANCILLARY DWELLING ADDITIONS AND ALTERATIONS TO
EXISTING SINGLE HOUSE (TG DA0484/19)**

Meeting Date: 13 May 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos

SUMMARY

Approval is sought for the conversion of an existing outbuilding into an Ancillary dwelling at 40 Wardie Street in South Fremantle.

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

- Secondary street setback (East – Chester Street).
- Boundary wall (North).
- On site car parking.
- Ancillary dwelling site area.
- Fencing visual permeability.
- Sightlines for vehicle movement.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for modifications and extensions to an existing outbuilding and for street fencing which has already been constructed to an existing Single House at No. 40 Wardie Street, South Fremantle. The proposed works include:

- The modifications to an existing outbuilding garage to the north-west corner of the site to create an Ancillary dwelling.
- The extension of an existing boundary wall to the northern site boundary to create a new on site store.
- The addition of a new screened walkway deck to access the ancillary dwelling from Chester Street.
- Approval for fencing which has already been constructed around the front of the subject site but does not satisfy the exemption criteria of LPP 2.8 due to its visual permeability and sightlines for vehicle movement.

The applicant submitted amended plans on 31 March 2020 including the following:

- Increasing the setback of the new store from the Chester Street boundary to 0.75m from a nil setback.
- Demonstrating site fencing around the Wardie Street setback area which was already constructed.

Development plans are included as attachment 1.

Site/application information

| | |
|---------------------|-------------------------------|
| Date received: | 3 December 2019 |
| Owner name: | M J Mitchell |
| Submitted by: | M J Mitchell |
| Scheme: | Residential R30 |
| Heritage listing: | South Fremantle Heritage Area |
| Existing land use: | Single House |
| Use class: | Single House |
| Use permissibility: | P |



CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the application involved the exercise of discretion which required consultation in accordance with Local Planning Policy 1.3. The advertising period concluded on 10 January 2020, and three (3) submissions were received. The following issues were raised (summarised):

- The removal of an onsite car parking bay was objected to on the basis that if parking to support the addition is to take place on the street this will exacerbate existing car parking issues in the immediate area.
- Submitters raised concerns in relation to the conversion a front driveway parking space into a playground area with a trampoline.
- Concerns were raised with regard to the use of the addition for short term accommodation/Airbnb due to visitors exacerbating existing on street parking availability issues.
- Locating the store on the Chester Street boundary would set an undesirable precedent for setbacks in the street. Submissions raised the concern that the addition would be 'dominant and poor in aesthetic'.
- The conversion of the existing garage for habitable purposes was considered to have the potential to impact the quiet enjoyment of adjoining properties. A concern was raised that inhabitants of the studio would routinely use outdoor areas on site for dining and entertaining, the noise from which would impact the amenity of adjoining properties due to potential noise and overlooking issues.
- The proposed ancillary dwelling will not satisfy minimum size requirements.
- The development will exceed the plot ratio requirements of the R-Codes.
- The development does not satisfy the objectives of Local Planning Policy 2.21 R60 Development under Clause 4.2.5.

In response to the above, the applicant submitted revised plans increasing the setback of the development from Chester Street to 0.75m. It is recommended that this setback be increased slightly to better address the requirements of the Residential Design Codes and Council policies.

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

- The applicant's use of an onsite car parking bay for a children's play area does not compromise its ability to be used for its relevant purpose should it be required by the owner or future owners of the subject site. The relevant planning requirements require the provision of onsite car parking but cannot enforce the use of these bays.
- The applicant has advised that they no longer intend to use the proposed ancillary dwelling for 'Airbnb' purposes, instead using it for visiting family.
- General comments in relation to parking provision for the site are provided in the officer comment section below.
- The use of an outdoor dining area by residents or visitors to a property is not readily controlled by the City's policies of the Residential Design Codes. It is noted that the deck providing access to and from the dwelling is provided with a screen fence 1.8m high.
- Local Planning Policy 2.21 R60 Development under Clause 4.2.5 does not apply to this development.
- Based on the City's assessment, the development satisfies the deemed-to-comply criteria of the R-Codes with regard to on site open space provision.

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 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:

- Secondary street setback (Chester Street).
- Boundary wall (North).
- On site car parking.
- Ancillary dwelling site area.
- Fencing visual permeability.
- Sightlines for vehicle movement.

The above matters are discussed below.

Background

The subject site is located on northern side of Wardie Street at the intersection with Chester Street. Accordingly the property has two street frontages with vehicle access points on Chester Street and Wardie Street. The site has a land area of approximately 307m² and is currently occupied by a two storey single house. The City's aerial imagery indicates that the dwelling was originally constructed in the early 1990s. The site is zoned Residential and has a density coding of R30. The site is not individually heritage listed but is located within the South Fremantle Heritage Area.

A search of the property file has revealed no relevant history for the subject site.

Demolition

The development includes the removal of some portions of the existing on site outbuilding. These works are not exempt from requiring approval in accordance with Local Planning Policy 1.7 due to the construction method of the outbuilding (masonry) and its area being greater than 25m².

The partial demolition of the outbuilding is considered appropriate in accordance with Local Planning Scheme No. 4 clause 4.14 as the City's aerial imagery notes that the dwelling and outbuilding on site were originally constructed in approximately the early 1990s and are accordingly considered to be of no heritage significance, nor do they contribute to the significance of the area.

Secondary street setback (Chester Street)

| Element | Requirement | Proposed | Extent of Variation |
|---------------------------|-------------|----------|---------------------|
| Setback to Chester Street | 1.5m | 0.75m | 0.75m |

The secondary street setback is not considered to meet the Design principles of the R-Codes for the following reason:

- The proposed setback is not consistent with the streetscape on this side of Chester Street. The existing outbuilding is set back in line with the neighbouring outbuilding. If the setback of the store were increased to 0.9m or greater, to be consistent with the setback of a two storey element of the existing house (containing a study on the ground floor as shown on the applicant's plans), it is considered that this requirement could be met.

In accordance with the above consideration, a condition is recommended to increase the setback of the store structure to be 0.9m or greater to ensure that the development remains consistent with the established streetscape for this side of Chester Street.

Boundary Wall

| Element | Requirement | Proposed | Extent of Variation |
|-----------------------|-------------|----------|---------------------|
| Boundary wall (north) | 1.5m | Nil | 1.5m |

The proposed boundary wall extension to the northern boundary is considered to meet the Design principles of the R-Codes and LPP 2.4 in the following ways:

- The boundary wall adjoins a driveway on the adjoining property, thereby imposing limited bulk impact to this area.
- The addition is non habitable, with no openings facing this boundary, resulting in minimal privacy impact.
- With regard to shade cast by the structure, this will fall over the subject site at midwinter, resulting in limited sunlight loss to the neighbouring property.
- The setback of the boundary wall element is recommended to be set back 0.9 metres or more to better present to the existing streetscape.
- The store provides for effective use of the space proposed as this area is not required for use as a vehicle access point due to the conversion of the existing garage.

It is noted that it is considered appropriate to increase the store setback to 0.9m as discussed above, if increased to this setback it is considered that the development will better satisfy the design principles discussed above.

On site car parking

| Element | Requirement | Proposed | Extent of Variation |
|-----------------------------------|---|--------------|---------------------|
| Residential car parking provision | Existing Dwelling: 2 Ancillary Dwelling: 1 | 1 (existing) | 2 |

The development removes an existing car parking bay provided in the rear outbuilding/garage to the north of the property and results in a need to provide one additional bay in accordance with the R-Codes deemed-to-comply criteria for the ancillary dwelling, this results in a proposed two parking bay shortfall. It is noted that the existing bay in front of the dwelling does not satisfy minimum bay length requirements however this is considered to be provided as an existing established bay. While this bay is not currently in use by residents, it will be retained to ensure parking needs of residents can be sufficiently met.

The provision of car parking for the site is considered to meet the Design principles of the R-Codes in the following ways:

- On street car parking is available in the immediate area for the use of visitors to the site.
- The development is close to high frequency public transport services, being approximately 5 metres outside the catchment from the Fremantle CAT bus operating along South Terrace. If the site were within 250m catchment around the CAT bus route, the development would comply with the car parking requirements of the R-Codes, which permit reduction of car parking requirements within this catchment.
- The site is also in close proximity (approximately 200m) of a number of public transport services provided along Hampton road which in combination provide for high frequency service when operating at normal capacity, these services are considered to adequately address the transport needs of residents and inhabitants of the proposed ancillary dwelling.

It is noted that the informal parking available on the site's crossover on Chester Street will require removal as in accordance with the Crossover policy it will be considered redundant as it does not provide direct access to an authorised driveway or car parking area on site. While removal of this informal parking area is recommended as a condition of approval, it is considered that the transport needs of residents are sufficiently served by public transport services in the locality and visitor parking can be accommodated in existing on street parking. It is also noted that the removal of the redundant crossover onto Chester street may increase on street parking availability as parking will become possible where the crossover was located.

Ancillary dwelling site area

| Element | Requirement | Proposed | Extent of Variation |
|---|---------------------------|------------------------|---------------------|
| Site area requirement for ancillary dwellings | Minimum 450m ² | 307m ² site | 143m ² |

The site is considered able to satisfy the design principles of the R-Codes associated with ancillary dwellings for the following reasons:

- The proposed ancillary dwelling is of limited size, generally for a 450m² an ancillary dwelling of up to 70m² in area can be supported provided the other requirements of the R-Codes are satisfied. The proposed outbuilding is approximately 23m² and is considered to be generally unobtrusive as the structure is located within the shell of an existing building and utilises existing boundary walls to support its construction.

- The development otherwise generally meets the remaining R-Codes deemed-to-comply requirements other than those elements discussed in the officer comment section of this report.

Fencing visual permeability

| Element | Requirement | Proposed | Extent of Variation |
|---|---|--|--------------------------|
| Visually permeable fencing above 1m in a heritage area. | For slats wider than 50mm (90mm proposed) 50% permeability. | 40% visually permeable fencing for the full height of the fence to 1.8m high | 10% visual permeability. |

The front fence is considered to meet the Design principles of the City's fencing policy (LPP 2.8) in the following ways:

- The fencing provides similar overall visual permeability to a fence which complied with the requirements of LPP 2.8 in heritage areas. A 1.8m high fence which is solid to 1m provides overall visual permeability which is less than a 1.8m high fence which is wholly visually permeable.
- The site photos provided as additional information demonstrate that sufficient surveillance is provided of the streetscape for safety and security.
- Fencing to the front setback of the property to the north (39A Jenkin Street) and the property across Wardie Street to the south exhibit similar or lesser visual permeability. Accordingly the fencing is considered to be consistent with the established streetscape, providing greater visual permeability and mutual surveillance to and from the streetscape.
- It was noted that a portion of fencing to the street setback area had been constructed as solid (refer site photos provided in the additional information document) and this would require modification in order to achieve appropriate visual permeability. The applicant's plans indicate that this fencing is now 40% visually permeable but it is not clear whether this fencing has already been modified. An advice note is recommended, further to condition 1 of approval, that the fencing to the western site boundary may require modification in order to comply with the approved plans.

It can be made a condition of approval that the fencing be modified to be visually permeable in accordance with the LPP 2.8 requirements if it is considered by the Council that the discretionary criteria of the policy have not been satisfied.

Sightlines for vehicle movement

| Element | Requirement | Proposed | Extent of Variation |
|---|--|--|---------------------------------|
| Clear sightlines around vehicle access points | Sightline truncations clear above 0.75m within 1.5m of vehicle access points | Fencing is located within these sightline areas up to 1.8m high. | 1.5x1.5m sightline truncations. |

The fencing around the vehicle access point is not considered to meet the Design principles of the R-Codes for the following reasons:

- The fencing reduces sightlines around a vehicle access point which is directly adjacent to a footpath and already exhibited a 0.65m high retaining wall constructed when the dwelling was established. The fencing above this and to the

other side of the vehicle access point limits sightlines in an area where pedestrians are directly adjacent to the area of vehicle movement.

- It is noted that the vehicle parking area is shorter than the relevant Australian Standards requirements but has existed on site since the development of the dwelling. This shorter bay length may result in vehicles encroaching into the footpath or reversing directly onto the footpath. Accordingly it is important that sightlines are maximised.
- As this element relates to the safety of the public, it is a recommended condition of approval that the fencing be modified to comply with the relevant deemed-to-comply criteria of the R-Codes.

It is noted that the existing vehicle parking bay on site is currently not used for parking and instead is used for the storage of a trampoline. Accordingly a condition requiring the modification of the fencing in the sightline areas could be worded so as to require that the fencing be modified prior to the use of the bay for vehicle parking, however it is considered that future owners may not necessarily be aware of this requirement and accordingly the fencing should be modified within 90 days of the determination of the application.

CONCLUSION

Based on the above assessment, it is considered that the development would satisfy the relevant design principles if the changes to the proposal noted in the officer comment section were made. Accordingly conditions of approval are recommended to ensure that the development is capable of satisfying the requirements of the Residential Design Codes.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Ancillary Dwelling Additions and Alterations to existing Single House at No. 40 (Lot 104) Wardie Street, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 31 March 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 the occupation of the development hereby approved, the redundant crossover on Chester Street shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the [insert side/rear 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.
5. Within ninety (90) days of the date of approval, the primary street fence shall be truncated or reduced to 0.75m height within 1.5m of vehicle access points and street corners in order to provide adequate sight lines or otherwise comply with Clause 5.2.5 C5 of the Residential Design Codes and thereafter maintained to the satisfaction of the City of Fremantle.
6. Prior to the issue of a building permit for the development hereby approved, the Store facing Chester Street is to be modified to be set back a minimum of 0.9m from the Chester Street Boundary, 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 this approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development.
- 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 3.7.1 of the Building Code of Australia.
- iv) Further to condition 1, the applicant is advised that fencing to the western site boundary may require modification to reflect the plans hereby approved.

PROCEDURAL MOTION

At 6.23 the following procedural motion was moved:

COUNCIL DECISION ITEM C2005 - 3

Moved: Cr Andrew Sullivan

Seconded: Cr Rachel Pemberton

DEFER the item to the next appropriate Ordinary Council Meeting to allow the administration to clarify the exact height of the existing garage boundary walls to confirm the accuracy of the proposal.

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

**C2005 - 4 ADOPTION OF CITY OF FREMANTLE CAT MANAGEMENT LOCAL
LAW 2020**

| | |
|-----------------------------------|---|
| Meeting date: | 13 May 2020 |
| Responsible officer: | Manager Governance |
| Decision making authority: | Council |
| Agenda attachments: | <ol style="list-style-type: none">1. Proposed City of Fremantle Cat Management Local Law 20202. Table of submissions received during public consultation |
| Additional information: | Nil. |

SUMMARY

This report is for council to consider the adoption of the City of Fremantle *Cat Management Local Law 2020*.

It is recommended that Council consider the submissions received and adopt the City of Fremantle Cat Management Local Law 2020.

BACKGROUND

At the Ordinary Council Meeting held on 25 September 2019, Council adopted a motion including the recommendation that the City of Fremantle initiate the adoption of a Cat Management Local Law.

Council supported a Notice of Motion at the Finance, Policy, Operations and Legislation Committee held on 13 November 2019 and approved the initiation of the process of adopting a Draft Cat Management Local Law 2020

While giving notice, following the 25 September Council determination, of the City's intention to make a Cat Management Local Law 2020, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided the City with advice that an amendment was needed to the draft local law that was considered to be a significant change. As a result, the City began the process of adoption again.

At its Finance, Policy, Operations and Legislation Committee meeting held on 22 January 2020, the City of Fremantle again gave notice of its intention to make a City of Fremantle Cat Management Local Law 2020.

Public notice of the proposed Local Government Cat Management Local Law 2020 was advertised as prescribed and, in accordance with s13.2(3b) of the Act, a copy of the local law was provided to the Minister for Local Government.

At the closing date for receipt of public submissions on 20 March 2020, seventy eight public submissions on the proposed local law had been received (summary below).

No comments received in either period of public consultation were affected by the amendments made, as advised by the Department of Local Government, Sport and Cultural Industries, therefore all submissions received, from both public consultation periods, are now presented for consideration by Council.

During the submission period concluding on 20 March 2020 the Department of Local Government, Sport and Cultural Industries provided feedback on the terminology and preferred styles of the amendment local law, which has no effect on the application of the local law, and has been included as recommended.

Local Law

The purpose of the *Cat Act 2011* is to introduce measures to: reduce the large number of stray cats being euthanized each year; encourage responsible cat ownership; and provide for better management of the unwanted impacts of cats on the community and environment.

The Department of Local Government, Sport and Cultural Industries provide the following advice on their website, in regards to making a local law relating to cats:

“A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- *the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- *there appears a sufficient need for additional regulation in that area.”*

In addition to making provision for the control of cats in the City’s natural areas it is proposed that the cat local law include more general provisions to outline and clarify the way in which cats (relating to the maximum number of cats) can be kept (no more than 3 cats) without a specific approval and the process for approval.

The purpose for proposing a standard number of cats that may be kept is to allow the City the ability (should it be required) to deal with cases where a resident may keep cats to the extent that while they may not necessarily cause a health hazard or require a referral to the RSPCA, they are in such numbers that it presents a nuisance to the community. It is intended that anyone who has more than three cats can keep existing cats that are registered with the City but once and if the local law is made, cannot not add any more or substitute them without approval. The City intends to continue to run the feral animal control program for foxes, feral cats and rabbits, undertaken by independent contractors.

This program may involve actual trap setting if evidence of animal activity is discovered during site assessment. The following areas have been recommended as cat prohibited areas as the City considers them to be significant natural areas which may benefit from additional protection from predation. This would mean, under the proposed local law, that if any registered cat is caught one of these areas the owner would be committing an offence and be subject to a fine.

Proposed cat prohibited areas:

| # | Common Name | Location | Description |
|----|--|---|---|
| 1 | Booyeembara Park | 80 Montreal Street Fremantle | Reconstructed landscape of natural bushland local to the area. Established to create a representative landscape and increase local biodiversity. Managed as a natural bushland area and refuge for native wildlife, includes formal turfed parkland with native vegetation garden beds. |
| 2 | Sir Fredrick Samson Park | McCombe Avenue, Samson | Remnant bushland. Bush Forever site. |
| 3 | Bathers Beach Reserve | Arthur Head, Fleet St Fremantle | Reconstructed dune vegetation |
| 4 | Port Beach reserve | Port Beach Road, North Fremantle | Reconstructed dune vegetation |
| 5 | Leighton Beach Reserve | Port Beach Road, North Fremantle | Reconstructed dune vegetation |
| 6 | South Beach Reserve | Ocean Drive, South Fremantle | Reconstructed dune vegetation |
| 7 | Cantonment Hill | 135 Queen Victoria Street, Fremantle | Reconstructed natural landscape. Bush Forever site. |
| 8 | Rocky Bay Reserve | Rocky Bay, North Fremantle | Swan River foreshore and part of the Swan and Canning Riverpark. |
| 9 | North Fremantle Foreshore Reserve (including Prawn Bay) | Johannah St, North Fremantle | Swan River foreshore and part of the Swan and Canning Riverpark. Migratory birds. |
| 10 | Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site | Lot 39 Daly Street, 17 Cockburn Road and Hollis Park Reserve Fremantle | Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site contains habitat and refuge for native wildlife. |
| 11 | Royal Fremantle Golf Course, | 359 High Street, Fremantle | Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife. |
| 12 | Fremantle Public Golf Course | 20 Montreal Street, Fremantle | Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife. |

FINANCIAL IMPLICATIONS

The approximate existing annual cost for the feral animal control program, which may use trapping based on evidence of feral animal presence in natural areas, is estimated to be up to \$27,000 per year.

The approximate additional annual cost for mandatory trap setting for cats in significant natural areas, based on trapping in all 12 cat prohibited areas for 4 day periods, twice a year, is up to \$23,760.

The potential approximate reduction in annual cost to the feral animal program based on overlap with mandatory trap setting for cats in the 12 proposed cat prohibited areas is potentially \$6,600.

This means the net additional cost per year, based on undertaking a mandatory trapping program twice a year may be approximately \$17,160.

Each individual 4 day program of mandatory trapping across all 12 areas is estimated to cost \$11,880.

LEGAL IMPLICATIONS

The ability to create a local law falls under the *Cat Act 2011*. The City does not currently have a regulatory instrument relating to the control of cats within the City of Fremantle and the proposed City of Fremantle Cat Management Local Law 2020 has been drafted based on similar instruments that currently exist within other local governments in WA.

A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under Section 79 of the *Cat Act 2011*.

- (a) the registration of cats;
- (b) removing and impounding cats;
- (c) keeping, transferring and disposing of cats kept at cat management facilities;
- (d) the humane destruction of cats;
- (e) cats creating a nuisance;
- (f) specifying places where cats are prohibited absolutely;
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- (j) the regulation of approved cat breeders, including record keeping and inspection;
- (k) fees and charges payable in respect of any matter under this Act.
- (l) offences and penalties up to \$5,000; if the offence is continuing in nature, the local law can make a further penalty of \$500 per day. Local laws can also specify a minimum penalty.

The procedure for making a local law is set out in Section 3.12 of the *Local Government Act 1995*, as summarised below:

- **Council initiate process** - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) *Local Government (Functions and General) Regulations 1996* - Council to resolve to initiate the local law and include in the resolution the purpose and effect of the local law.
- **Local public notice** – s3.12(3) of the Act - The local government must give local public notice for at least a six (6) week period, advising that the local law is published on the local government’s website and that copies may be inspected or obtained from the local government’s office.
- **Notification to the Minister** - s3.12(3b) of the Act - Send notification to the Minister as soon as the public notice is given (after advertisement appears in the paper).
- **Considering submissions** – s3.12(4) of the Act - After the last day for submissions, Council to consider any submissions made and may make the local law as proposed or make amendments that are not significantly different from what was proposed (by absolute majority).
- **Gazettal notice** – s3.12(5) of the Act - After making the local law, the local government is to publish it in the Gazette.
- **Giving public notice** – s3.12(6) of the Act - After the local law has been published in the Gazette, Council is to give local public notice stating the title of the local law; summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and advising that copies of the local law may be inspected or obtained.
- **Explanatory Memoranda** – s3.12(7) of the Act - After Gazettal to provide an Explanatory Memoranda to the government (WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).
- **Commencement of local laws** - s3.14 of the Act - The local law will come into effect the 14th day after publication.
- **Review by Government** - s3.17 of the Act - Final point of the process where the local law can be amended or repealed via the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

CONSULTATION

The City advertised the draft Cat Management Local Law 2020 in the Fremantle Herald on 25 January 2020 and the MySay Fremantle website and public noticeboards on 24 January 2020. The closing date for submissions was 20 March 2020, which is longer than the required 42 days.

The previous public consultation period was allowed to continue to its planned end date and all submissions received during both consultation periods are included for consideration.

The City received 64 submissions during the first public consultation period and 14 submissions during the second public consultation period. All submissions were considered relevant and no submission referenced the amendments made following the first consultation period and restarting the process of adoption.

Methods used were:

- Online submission via My Say Freo from 21 November 2019 to 20 March 2020; and
- Two drop-in information sessions both held on Saturday 7 December 8:30-10:30am, one at Booyeembara Park and one at Point Direction Reserve.

Awareness and promotion of the engagement was undertaken via:

- Newspaper advert in Fremantle Herald (23 Nov, 7 Dec & 21 Dec 2019, 25 January, 7 Mar 2020).
- My Say Freo e-newsletter November, December and February 2020.
- Post on City's facebook page and twitter account.
- An email notifying the convenors of the City's precinct groups.

The City will also advertise the adoption of the local law if Council decides to adopt it.

From 21 November 2019 to 19 March 2020 the My Say Freo page was visited by 105 people and 78 made submissions.

Key findings:

- 67 people stated that they support the local law as proposed.
- 28 people want the local law to introduce even further restrictions. This included suggestions that cats should be prohibited from roaming outside of their property altogether, that night curfews should be applied, and suggestions of other places to include in the cat prohibited areas.
- 3 people did not support the proposed local law. The reasons for this included a belief that it would duplicate existing legislation, and that the decision should be up to the cat owner.

There were a total of 78 submissions. Nine respondents were current cat owners within the City of Fremantle, with the majority interested community members (73) and 5 self-described as 'other'. Respondents could select more than one category.

67 submitters stated they supported the proposed local law and 28 respondents stated they wanted the local law to impose further restrictions in some way. Some of the key themes that emerged included:

- Cats should be prevented from freely roaming:
 - Anywhere outside their property (13)
 - At night/introduce a curfew (8)
 - In all parks/reserves or public spaces (6)
 - In other specific places, including Clontarf Hill (3), Fremantle College bushland, Hilton reserve, Fishing Boat Harbour, Rottnest Island, Salentina Ridge and Booyeembara Park (all 1).
- 12 people mentioned their own/other's gardens and the broader neighbourhood and associated biodiversity being threatened by cats.
- 9 people pointed out requirements for dogs are stricter and believe these should apply to cats.
- 6 people commented on enforcement and resources for implementation.
- 5 people mentioned education either in place of or supplementary to the proposed local law if adopted, including wider community education on cat containment and the release of tracking devices and cat roaming maps.

Three submitters stated they did not support the proposal. One submitter stated this would be a duplication of existing legislation and two stated that the City should trust residents to do as they see fit. One of these submitters stated that keeping cats fed and engaged at home would prevent them from hunting.

A number of suggestions were made regarding support for cat owners if the law was adopted:

- Subsidies for cat fence toppers.
- Grants for people to construct 'cat runs' at home.
- Installing an enclosed outdoor community cat gymnasium.
- Need to consider the financial implication for owners (e.g. who can't afford netting).

Submissions came from the following suburbs:

| Suburb | Number of submissions |
|---|-----------------------|
| Fremantle | 15 |
| White Gum Valley, South Fremantle | 11 each |
| Hilton | 10 |
| Beaconsfield | 7 |
| Hamilton Hill | 6 |
| North Fremantle | 4 |
| Samson, North Perth | 2 each |
| Coolbellup, Bicton, Kardinya, Huntingdale, Coolbinia, Munster, East Fremantle, Doubleview, Aveley, Willagee | 1 each |

OFFICER COMMENT

As required by legislation, a copy of the draft local law was provided to the Minister for Local Government. In response, officers from the DLGSC provided advice to the City that some very minor amendments were required. As a result of the feedback received from the Department the City has made the recommended changes.

The Department has suggested the changes identified in the table below would not be considered as significantly different to what has been advertised, however are recommended as best practise.

| Minor edits | | | |
|-------------|---------------|--|--|
| # | Reference | Change | Reason |
| 1. | Clause 1.4 | In the definition for cat prohibited area, paragraph (a) can be deleted. | since clause 2.1 no longer allows for the designation of new areas |
| 2. | Clause 1.4 | The definition for City can be deleted. | since it serves the same purpose as the definition for local government. |
| 3. | Clause 2.1(2) | Change "City" to "local government" | The City should also ensure that all references and cross references are checked for accuracy. |

It is not recommended that any further amendments be made to the proposed City of Fremantle Cat Management Local Law 2020 in response to any submissions received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM C2005 - 4 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Adin Lang

Council,

- 1. In accordance with the provisions and processes of the *Local Government Act 1995*; adopts the City of Fremantle Cat Management Local Law 2020, as attached, which incorporates the changes suggested by the Department of Local Government, Sport and Cultural Industries and considers the submissions received through the community consultation period - the purpose and effect of which is as follows:**

Purpose: To provide the City of Fremantle with measures in addition to those under the Cat Act 2011 to control the keeping of cats.

Effect: To make provisions about the keeping of cats, to control the number of cats that can be kept, the places where cats can be kept and prescribe areas in which cats are prohibited.

- 2. Request a report, considering relevant compliance matters and outlining any recommended policy provisions, be brought back to council after six months of the Cat Management Local Law 2020's commencement.**

Carried: 13/0

**Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

The following item was withdrawn by the Chief Executive Officer

Reason: Officers are reviewing further information on the risk profile of the Leisure Centre pool roof and have withdrawn the item subject to this work being completed.

C2005 - 5 BUDGET AMENDMENTS - APRIL 2020

C2005 - 6 CORPORATE BUSINESS PLAN - QUARTERLY REPORT - JANUARY TO MARCH 2020

Meeting date: 13 May 2020
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Council
Agenda attachments: Nil
Additional information: Corporate Business Plan – Quarterly Progress Report – January to March 2020

SUMMARY

The Corporate Business Plan (CBP) Quarterly Report documents the progress made against those projects in year 1 of the Corporate Business Plan and listed in the Project Plan report for 2019-20, provided to Council in August 2019.

This report recommends the Council receive the Corporate Business Plan Progress Report for January to March 2020.

BACKGROUND

The City of Fremantle Corporate Business Plan 2019-2023 is a four year plan which provides the framework for delivering the City's services and projects and is aligned to the Strategic Community Plan 2015-25. The Integrated Planning and Reporting Framework and Guidelines recommend regular progress reporting to be consistent with good practice.

This report includes all projects in year 1 of the Corporate Business Plan and reported to Council in the Project Plan Report in August 2019, subsequent quarterly reports have been provided to the Finance, policy, operations and legislation committee. The projects are delivered across a number of business units throughout the organisation. A summary of progress updates are provided for your information with further details in the attachment.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

The Corporate Business Plan Quarterly Report continues to support an integrated planning framework and allows us to be more transparent in monitoring project performance.

With the advent of COVID-19 and the significant impact this is likely to have on both Council operations and the community it serves; council priorities for the last quarter of the financial year are likely to change.

The report provides a summary of project progress for the planned capital and operational projects for 2019/20 as at 31 March 2020.

The key projects for the City this financial year include:-

Kings Square

New Civic Building

- Steelwork erection near completion, roof purlins currently being installed.
- All concrete slabs to all levels have been completed.
- First fix, electrical, hydraulic and mechanical services have commenced and progressing well on site.
- Heritage works to the Old Town Hall are 85% complete; the remainder will be complete at a later stage of the project.
- Intumescent paint is being applied to steelwork.
- Setting out of the façade mullions has commenced, bracketry to support the façade is being manufactured and installed. First mullions to arrive and installed early May 2020 to the courtyards with the first delivery to the façade to Newman Court to arrive in May/June 2020.
- The tender documentation for the installation and purchase of audio-visual equipment is currently being prepared with an expected advertisement date May/June 2020. The tender for the loose furniture and workstations for the new civic building has closed. The evaluation panel has completed their assessment and the report to Council is being prepared.

Public Realm Works

MG Group has been awarded the public realm construction contract and completed works on stage 1A. The works are to split into three main phases:

- Newman Court Stage 1 – Complete
- Newman Court / High Street Stage 2 – estimated start date Early August 2020 to November 2020
- High Street – estimated start date November 2020 to January 2021.

Window to the Past

An interpretive designer and artist have been added to the Design Team to explore conceptual options – following consultation with Whadjuk Nyoongar Elders. The next stage was to introduce the broader team to our Elders for this project to discuss themes and approaches. This process has unfortunately been placed on hold due to COVID-19 social distancing restrictions.

Council officers met with Lotterywest in November about potential grant funding for the Window to the Past project and the initial feedback was positive. It is anticipated that a formal application will be made to Lotterywest for additional funding following endorsement of a design concept by the Whadjuk Working Group and Council in 2020/21.

Moreton Bay Fig

- The tree has been prepared for transplant and a watering contract is in place for the 12 month preparation period. It is estimated the installation date to Kings Square to be August 2020

Kings Square Planters

- This project is now complete.

Playscape

- The design of the playscape is complete. Playspace equipment fabrication and playspace construction will be tendered April 2020 with the construction due late 2020.

FOGO

The roll out was completed on the 11 October 2019. We are awaiting the second stage of the Better Bin grant to be paid in January and the last payment being made once the final number of dwellings has been recalculated to include FOGO phase 2 (multi-unit dwellings). Feedback from the community has been very positive.

Fremantle Park Sports and Community Centre

The Fremantle Park Sport Community Centre Inc. took possession of the facility on 27 January 2020, the same day as the base building (package A) reached practical completion.

Additional external works such as the new gardeners shed, synthetic tennis courts, external sports lighting, new fencing to the existing synthetic courts, demolition of the old tennis club rooms and gardeners shed all took place after practical completion and have now been completed.

As a result of further value engineering (additional to pre-construction savings) during the course of the project and funding from Tennis Australia (\$68,000) we have been able to incorporate an additional \$329,000 of works not included in the base build but identified in the Memorandum of Understanding between the clubs and the City as additional items.

Golf Course Realignment

The City has appointed a consultant team who have finalised the concept option in engagement with the lessee and stakeholders for the new golf course layout. The consultants are currently preparing the detailed design and contract documentation, with construction programmed for the second half of 2020.

Fremantle Golf Course - Club House

The City has appointed an architect who is progressing with some initial design options for the combined golf and community building. These initial options will be used to help with early community engagement with stakeholder groups in April. The project is progressing as per the program and has construction programmed to start in early 2021.

Implement – Destination Marketing Plan

A series of major marketing campaigns were delivered in quarter 1 and quarter 2 of 2019/20 financial year with quarter 3 and quarter 4 seeing a shift in focus towards sales and trade-based activities which has included Fremantle representation at major national travel trade shows. Focus is now shifting towards the redevelopment of the Visit Fremantle website with tenders currently being assessed. Officers are now also undertaking planning around COVID-19 impacts in consultation with the DMWG and will likely include changes in messaging and the way information is delivered via digital channels.

Deliver – Business Capacity Building Program

Amid concerns relating to the outbreak of COVID-19, officers have adapted the current capacity building program to shift focus toward providing one-on-one advisory services to businesses that deliver information on how to access State and Federal stimulus programs. The services are being provided on a complimentary basis and being delivered by Business Foundations. Upcoming 'Set the Month in Motion' events will also shift focus in a similar way.

Deliver – Economic Development Action Plan 2020-22

The current Economic Development Strategy 2015-20 has reached its expiry and officers are now commencing the implementation of the recently adopted Economic Development Interim Action Plan 2020/2022. Whilst this is not scheduled to commence until July 2020, key initiatives have been commenced ahead of time with a current focus on an investment marketing campaign, the development of a film hub opportunity and ongoing engagement relating to opportunities surrounding the trade coast economic zone.

Implement – One Planet Strategy Actions

Recent progress on the One Planet Strategy include:--

- Continuation of FOGO rollout and community education on waste.
- Commencement of preparation of the Waste Management Plan, in line with state government requirements.
- Maintenance of carbon neutral status through purchase of offsets to cover scope 1 and 2 operational emissions. Carbon accounting methodology updated to more accurately reflect operational emissions.
- Review of the Climate Change Adaptation Plan completed for presentation to Council at a future date.
- Planning work undertaken for Youth Climate Forum, to be held at an appropriate future date.
- One Planet Annual Report for 2019 completed and submitted to Bioregional (accreditation body) for peer review.
- Identification of costed options for meeting the target of 100% renewable electricity for council operations, and minimising the remaining carbon emissions by 2025.

Support – Fremantle Bridge – Preliminary planning study and engagement with MRWA

Initial engagement with Main Roads Western Australia (MRWA) was very positive around the brief and contemplating various design scenarios. Given the complexities and constraints of this project, MRWA are now indicating that only one option regarding alignment appears to be feasible.

It is anticipated that MRWA will engage with the community regarding the preferred alignment in mid 2020. The City remains focused on ensuring that the project delivers more than just a replacement bridge and to take this opportunity to integrate cultural and place-based responses into the final design (pedestrian and cycling connectivity, environment, Whadjuk Nyoongar interpretation, foreshore activities and links back to the North Fremantle Townsite.

Develop – Parking Plan

Key actions undertaken are:-

- Collection of annual parking data for city-controlled facilities.
- Completion of research on best practice and information collection on parking supply and demand.
- Drafting of Parking Plan document commenced.

Develop – Arts and Culture Strategy (including Public Art Plan)

The methodology, deliverables and timeline have been finalised for the Creative and Cultural Strategy. The creative audit (desktop-based research) has commenced and the questions for the survey developed.

Implement – Walyalup – Reconciliation Action Plan (RAP)

Recent progress to date includes:-

- New Interpretative Signage for Cantonment Hill completed and installed. The interpretation is about the significances of Dwernda Weelardinup (Cantonment Hill). Dwernda Weelardinup means "the place of the dingo spirit" and is of high spiritual and social significance to the Whadjuk people and for its connection to the Waugal and Dingo dreaming narratives and creative ancestral beings. Artwork done by Jade Doleman.
- Acknowledgment Plaques for City of Fremantle buildings are currently being organized.
- The Ordinary Council Meeting of 26 February 2020, endorsed the name of 'Walyalup Civic Centre' for the new civic building and library in Kings Square. At the same meeting, there was a Council decision to undertake community engagement on renaming the broader Kings Square public space.
- One Day 2020 returned for the 4th year, shifting to a more cultural focused event.

Deliver – City of Fremantle Festivals Program

The Fremantle International Street Arts Festival which was due to take place April 2020 has been cancelled. The Festivals team has been working hard to recover some of the expenditure. The cancellation will have a significant impact on Fremantle businesses.

Heritage Festival, Fremantle Festival: 10 Nights in Port and Hidden Treasures Music Series programs can hopefully be held over until 2021.

Deliver – Place Activation outcomes

Officers are currently focused on the development of a place activation plan for the public realm surrounding the Walyalup Civic Centre as a priority. The Visit Fremantle Chill-out Deck was delivered as part AFLW home games which received positive feedback. A series of initiatives are also being delivered as part of a welcome program for the Department of Communities and Department of Transport for their move into the Sirona Kings Square development. Reactive opportunities are also being considered as they arise.

Deliver – Community Safety and Crime Prevention Plan

The Community Safety and crime prevention plan was adopted by Council in September 2019.

Actions undertaken to date include:-

- Completed Federal Government funded CCCTV project by procuring and installing 38 cameras as per our CCTV Strategy.
- A Community Safety business briefing on 28 February 2020.
- Community safety school visits undertaken; bike safety, responsible animal ownership.
- Engaged with Elma Street in relation to improving the process for triaging mental health patients.
- Applied for Federal Government funding for improved lighting throughout the City, safety bollards and further CCTV.

Implement – Age Friendly Plan

Recent progress to date includes:

- City success at the Local Government Professional WA 2019 Honours Awards, winning a Participation and Collaboration Award.
- Successful grant funding from Department of Communities Age friendly initiative 2020 to deliver another innovative project
- 16 varied activities were promoted across art/craft, recreation, health wellbeing and technology, providing weekly opportunities for social participation, learning something new and sharing skills. Approximately 600 people participated.
- Ongoing activities program at the Wanjoo Lounge and the Fremantle Arts Centre Memory Café to support the Age Friendly Plan.

Implement – Recreation Plan

Draft document under consideration by Executive Leadership Team, for presentation to Council in this coming quarter.

South West Group representation

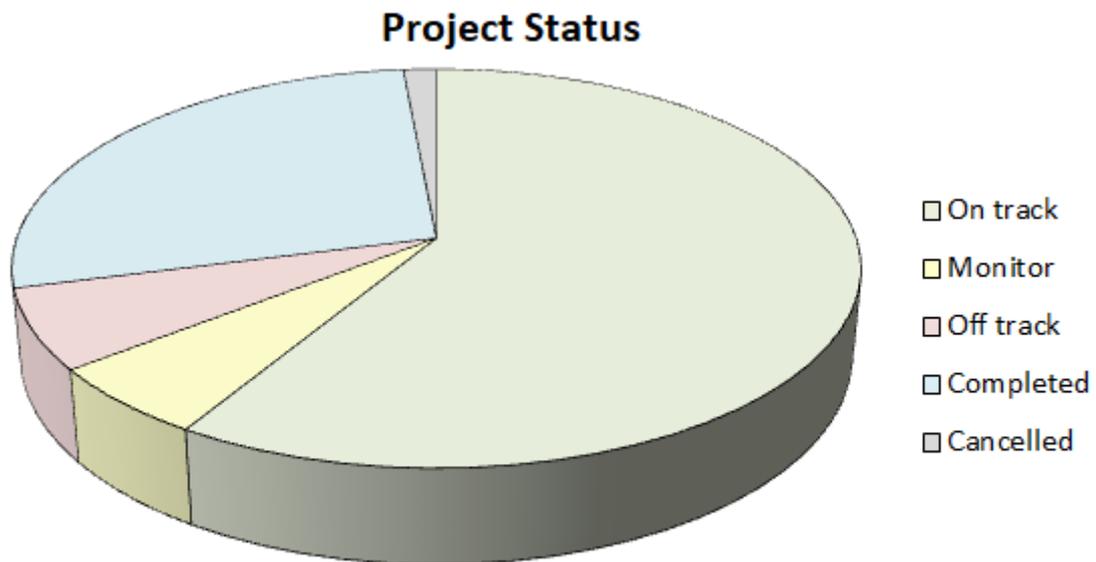
Officers are actively engaging with collaborative programs and projects being coordinated by the South West Group. Current and recent projects include Smart City activator projects, State Government advocacy in the lead up to the next State election and the delivery of an industry cluster analysis for the region. The South West Group has also been working with member councils on coordinated economic responses to the current COVID-19 situation.

Victoria Quay Working Group Participation

The Fremantle Port Authority was tasked as the main agency by the State Government to undertake further planning work on Victoria Quay. The multi-agency working group was chaired by the State Member for Fremantle. The focus of the work centred on future options for improved connections between the City and the waterfront, however, the final study has not yet been released. It is understood that Development WA will become the lead agency, once the State Government agrees to progress any further planning and feasibility work on Victoria Quay.

Progress Status

A summary of the status of the budgeted projects is displayed below.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2005 - 6 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council receive the Corporate Business Plan Quarterly Progress Report for January to March 2020.

Carried: 12/1
For

Mayor Brad Pettitt, 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

C2005 - 7 NATIONAL REDRESS SCHEME (PARTICIPATION OF WA LOCAL GOVERNMENTS)

| | |
|-----------------------------------|--|
| Meeting date: | 13 May 2020 |
| Responsible officer: | Manager Community Services |
| Decision making authority: | Council |
| Agenda attachments: | 1. Local Government Information Paper (February 2020). |
| Additional information: | 1. Nil |

SUMMARY

This item is for the City of Fremantle to:

- **Note the background information and the WA Government's decision in relation to the National Redress Scheme;**
- **Note the key considerations and administrative arrangements for the City of Fremantle to participate in the National Redress Scheme**

It is recommended that Council:

- **Formally endorse the City of Fremantle's participation as part of the WA Government's declaration in the National Redress Scheme; and**
- **Grant authority to an appropriate officer to execute a service agreement with the State, if a Redress application is received.**

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the City of Fremantle) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

DETAILS

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the City of Fremantle's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the City of Fremantle formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The City of Fremantle will not be included in the State's amended declaration, unless it formally decides to be included. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration. The option also exists for the City of Fremantle to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the City of Fremantle formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the City of Fremantle include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the City of Fremantle having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City of Fremantle.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

LEGAL IMPLICATIONS

The City of Fremantle in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of *the Local Government Act 1995*.

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

OFFICER COMMENT

Detailed below is a list of considerations for the City of Fremantle to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the City of Fremantle will receive a Redress application. A Service Agreement will only be executed if the City of Fremantle receives a Redress application.

City of Fremantle needs to give authority to an appropriate officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the City of Fremantle will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The City of Fremantle's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.

5. Redress Decisions

The City of Fremantle should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the City of Fremantle do not have any influence on the decision made and there is no right of appeal.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
2. Endorses the participation of the City of Fremantle in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
3. Grants authority to the Director Community Development to execute a service agreement with the State, if a Redress application is received;
4. Notes that a confidential report will be provided to Council if a Redress application is received by the City of Fremantle;

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

To include the following as part 1 of the recommendation:

1. **Recognises that some Western Australians experience ongoing suffering as a consequence of experiencing child sexual abuse in government institutions, and acknowledges the importance of National Redress Scheme as a mechanism to right past wrongs and make amends.**

Amendment carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

COUNCIL DECISION ITEM C2005 - 7

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. *Recognises that some Western Australians experience ongoing suffering as a consequence of experiencing child sexual abuse in government institutions, and acknowledges the importance of National Redress Scheme as a mechanism to right past wrongs and make amends.*
2. **Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
3. **Endorses the participation of the City of Fremantle in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
4. **Grants authority to the Director Community Development to execute a service agreement with the State, if a Redress application is received;**
5. **Notes that a confidential report will be provided to Council if a Redress application is received by the City of Fremantle;**

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2005 - 8 FREMANTLE GOLF COURSE AND COMMUNITY BUILDING

| | |
|-----------------------------------|--|
| Meeting date: | 13 May 2020 |
| Responsible officer: | Manager Asset Management Manager Parks and Landscape |
| Decision making authority: | Council |
| Agenda attachments: | 1. Fremantle Public Golf Course - Final Design 2. Fremantle Golf Clubhouse and Community Centre - Preferred Preliminary Revised Concept Diagram |
| Additional information: | 1. Fremantle GCCC Preliminary Schematic Design Report 2. Proposed Clubhouse Community Facility - Engagement Report Two - May 2020 |

SUMMARY

Main Roads Western Australia (MRWA) have commenced upgrading the intersection and highway along High Street and Stirling Highway between Carrington Street and Marmion Street, Fremantle.

To accommodate the new road alignment along High Street and retain existing significant trees, a portion of the Class A and Class C reserves has been vested to MRWA for the purpose of road reserve. This has resulted in the need for the City to remediate the Fremantle Public Golf Course and to replace the clubhouse and the former Community Facility at 26 Montreal Street. MRWA have made a financial contribution to the City to design and construct these works.

This report details a preferred location for the joint Fremantle Public Golf Course clubhouse and community facility prior to moving into community consultation and detailed design. An update is also provided on the redesign of the Fremantle Public Golf Course.

This report recommends that Council:

- 1. Endorse the current golf course design Attachment 1 and request officers progress to tender and delivery, noting:**
 - a. The area of the golf course adjacent to the building will be further refined to ensure an integrated outcome inclusive of tee 1, hole 9, practice facilities and access.**
 - b. The course design accommodates flexibility (notably at holes 5 and 6) to allow potential future changes to increase course length should sufficient budget become available to complete the works.**
- 2. Endorse that the collocated Fremantle Golf Course clubhouse and community facility be aligned and positioned as per Attachment 2.**

3. **Request officers develop the design of the collocated building for the Fremantle Public Golf Course Clubhouse and Community Facility and continue with community consultation in respect to the functionality of the community facility.**
4. **Request officers provide further updates to Council, detailing:**
 - a. **The proposed schematic design for the Fremantle Public Golf Course Clubhouse and Community Facility prior to detailed design and tender.**
 - b. **A design update for Booyeembara Park, detailing the integration with the Golf Course Clubhouse and Community Facility, the Olive Grove and the future options for potential enhanced facilities.**

BACKGROUND

The project has been initiated by the Main Roads Western Australia (MRWA) High Street and Stirling Highway upgrade project. The new High Street road alignment has resulted in the need to remediate the Fremantle Public Golf Course and clubrooms and construct a suitable replacement community facility with similar facilities and functionality. MRWA have made a financial contribution to the City to design and construct these works. A Deed of Agreement between the City of Fremantle and MRWA defines the scope and delivery requirements for the works and how it will be managed and audited.

Golf Course

In reaching agreement to proceed with MRWA and key stakeholders, the City has committed to the provision of a remediated Fremantle Public Golf Course with similar facilities and functionality. At the Special Meeting of Council 29 August 2018 Council resolved that as part of the primary concept objectives the golf course objectives would:

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

Fremantle Golf Course Clubhouse and Community Facility

At the Finance, Policy, Operations and Legislation committee meeting on 9 October 2019 the committee resolved the following:

1. *Accept design / facility options may include encroachment into Booyeembara Park.*
2. *Request officers progress with the design of a collocated building for the Fremantle Public Golf Course clubhouse and community facility, noting sufficient budget is estimated to be available to develop a collocated facility.*

3. *Request officers to continue ongoing community engagement to determine community uses to be accommodated within the collocated building and within the anticipated budget.*
4. *Request officers bring a report back to Council in quarter 1 of 2020, confirming the viability of the collocated approach and detailing a preferred schematic design for Fremantle Public Golf Course clubhouse and community facilities.*

This report provides an update on these two items.

FINANCIAL IMPLICATIONS

The project will be entirely funded by the contribution from Main Roads Western Australia. The City has agreed, in consultation with MRWA, for the City of Fremantle to manage the design and delivery of the required works.

At the SPT Committee on 27b March 2019, Council accepted a cash in lieu payment from LandCorp for a value of \$404,075 ex GST for the subdivision of land at Lot 1819 Blinco St Fremantle and supported the expenditure of the payment to work at Booyeembara Park (subject to WAPC/Minister's approval). It is anticipated this money will be used to ensure the joint golf clubhouse and community building is integrated into Booyeembara Park by upgrades to the Olive Grove and surrounding landscape.

LEGAL IMPLICATIONS

The City has entered into a Deed of Agreement with Main Roads Western Australia for the delivery of the remediation of the Fremantle Public Golf Course, clubhouse and community facility.

CONSULTATION

Golf Course

The City held numerous workshops with the golf course lessee throughout the development of the concept design. Additionally, two stakeholder workshops with nominated golf clubs who play out of Fremantle Public Golf Course were held in 2019. The first workshop focussed on the existing course attributes (positives and negatives), future clubhouse facility and reviewing the reference design. The second workshop presented a range of concept options for discussion and comment. The feedback was used to help develop the final concept plan.

Fremantle Golf Course Clubhouse and Community Facility

The City has held two rounds of community consultation so far. The first stage was held in December 2019 and involved a presentation on the proposed building site followed by MySay Freo feedback on potential users and uses of the community facility. The second stage of community consultation was directed at key groups in the local area. With the restriction of COVID-19, online workshops were held focussing on how the collocated facility related to the site in terms of location, orientation and access.

The feedback so far has been used to help define the architectural brief and determine the preferred building location and orientation.

The City will continue to engage with stakeholders as the project progresses and will undertake community consultation on the preferred preliminary schematic design in respect to the functionality of the Fremantle Public Golf Course Clubhouse and Community Facility building.

OFFICER COMMENT

Golf Course

Following a tender process, the City appointed a Consultancy team led by Aspect Studios and incorporating specialist golf course design Consultant Richard Chamberlain Golf Design and other specialists key to the delivery of the project to redesign the golf course. The key criteria for the project were as adopted by Council and aimed to deliver the following:

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

A range of concept options were developed throughout the design process testing a range of scenarios to meet the project scope and address opportunities and issues identified through the stakeholder engagement. The ultimate design incorporated feedback from the lessee and rerouted the course to accommodate a desire to retain hole 9 in its current playing configuration. The redesigned course includes all new larger greens with contouring, new tees, new irrigation system, new course signage and furniture, safety fencing and practice facilities, among others.

The final concept design was accepted by the City and supported by the Golf Course lessee in December 2020. The Consultants have since been working through the detailed design of the project and have developed the concept into the plan attached to this report. This design meets the objectives for the redevelopment endorsed by Council and meets the project budget.

The final piece of design to occur is the integration of the course with the building which will be worked through following a decision on the building location as requested in this report. This will include access to tee 1 and green 9, practice chipping and putting configuration, access to the driving range and general landscaping.

The City acknowledges some of the golf clubs have expressed concern about the length of the finalised course. Should sufficient budget be available in the future, there is scope within the golf course layout to lengthen hole 6 and redesign hole 5 to gain additional course length. This has not been included in the current scope of works because the cost of safety fencing is prohibitive within the existing golf course budget, but remains an option for the future.

Fremantle Golf Course Clubhouse and Community Facility

Following a tender process the City appointed Gresley Abas Architects for the design of the Fremantle Golf Course Clubhouse and Community Facility. As part of the brief the Architects explored a number of options for the new building.

Key criteria have been developed to assess the options for the building and ultimately deliver a successful project outcome. The criteria are as follows:

- Golf clubhouse
 - Control and support for course activities and golfers on the course.
 - Views to golf course.
- Community facility
 - Enhance and activate community space and entry into Booyeembara Park.
 - Access and views to Booyeembara Park.
 - Provide a functional interface.
 - Consider and complement landscape features such as olive grove and parkland.
- Aspirations
 - Strong individual identities but building should bring them together with a shared identity.
 - Safety in design principles.
 - Building to be appropriate to its context, integrate in the landscape, respond to and enhance the site and environment.
- Sustainability
 - Passive solar design principles.
 - Orientation – minimise east / west elevation.
 - Cross-ventilation.
 - A layout which is adaptable and future proofed.
 - Minimal impact on the existing environment (topography / landscape).
- Budget
 - There is a fixed budget for the project as a result of the Main Roads WA project and the location, orientation and configuration of the building affects costs such as the site works required.

The Preliminary Schematic Design Report shows the options and commentary on how well they deliver on the project requirements. In order to see how the options would work with the golf course and Booyeembara Park the Architects developed three options a little bit further with some high level ideas on layout and how the major functions could work with the surrounding environment in terms of access and orientation.

Targeted consultation with key users was held online on the 23rd and 24th of April. The key outcomes of the workshops were:

- A preference for the facility to be closer to Montreal Street, as opposed to near the driving range.
- A preference for the driving range to be detached from the building.
- Agreement that the café should prioritise its service to everyone (golf course users, Boo Park users and passers-by). The location and access to the café needs further consideration.
- The community facility should provide a balance of indoor space and outdoor, undercover space (not one or the other).
- There are mixed views on whether the facility should straddle the sites or be entirely on the Booyeembara Park side (golfing preference).
- Key issues for the golfers centred on the actual course as a priority issue rather than the clubhouse, and parking provision.

Booyeembara Park

Key to the success of the community facility is its integration with and relationship to Booyeembara Park. Upon confirmation of the preferred building location, the City will commence landscape design works with consideration to the building location and information gained through the community facility consultation as to how the building will be utilised and accessed. It is anticipated the landscape upgrades will seek to not only integrate the building into Booyeembara Park, but improve the wider landscape including the olive grove and northern parkland area to improve the community function of this space. This may include paths, seating and furniture, informal outdoor community spaces to support community events, landscaping and gardens. A focussed consultation on the Booyeembara Park landscape upgrades will be undertaken as the design process progresses.

Summary and Next Steps

The City has considered the feedback from the community and conducted further workshops with both the golf course and building consultant teams to determine the optimum location for the building that compliments the golf course, integration with Booyeembara Park, Montreal Street streetscape and surrounding landscape while providing flexibility for improvements in the future.

Attachment 1 depicts the proposed approximate location of the building and its relationship with the surrounding environment. The proposed location is an adjusted Option1, which has been moved south east and elongated along the east/west axis. This provides more room around the hole 1 tee, provides better passive solar design, allows improved car park access and improved connection to Booyeembara Park.

Officers will now continue to consult with the community about the function and use of community aspects of the building. The results of this consultation will be used to help inform the design of the spaces in the building and how they relate to the surrounding environment.

The building design will progress and explore how the functions and uses of the building work with one another and link with the golf course and Booyeembara Park. This includes the location of the café, integration with hole 1 and the practice facilities, how the community space works and provision for any future improvements. The landscape design of Booyeembara Park will be progressed to ensure an integrated outcome for the precinct.

The Golf Course reconfiguration will proceed to tender and construction, whilst allowing for the spaces around the building, hole 1 and practice facilities to be refined.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council:

1. Endorse the current golf course design Attachment 1 and request officers progress to tender and delivery, noting:
 - a. The area of the golf course adjacent to the building will be further refined to ensure an integrated outcome inclusive of tee 1, hole 9, practice facilities and access.
 - b. The course design accommodates flexibility (notably at holes 5 and 6) to allow potential future changes to increase course length should sufficient budget become available to complete the works.
2. Endorse that the collocated Fremantle Golf Course clubhouse and community facility be aligned and positioned as per Attachment 2.
3. Request officers develop the design of the collocated building for the Fremantle Public Golf Course Clubhouse and Community Facility and continue with community consultation in respect to the functionality of the community facility.
4. Request officers provide further updates to Council, detailing:
 - a. The proposed schematic design for the Fremantle Public Golf Course Clubhouse and Community Facility prior to detailed design and tender.
 - b. A design update for Booyeembara Park, detailing the integration with the Golf Course Clubhouse and Community Facility, the Olive Grove and the future options for potential enhanced facilities.

COUNCIL DECISION ITEM C2005 - 8
(Alternative recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

- 1. Endorse as the Stage 1 works the proposed golf course design to retain a nine-hole par 34 course as shown in Attachment 1, and request the City progress these works to tender and delivery, noting:
 - The area of the golf course that coincides with the building node is to be further refined to ensure an integrated outcome inclusive of the first tee, the ninth hole, practice facilities, access, and the driving range tee-off location;
 - The course design can accommodate improvements that would increase course length and reduce lengthy walks between fairways, most notably at holes 5 and 6. The City will review its capacity to implement these improvements should sufficient funds become available; will investigate additional funding sources; and, if unachievable as part of Stage 1, will include the improvements for consideration as part of any future works;**
- 2. Note the progress of the work undertaken by the City and consultant architect to develop the brief for the building node through an iterative design process, including the site analysis and preliminary schematic designs that explore co-locating the replacement facilities;**
- 3. Provide an updated design brief and schedule of functional areas that is informed by the findings of the Engagement Report and other community input to a June meeting of Council. As part of this process, officers and interested elected members will hold a workshop to clearly frame a plan for engagement with stakeholders and anticipated deliverables.**

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Reason for change:

To confirm Council's intent to explore options to extend the length of the golf course, most notably by modifying holes 5 and 6, either as part of the initial works or at a future stage. To require further work to review the design brief and siting options for the co-located building and surrounding existing and future activities before signing off on the preliminary schematic design and siting option for the building

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

C2005 - 11 **ADVERTISING OF THE PROPOSED DIFFERENTIAL RATE FOR THE 2020/21 FINANCIAL YEAR**

Meeting Date: 13 May 2020
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: Objects and Reasons for Differential Rates for the 2020/21 financial year

SUMMARY

The purpose of this report is for Council to consider approval of advertising of the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the Objects and Reasons for differential rates (shown in Attachment 1) for the 2020/21 budget, in accordance with the provisions of the *Local Government Act 1995*.

This report recommends that Council endorse the proposed 2020/21 differential rate categories, rate in the dollar and minimum payment and approve advertising of the proposed 2020/21 differential rates. The differential rates have been increased by 10% on the previous year to allow for an average 10% reduction in Gross Rental Values which come into effect on 1 July, 2020. Whilst the differential rates are being amended to account for the changes in valuation, it is proposed the gross income received from rates will be maintained at 2019/20 year levels.

BACKGROUND

The power to raise local government property rates is set out under the Local Government Act 1995 (Act). The usual process in adopting its annual budget, the Council must consider its current Strategic Community, Corporate Business and Long Term Strategic Plans and, subject to the rating provisions under the Act, the Council is at liberty to use its rating powers to raise rate revenue at the level it determines appropriate. To determine this level requires the Council to assess the current and future service needs, aspiration of the community and their capacity and willingness to pay for those services. Recent temporary changes introduced by the state government require local governments to consider a response to the COVID-19 pandemic in the determination of the 2020/21 budget.

As part of the process for the 2020/21 draft budget it is proposed to continue to apply differential rating. The State Government has requested Councils to freeze rates and charges to lessen the impact of the coronavirus pandemic on household budgets. It proposed that there be a nil increase in gross rate revenue in recognition of the impacts of COVID-19 and in support of our rate payers and business community. It should be noted that a zero revenue increase is a departure from the draft Long Term Financial Plan (LTFP) and will have an impact on the available discretionary funds for 2020/21, refer Financial Implications below.

FINANCIAL IMPLICATIONS

Differential rates represent a strategic approach to rating which is a major revenue source of Council.

As a consequence of the COVID-19 situation it is being recommended for a zero increase in gross income from rates to assist ratepayers next financial year.

Below are the financial implications of these measures based on rates data as at April 2020. The rates yields are compared to the projected rates from the draft long term financial plan and to the rates revenue from the adopted budget for 2019-20.

| | Rate Yield | Variance |
|---|------------|-----------|
| Base LTFP - Projected Rates at 2.8% | \$48.27m | |
| Projected Rates with 0% rate revenue increase | \$47.12m | (\$1.15m) |
| Estimated reduction in rate yield from anticipated LTFP | | (\$1.15m) |
| Adopted rates revenue for 2019-20 | \$46.84m | |
| Estimated increase in rate yield from Budget 2019-20 due to growth | | \$0.28m |

Note: The rates yield estimated above is based on current valuations. From 1 July 2020 revised gross rental valuations provided by Landgate will come into effective. The intention is a zero gross increase in rate revenue for 2020-21.

LEGAL IMPLICATIONS

Sections 6.33 and 6.34 of the *Local Government Act 1995* allow local governments to impose differential rates and minimum payment. Section 6.36 requires local governments to give notice of certain rates before imposing.

CONSULTATION

Nil, this recommendation is the City's intention to advertise the proposed differential rates for public comment prior to the adoption of the 2020/21 budget. This advertising will occur for a minimum 21 days and allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

OFFICER COMMENT

Rates

Rates are a significant proportion of the City's revenue and are used to achieve the objectives of the Strategic Community Plan and Corporate Business Plan. The purpose of levying rates is to meet the City's budget requirements in order to deliver services and projects each financial year.

The State Government is urging Councils to freeze rates and charges to lessen the impact of the coronavirus pandemic on household budgets. However as it is a revaluation year, Landgate is providing new gross rental valuations (GRV's) for all properties to be applied from 1 July 2020. The legislated change in property valuations will result in the rates payment for 2020-21 being different to the 2019-20 notice for residents. As such a nil rate increase for residents can only occur at the gross level and will see variations to previous notices for individual properties.

As a consequence of the COVID-19 situation a nil gross rate revenue increase is recommended to be adopted for 2020-21 to assist ratepayers next financial year.

It is recommended that the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the attached 2020/21 Objects and Reasons for differential rates and outlined below, be advertised.

| Differential Rate Category | Proposed Minimum Payment | Proposed Rate in the Dollar (\$) |
|--------------------------------------|--------------------------|----------------------------------|
| Residential Improved | \$1,344 | 0.080660 |
| Commercial and Industrial General | \$1,344 | 0.089756 |
| Vacant Commercial and Industrial | \$1,344 | 0.161316 |
| City Centre Commercial | \$1,344 | 0.094915 |
| Nightclubs | \$1,344 | 0.161317 |
| Vacant Residential Land | \$1,302 | 0.129100 |
| Residential Short Stay Accommodation | \$1,344 | 0.089745 |

There is a zero percent change in the minimum payment amounts being proposed. With the change in valuations the minimum payments will be re-evaluated in accordance with section 6.35(3) of the Local Government Act 1995 to ensure the general minimum is imposed on not less than 50% of the number of properties in each category.

Rates Revaluation

The revaluation of properties is undertaken by the State Government's (Landgate) on a three year cycle. This revaluation was deferred by the state government in 2019/20 so 2020/21 has become a revaluation year. Revised property valuations apply for local government rates, as well as state government water rates and the emergency services levy. The revised valuations are based on gross rental values as at 1 August 2018.

Based on the valuation data received from Landgate for the City of Fremantle, on average the valuations across all differentials have decreased by approximately 10%. This is subject to further in depth review of each category. Therefore in order to achieve a nil rate revenue increase in rate yield, an increase of 10% in the rate in the dollars is proposed for each rate category. If the rate in the dollars had been held to the same as the previous year, it would result in a 10% rate revenue reduction, which would translate to a net rate revenue decrease of approximately \$4.7m.

In order to make the GRV rate increase as equitable as possible across the various each rating classifications the Rate in the Dollar will be based on a median sample of rate valuations for each category. The calculated Rate in the Dollar is then applied to all ratepayers within the rating category. This can result in considerable variation within individual ratepayers' accounts, due to the varying valuation movements, which is unavoidable. Therefore a zero percentage rate increase for residents is unlikely – some residents will receive an increase and some a decrease on their last rate notice. Provided below are examples to illustrate the effect.

| <i>Zero percent rate revenue increase - excludes revaluation adjustment</i> | | | | | | | | | |
|---|-----------|----------|------------------|------------------------|-----------|----------|------------------------------|---------------|---|
| 2019/20 | | | | | 2020/21 | | | | |
| | Valuation | RID | Rates payable | Revaluation adjustment | Valuation | RID | Rates yield | ↑ | ↓ |
| Residential Property 1 | 18,980 | 0.073327 | 1,391.75 | 0% | 18,980 | 0.073327 | 1,391.75 | 0.00% | |
| Residential Property 2 | 55,120 | 0.073327 | 4,041.78 | 0% | 55,120 | 0.073327 | 4,041.78 | 0.00% | |
| Residential Property 3 | 44,200 | 0.073327 | 3,241.05 | 0% | 44,200 | 0.073327 | 3,241.05 | 0.00% | |
| Residential Property 4 | 20,540 | 0.073327 | 1,506.14 | 0% | 20,540 | 0.073327 | 1,506.14 | 0.00% | |
| Residential Property 5 | 27,613 | 0.073327 | 2,024.78 | 0% | 27,613 | 0.073327 | 2,024.78 | 0.00% | |
| | | | <u>12,205.50</u> | | | | <u>12,205.50</u> | | |
| | | | | | | | <i>Rate Revenue Increase</i> | <i>0.00%</i> | |
| | | | | | | | <i>RID change</i> | <i>0.00%</i> | |
| <i>Zero percent rate revenue increase - includes revaluation adjustment</i> | | | | | | | | | |
| 2019/20 | | | | | 2020/21 | | | | |
| | Valuation | RID | Rates payable | Revaluation adjustment | Valuation | RID | Rates yield | ↑ | ↓ |
| Residential Property 1 | 18,980 | 0.073327 | 1,391.75 | -20% | 15,184 | 0.085550 | 1,298.99 | -6.66% | |
| Residential Property 2 | 55,120 | 0.073327 | 4,041.78 | -18% | 45,198 | 0.085550 | 3,866.73 | -4.33% | |
| Residential Property 3 | 44,200 | 0.073327 | 3,241.05 | -15% | 37,570 | 0.085550 | 3,214.12 | -0.83% | |
| Residential Property 4 | 20,540 | 0.073327 | 1,506.14 | -10% | 18,486 | 0.085550 | 1,581.48 | 5.00% | |
| Residential Property 5 | 27,613 | 0.073327 | 2,024.78 | -5% | 26,232 | 0.085550 | 2,244.18 | 10.84% | |
| | | | <u>12,205.50</u> | | | | <u>12,205.50</u> | | |
| | | | | | | | <i>Rate Revenue Increase</i> | <i>0.00%</i> | |
| | | | | | | | <i>RID change</i> | <i>16.67%</i> | |

Advertising

Before Council can impose differential rates across the City, the proposed differential rates must be advertised for a minimum of 21 days. The advertising period can occur up to two months prior to adoption of the budget. This period of advertising allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

Due to the change in property valuations further analysis of each rating category's Rate in the Dollar is required to determine an average. This may result in changes to the advertised rate in the dollar and the adopted rate in the dollar. It should be noted public advertising of the proposed rate in dollar and minimum payment does not bind Council to these when adopting the 2020/21 budget. The advertising process does not prohibit Council from amending the rate in the dollar and minimum payment at budget adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

1. Endorse the proposed 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined below and detailed in the Objects and Reasons for differential rates in Attachment 1.

| Differential Rate Category | Proposed Minimum Payment | Proposed Rate in the Dollar (\$) |
|--------------------------------------|--------------------------|----------------------------------|
| Residential Improved | \$1,344 | 0.080660 |
| Commercial and Industrial General | \$1,344 | 0.089756 |
| Vacant Commercial and Industrial | \$1,344 | 0.161316 |
| City Centre Commercial | \$1,344 | 0.094915 |
| Nightclubs | \$1,344 | 0.161317 |
| Vacant Residential Land | \$1,302 | 0.129100 |
| Residential Short Stay Accommodation | \$1,344 | 0.089745 |

2. Approve the 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined in part 1, to be advertised.

PRESIDING MEMBER DETERMINATION

Cr Andrew Sullivan proposed the following amendment without the required notice being given in accordance with the City's Meeting Procedures.

The Presiding Member determined that he would allow the proposed amendment to be moved as this item was distributed as a late item, and Elected Members were unable to submit their proposed changes within the usual timeframe.

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Su Groome

Council:

1. Endorse the proposed 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined below and detailed in the Objects and Reasons for differential rates in Attachment 1, **as modified in 3 below**.

| Differential Rate Category | Proposed Minimum Payment | Proposed Rate in the Dollar (\$) |
|--------------------------------------|--------------------------|---------------------------------------|
| Residential Improved | \$1,344 | 0.080660 0.08389 |
| Commercial and Industrial General | \$1,344 | 0.089756 |
| Vacant Commercial and Industrial | \$1,344 | 0.161316 |
| City Centre Commercial | \$1,344 | 0.094915 0.08390 |
| Nightclubs | \$1,344 | 0.161317 0.08391 |
| Vacant Residential Land | \$1,302 | 0.129100 |
| Residential Short Stay Accommodation | \$1,344 | 0.089745 |

2. Approve the 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined in part 1, to be advertised.
3. **Modify the Objects and Reasons for differential rates in Attachment 1 as follows:**
 - **under "Residential Improved", amend as follows:**
 - The proposed rate in the dollar of GRV value for this rate category is **8.4586¢** ~~0.080660¢~~ with a minimum payment amount of \$1,344. This will apply to 13662 properties or 83.36% of the City's rateable properties.
 - **under "City Centre Commercial Differential Rate", amend as follows:**
 - Objects and Reasons
The object of this rate is to apply a differential rate to land zoned and used for commercial purposes to ensure that a reasonable contribution is made towards the higher costs of ongoing maintenance and provision of works, services and facilities located in these zones. **The rate is reduced in 2020/21 to take into account the significant impost on City Centre Commercial properties due to COVID-19 and to assist City Centre Commercial businesses to continue to provide critical commercial services to the community at large.** The rate in the dollar is higher than that of the Commercial and Industrial differential rate. Additional **A proportion of the funds raised equal to the amount raised in 2019/20** are to be allocated to the City's destination marketing activities in line with the endorsed **Destination Marketing Strategic Plan 2018-2022** which aims to support all consumer facing industries in Fremantle

including retail, hospitality, tourism and professional services. This includes costs associated with facilitating Fremantle as regional centre.

The proposed rate in the dollar of GRV value for this rate category is ~~0.094915¢~~ **8.4586¢** with a minimum payment amount of \$1,344. This will apply to 431 Properties or 2.63% of the City's rateable properties.

- **under "Nightclubs Differential Rate", amend as follows:**

- Objects and Reasons

Nightclubs that operate outside usual business hours, frequently impact the community and present additional challenges for the City requiring a higher level of resourcing to maintain and remediate surrounding amenities due to anti-social behaviour that often occurs.

The nightclubs differential rate applies to venues that operate beyond 2:00am to recover the increased resourcing costs directly and indirectly linked to the operation of these venues. **The rate is reduced in 2020/21 to take into account the significant impost on Nightclubs due to COVID-19.** Resourcing to address noise complaints, vandalism, increased street sweeping and cleaning costs, unsociable behaviour, facilitating safe access to public transport and taxis for all visitors to the city including nightclub patrons and CCTV surveillance.

The proposed rate in the dollar of GRV value for this rate category is ~~0.161317¢~~ **8.4586¢** with a minimum payment amount of \$1,344. This will apply to 3 Properties or 0.02% of the City's rateable properties.

Amendment Lost: 3/10

For

Cr Doug Thompson, Cr Bryn Jones, Cr Andrew Sullivan

Against

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin,
Cr Marija Vujcic, Cr Rachel Pemberton, Cr Adin Lang

Reason for change:

The Gross Rental Value (GRV) for each property provides a reasonable measure against which a property owner's share of the rate burden is measured. As a form of taxation, the rate is determined on the basis of the gross income that a property might expect to generate. Fluctuations in GRV from area to area and from one land use category to another provide a continuous measure of the income generating potential of each property, and in broad terms, the basis for determining the capacity of a property owner to pay a proportionate amount of tax. In addition, a minimum rate is imposed to ensure that all property owners contribute to a basic level of services irrespective of the income earning capacity of the property. The use of the GRV for property rates is what a taxable income is to paying personal income tax.

The capacity to apply a differential rate provides a further opportunity for a local authority to provide adjustment to the general rate based on a particular characteristics of a land use, especially if that land use uses a greater proportion of the services offered by the city or generates special needs that are only applicable to that land use.

The differential rate for City Centre Commercial properties was originally implemented to generate an additional \$320,000 to be used to fund the BID, and subsequently to fund destination marketing. In addition, in 2014 a further differential rate was introduced for other commercial/industrial properties to offset a 30% rise in residential GRV's that year (compared to Industrial that rose 13% and Commercial that rose 8%). Between 2013 to 2019, the Rate in the Dollar (RiD) used to calculate rates against a property's GRV has stayed stagnant for residential land uses. Over the same period, City Centre Commercial properties RiD is now 17% higher than the general rate in 2013. That is, for every dollar a city centre commercial property can earn, they are paying 17% more tax than on the same dollar earned by a residential property.

The City Centre has struggled in recent years because of the significant decline in bricks and mortar retailing, stronger competition resulting from the easing of retail opening hours and the significant loss of employment in the area. The city centre serves the whole community and its viability effects all ratepayers. Rather than maintaining a comparatively high taxation burden on city centre businesses, the amendment proposes to reset the burden so that city centre commercial land uses pay no greater RiD than do residential property owners who significantly benefit from the city centre services and ambiance. The proposal also halves the Nightclub differential rate so that they also pay the same RiD as residential and city centre commercial uses. These two measures take into account the reality that it is city centre commercial land uses that have suffered the biggest impacts of COVID-19 because so much of their trade is reliant on visitations from the regions, from inner city workers and from tourism. Business outside of the city centre typically service a more localised market that has not diminished to the same extent due to the nature of the COVID-19 restrictions.

The proposed amendment does not change the generation of funds for destination marketing. Likewise, the amendment does not remove the differential rate categories and so the RiDs for each category can be readjusted next year if circumstances change.

COUNCIL DECISION ITEM C2005 - 11
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

1. Endorse the proposed 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined below and detailed in the Objects and Reasons for differential rates in Attachment 1.

| Differential Rate Category | Proposed Minimum Payment | Proposed Rate in the Dollar (\$) |
|--------------------------------------|--------------------------|----------------------------------|
| Residential Improved | \$1,344 | 0.080660 |
| Commercial and Industrial General | \$1,344 | 0.089756 |
| Vacant Commercial and Industrial | \$1,344 | 0.161316 |
| City Centre Commercial | \$1,344 | 0.094915 |
| Nightclubs | \$1,344 | 0.161317 |
| Vacant Residential Land | \$1,302 | 0.129100 |
| Residential Short Stay Accommodation | \$1,344 | 0.089745 |

2. Approve the 2020/21 differential rate categories, rate in the dollar and minimum payment as outlined in part 1, to be advertised.

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

16. Confidential business

PROCEDURAL MOTION

At 7.19pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That the meeting be moved behind closed doors to consider the confidential items on the agenda.

Carried: 13/0

**Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

C2005 - 9 FREMANTLE VISITOR CENTRE OPERATING MODEL 2020

Meeting date: 13 May 2020
Responsible officer: Manager Customer Service and Visitor Information
Decision making authority: Council
Agenda attachments: 1. Sirona Capital Response
Additional information: 1. Annexure 2 Location
2. Annexure 3 Financials

REASON FOR CONFIDENTIALITY

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

- a. a matter affecting an employee or employees; and
- b. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

PROCEDURAL MOTION

At 8.05pm the following procedural motion was moved:

COUNCIL DECISION ITEM C2005-9

Moved: Cr Su Groome

Seconded: Cr Sam Wainwright

The item be deferred to the next appropriate Council meeting to allow officers to provide a strategic cost-benefit analysis of options for a Visitor Centre including current model, minimalist options and providing data about the visitor centre operations and the finding of any recent reviews undertaken by staff, including customer surveys.

Carried: 7/6

For

Cr Su Groome, Cr Geoff Graham, Cr Sam Wainwright, Cr Frank Mofflin,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton

Against

Mayor Brad Pettitt, Cr Doug Thompson, Cr Bryn Jones,
Cr Adin Lang Cr Hannah Fitzhardinge, Cr Jenny Archibald

**C2005 - 10 PROPOSED LEASE TERMINATION – 20 MONTREAL ST,
FREMANTLE**

Meeting date: 13 May 2020
Responsible officer: Director City Business
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

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

COUNCIL DECISION ITEM C2005 - 10
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

1. **Approve the early termination of the lease with Evergreen Golf at 20 Montreal Street, Fremantle as of 30 June 2020, for the sum of \$439,000 based on part 2 below;**
2. **The settlement payment to Evergreen Golf for early termination of their lease in part 1 above be provided based on the following contributions;**
 - a. **Main Roads WA contributing \$400,000,**
 - b. **City of Fremantle contributing \$39,000.**

Carried: 13/0

**Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

PROCEDURAL MOTION

At 8.57pm the following procedural motion was moved:

COUNCIL DECISION ITEM

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That the meeting come out from behind closed doors.

Carried: 13/0

Mayor Brad Pettitt, 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 Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

17. Closure

The Presiding Member declared the meeting closed at 8.58 pm.