



Minutes

Ordinary Meeting of Council

Wednesday, 27 May 2020 at 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held via electronic means
on **Wednesday, 27 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 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 Julia Kingsbury	Manager Development Approvals
Ms Phillida Rodic	Manager Strategic Planning
Mr Craig Best	Manager Asset Management
Mr Paul Dunlop	Manager Communications and Events
Ms Melody Foster	Meeting Support Officer

No members of the public attended the electronic meeting.

2.2 Apologies

Mr Philip St John	Chief Executive Officer
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2.3 Leave of absence

Nil

3. Applications for leave of absence

Nil

4. Disclosures of interest by members

Cr Frank Mofflin disclosed a financial interest in item C2005-12 as he owns shares in BP.

Cr Geoff Graham disclosed an impartiality interest in item C2005-12 and advised that he will stay and vote.

Cr Adin Lang disclosed a proximity interest in item C2005-15.

5. Responses to previous public questions taken on notice

5.1 The following questions were submitted by Gail Harper at the Ordinary Meeting of Council held on 13 May 2020, in relation to item C2005-8 Fremantle Golf Course and Community Buildings:

Question 1

How much money has MRWA contributed to:

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

Response by Director Infrastructure

The funding agreement the City of Fremantle entered into with Main Roads WA was approved by Council in March 2019 as a confidential item.

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.

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

Response by Director Infrastructure

The funding for the Golf Course remediation, a replacement Golf Club and Community building are included in the funding agreement with Main Roads WA.

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?

Response by Director Infrastructure

Refer to answer 1.1 above.

Question 4

What is the significance of a par 34 golf course?

Response by Director Infrastructure

Retaining a 34 par, 9 hole course and minimising tree loss was a key requirement from the stakeholders – this was subsequently a condition of approval of the project by Council at the Special Council Meeting 29 August 2018.

The design has retained a 34 par, 9 hole course and whilst there is a slight reduction in overall course length, the golf course consultant's professional advice is that this is more than compensated for in terms of the improvements to the course quality, design and playability.

The fairway lengths are measures from a fixed point 5m in from the back of the tee box which is in accordance with the correct measurement for golf holes.

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)?

Response by Director City Business

- a) Royal Fremantle Golf Club: \$41,000
- b) Fremantle Public Golf Course: \$89,000
- c) Booyeembara Park (including the olive trees): Nil

5.2 The following questions were submitted by Cathy Roads at the Ordinary Meeting of Council held on 13 May 2020, in relation to item C2005-8 Fremantle Golf Course and Community Buildings:

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?

Response by Director Infrastructure

The City's consultants have explored numerous options in respect to potential overlap and / or encroachment into part or whole of the olive grove. It was concluded that pushing the driving range further south into the olive grove had minimal beneficial impact on the hole alignment or course layout. It was also potentially very costly.

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?

Response by Director Infrastructure

The City will provide a replacement golf course in line with the agreed requirements (9 hole, par 34) and whilst there is a slight reduction in overall course length – the consultants professional advice is that this is more than compensated for in terms of the improvements to the course quality, design and playability.

5.3 The following question was submitted by Sandii Rogers at the Ordinary Meeting of Council held on 13 May 2020, in relation to a matter not on the agenda.

Question

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

Response by Director Infrastructure

The City of Fremantle has been in consultation with FERN in respect to potential hire agreement opportunities at North Fremantle Community Hall. Modifications have been made to the Hall, which is now ready; execution of a hire agreement is now subject to agreement of the parties.

6. Public question time

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

Public submissions in relation to C2005-13:

Terri Aird
Kate Hulett

Public submissions in relation to C2005-27:

Nicola Bagley
Rachel Meyer
Brian Wales
Ian Ker
Sean Hefferon
Jane Mair
Pam Formby
Roel Loopers
Greg Paten

Public submission in relation to C2005-27:

Kris Nolan

7. Petitions

Cr Marija Vujcic presented a petition with 65 signatures in support of Cr Vujcic's Notice of Motion; requesting 'No parking on Wilson Park at all'.

Note: As the petition relates to the Notice of Motion on the Agenda, the petition will be dealt with during the meeting and will not require a further item to be presented by officers at a later date.

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 13 May 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

Cr Marija Vujcic; read aloud a statement provided to her by a Fremantle Resident in relation to the Neighbour to Neighbour program.

Cr Doug Thompson; noted a recent announcement has been made, that the CDS scheme will commence from 1 October, and encouraged Councillors to start advising their local community groups, to start collecting their CDS cans now. He also noted, between now and October, the City will be working with the SMRC to work out, what the split will be, on the income earned from the 'cash for containers' scheme; which will become another source of income for the City.

11. Reports and recommendations from committees

Nil

12. Reports and recommendations from officers

Cr Frank Mofflin declared a financial interest in item number C2005-12. He left the meeting at 6.12 pm and was absent during discussion and voting of this item.

Cr Bryn Jones left the meeting at 6.23pm and return at 6.27pm, during discussion of item C2005-12.

**C2005-12 HAMPTON ROAD, NO.229B (LOT 100), BEACONSFIELD - MIXED
USE COMMERCIAL DEVELOPMENT (PETROL FILLING STATION,
OFFICE AND WAREHOUSE) (JL DAP002/20)**

Meeting Date: 29 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 to demolish the majority of the existing buildings and structures and construct a new Petrol Filling Station and two storey Office and Warehouse building (Self Storage facility).

As the development value exceeds \$2 million, the applicant has opted to have the application determined by the Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.

The application is recommended for conditional approval.

PROPOSAL

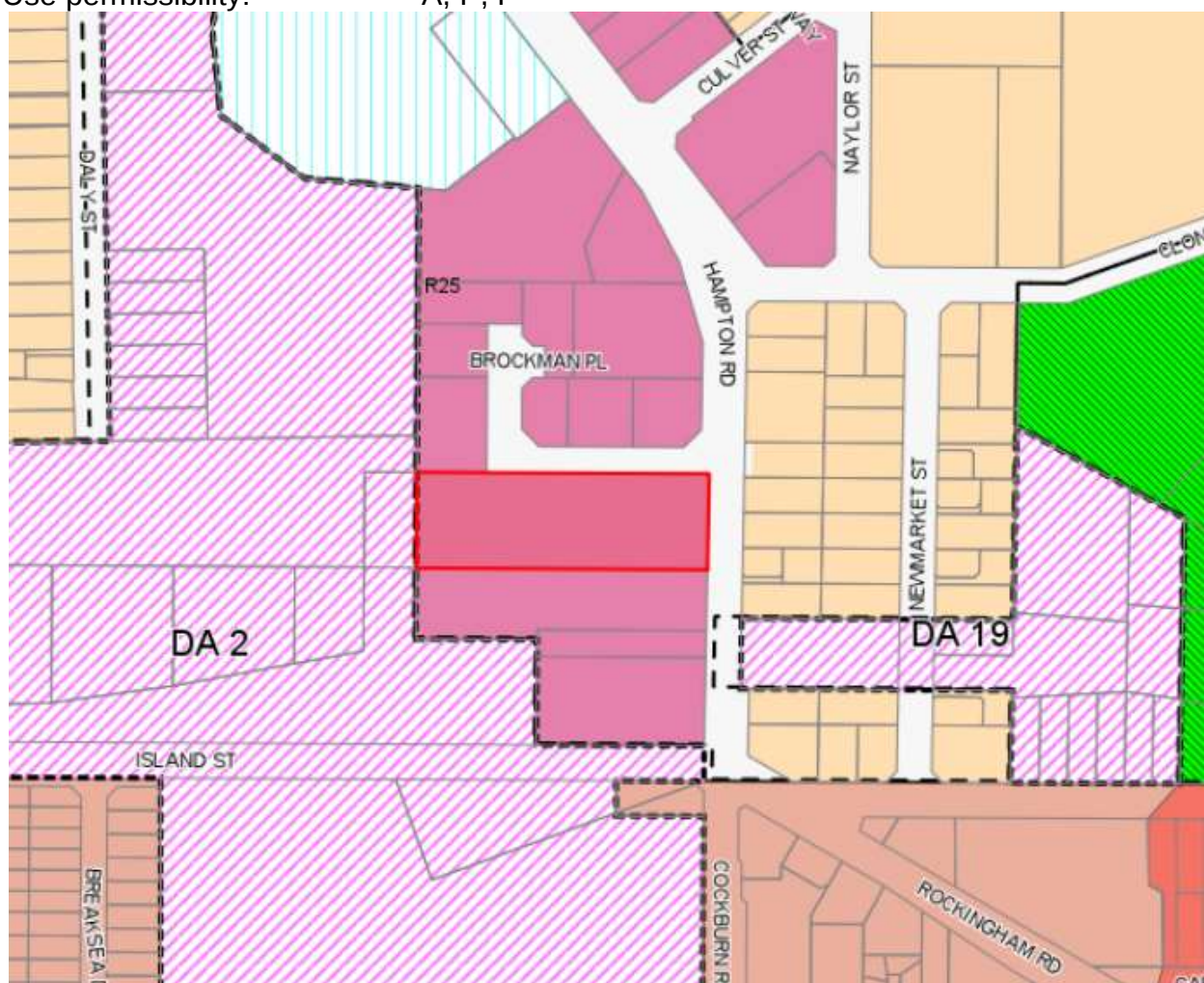
Detail

Approval is sought for the following:

- Demolition of the majority of existing buildings and structures. Retention of the heritage significant former Atkinson Jockey's Quarters and Stables.
- Construction of new Petrol Filling Station with associated fuel canopy and pumps with associated signage
- Landscaping onsite and within the verge
- Two, two storey Warehouse and Office Buildings (Self Storage facility)
- 43 parking bays (16 bays Petrol Filling Station, 8 bays Office and 16 Bays Warehouse)

Site/application information

Date received: 28 February 2020
 Owner name: Barricade Holdings Pty Ltd
 Submitted by: Planning Solutions
 Scheme: Mixed Use R25
 Heritage listing: Level 2 / South Fremantle Heritage Area
 Existing land use: Office, Storage Yard
 Use class: Petrol Filling Station, Office and Warehouse
 Use permissibility: A, P, P



OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Demolition of existing buildings and construction of a Petrol Filling Station, Office and Warehouse buildings at No. 229b Hampton Road (Lot 100) Hampton Road, South Fremantle, subject to the conditions outlined in the responsible authority report.

Form 1 – Responsible Authority Report (Regulation 12)

Property Location:	No. 229B (Lot 100) Hampton Road, Beaconsfield
Development Description:	Mixed Use Commercial Development (Petrol Filling Station, Office and Warehouse)
DAP Name:	Metro Inner South JDAP
Applicant:	Planning Solutions
Owner:	Barricade Holdings Pty Ltd
Value of Development:	\$5.5 million
LG Reference:	DAP002/20
Responsible Authority:	Local Government
Authorising Officer:	Manager Development Approvals
DAP File No:	DAP/20/01757
Report Due Date:	29 May 2020
Application Received Date:	28 February 2020
Application Process Days:	90 Days
Attachment(s):	1: Development Plans 2: Heritage Impact Assessment 3: Traffic Impact Assessment 4: Bushfire Management Plan 5: Site Photos

Officer Recommendation:

That the Metro Inner-South JDAP resolves to:

Approve DAP Application reference DAP/20/01757 and accompanying plans (DA01 Rev A, DA02 Rev B, DA03 Rev A, DA04 Rev B, DA05 Rev B, DA06 Rev B, DA07 Rev A, DA08 Rev A, DA09 Rev A, DA10 Rev A, DA11 Rev A, A-100, A-101, A-102 and A-103) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 28 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. Notwithstanding condition 1, the operating hours of the Petrol Filling Station is to be limited to between 7.00am and 7.00pm seven days a week.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. All development hereby approved shall be contained within the property cadastral boundaries, to the satisfaction of the City of Fremantle.
5. Prior to the issue of a demolition permit, a Structural Engineers Report on the condition of the retained heritage buildings including a schedule of works required to ensure they will survive the proposed demolition and construction stages of the approved development, is to be submitted to the satisfaction of the City of Fremantle.
6. Prior to the issue of a building permit for the development hereby approved a detailed schedule of works including details of:
 - Any demolition work to be undertaken and hazardous fabric to be removed from the heritage buildings.
 - The proposed conservation and stabilisation works to the heritage buildings is to be submitted and approved, to the satisfaction of the City of Fremantle. Prior to occupation of the development hereby approved the approved schedule of works is to be completed to the satisfaction of the City of Fremantle.
7. Prior to the issue of a demolition permit a dilapidation survey to record the condition of the retained heritage buildings is to be submitted to the satisfaction of the City of Fremantle.
8. Prior to the issue of a Building Permit for the development hereby approved, the landscaping plan is to be modified to comply with the shade tree requirements of LPP 3.8. The amended detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass, etc), shall be submitted to and approved by the City of Fremantle.
9. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
10. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed, removed and the kerb and verge reinstated, and/or be modified to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.

11. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
12. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
- Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste
 - Additional management requirements to be implemented and maintained for the life of the development.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

13. Prior to the issue of a Building Permit for the development hereby approved, One (1) Class 1 or Class 2 as defined in LPS4 bicycle racks shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

14. Prior to the issue of a Building Permit for the development hereby approved, 1 male and 1 female (or 2 unisex) shower and 1 locker for the Office shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

15. Prior to the issue of a Demolition Permit and Building Permit for the development hereby approved, a Construction and Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact details;
- g) Site offices;
- h) Noise - Construction work and deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering management plan;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

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

16. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
17. Prior to the issue of a building permit, any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.
18. Prior to the commencement of development, a notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense, and lodged with the Registrar of Titles for endorsement on the certificate of title.. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.
19. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Any damage shall be rectified to the satisfaction of City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Notes:

- i) A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii) A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- iii) The applicant is advised that in regard to the condition for a Structural Engineers Report the report is to detail the works required to ensure that the buildings will survive the surrounding demolition, excavation and construction and any interim period before the approved conservation works are carried out.
- iv) The applicant is advised that in regard to the condition for a detailed schedule of demolition and conservation works the report is to include:
 - a) a description of the internal condition of the Jockeys Quarters including the condition of roof cladding and the capacity of rainwater goods.

- b) specifications of construction techniques, mortar mixes, materials etc.
- v) The applicant is advised that in regard to the condition to complete the approved conservation works these works must be carried out by a suitably skilled contractor who has experience in working with heritage buildings and has appropriately skilled tradespeople working on the project who are experienced in traditional building construction techniques and the use of tradition building materials such as lime mortars. A heritage consultant should be engaged during the construction of the project to provide heritage advice when required.
- vi) The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via info@fremantle.wa.gov.au or 9432 9999.
- vii) Any removal of asbestos is to comply with the following –
- Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;
- Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- viii) The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- ix) Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- x) Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.

- xi) The applicant is advised that where contamination is detected, the site is required to be remediated in accordance with the requirements of the Department of Environment & Conservation for the remediation of contaminated sites.
- xii) All mechanical service systems including air-conditioners and pool filters etc are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
- xiii) With regards to the landscaping conditions the applicant is advised that the *Agonis flexuosa* is not supported against heritage building.
- xiv) In regard to the condition requiring a Construction and demolition Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

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

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

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

Details: outline of development application

Insert Zoning	MRS:	Urban
TPS:		Mixed Use
Insert Use Class:		Petrol Filling Station (A), Office (P), Warehouse (P)
Insert Strategy Policy:		Strategic Community Plan
Insert Development Scheme:		Local Planning Scheme No. 4
Insert Lot Size:		9,160 m ²
Insert Existing Land Use:		Office and Storage Yard

Approval is sought for the following:

- Demolition of the majority of existing buildings and structures
- New single storey Petrol Filling Station
- One pylon sign facing Hampton Road and three Building signs
- Landscaping onsite and within the verge
- Two, two storey Warehouse and Office Buildings (Self Storage facility)
- 40 parking bays (16 bays - Petrol Filling Station, 8 bays - Office and 16 Bays - Warehouse)

Background:

The land is located on the southern corner of Hampton Road and Brockman Place in Beaconsfield. The site is zoned Mixed Use 'R25', and is located within the South Fremantle Local Planning Area of Schedule 7, which permits building heights up to 7m.

The adjoining southern properties and adjacent northern properties are also zoned Mixed Use and improved by industrial and commercial built form. Across Hampton Road to the east the land is zoned Residential and is improved by single storey single houses. The lot immediately to the west consist of the former South Fremantle tip site.

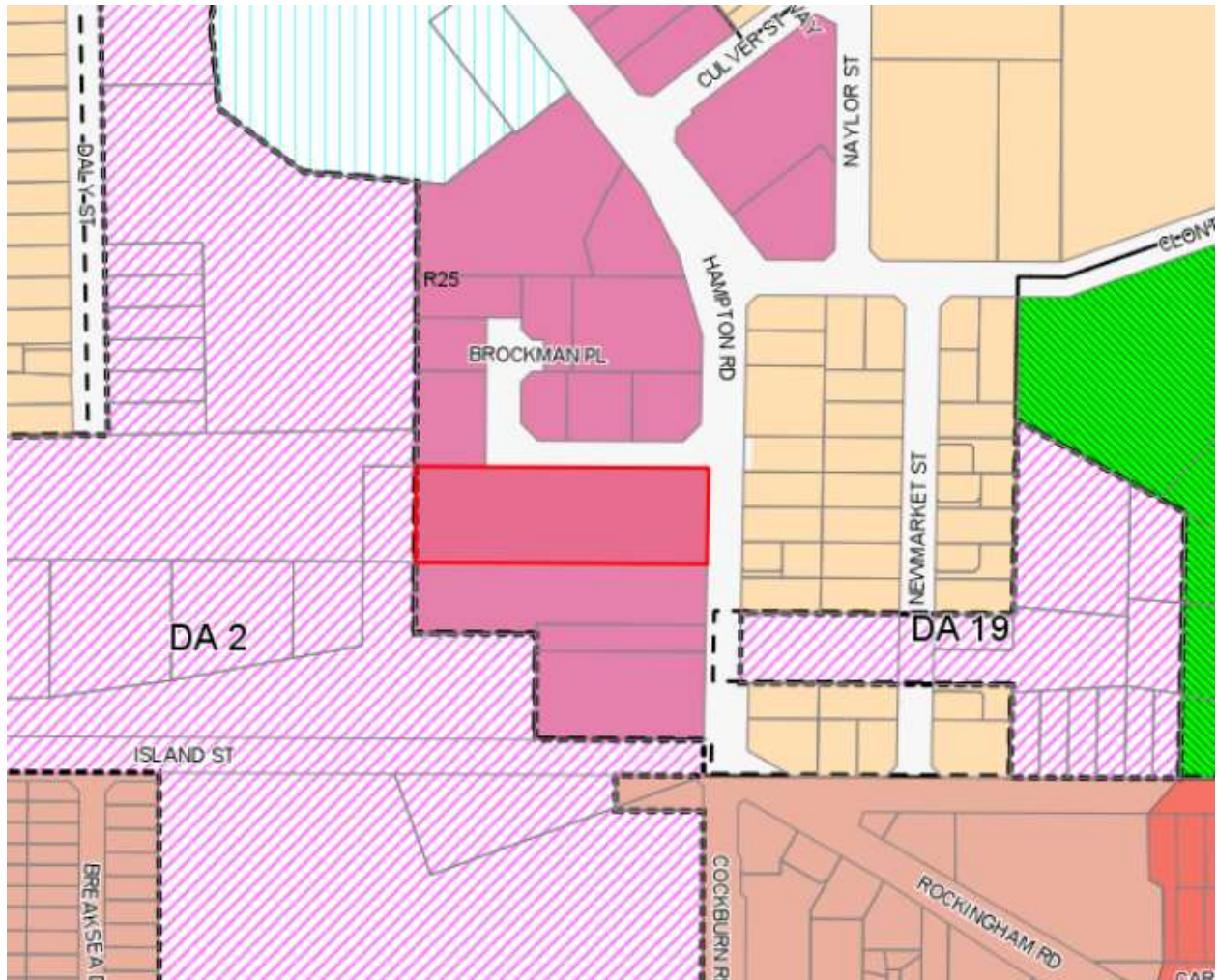


Figure 1: Subject site and LPS4 Zoning

The immediate area is transitioning in terms of land use mix and built form to better reflect the Mixed Use character and zoning applicable under LPS4.

No. 229b Hampton Road is improved by a number of existing buildings. The eastern portion of the subject site contains a single unoccupied building surrounded by hardstand, formerly in use as a Portuguese Language School and Portuguese Embassy, and prior to that as a service station.

The site also contains buildings and structures known as the 'Former Atkinson Jockey's Quarters and Stables' which are classified as being a place of considerable cultural

heritage significance under the City's Heritage List and the Local Heritage Survey and has a Level 2 Management. A number of other sheds occupy the central portion of the subject site.

Scheme Amendment 68

On 2 March 2016 the City's Planning Committee considered a report relating to a proposed Scheme amendment to LPS4 to apply revised development controls to the Mixed Use zoned area adjoining Hampton Road and Brockman Place, including the subject site. The intent of the proposed amendment was to introduce new development provisions to enable redevelopment of the area, including for high density residential purposes. The proposed development provisions included:

- Current density of R25 to be unchanged with bonus density increased to R100, R160, R.AC3;
- Increased height bonus to allow for approximately 5 to 6 storeys;
- Minimum setback of 15m to Hampton Road and maximum setback of 3m to Brockman Place;
- A requirement that car parking spaces be located to the rear or below ground.

Following public consultation in 2017 and again in 2018, Council at its 22 August 2018 meeting resolved not to support the Amendment. The Amendment was forwarded to the Western Australian Planning Commission and on the 6 December 2018 the Minister refused to approve the amendment for the following reasons:

- a) Up coding of the amendment area was not supported by an approved Local Planning Strategy;
- b) The traffic implications of up coding are such that the proposal should be considered in the wider context of the land to the north, south and east of the subject land in an approved Local Planning Strategy; and
- c) A Developer Contribution Plan has not been prepared to ensure an appropriate mechanism for the efficient and effective provision of public infrastructure including roads and traffic works.
- d) The amendment has not addressed the bushfire implications of intensifying development within a bushfire prone area. State Planning Policy 3.7 Planning in Bushfire Prone Areas requires strategic planning documents including local planning scheme amendments to be accompanied by a Bushfire Hazard Level assessment or a Bushfire Attack Level Contour Map identifying bushfire hazard issues and a clear demonstration that compliance with the bushfire protection criteria in the guidelines can be achieved in subsequent planning stages.

In passing its resolution to not approve the scheme amendment on 22 August 2018, Council at the same time also resolved as follows:

That the CEO inform landowners in the scheme amendment area that notwithstanding points 1 and 2 above (referring to the scheme amendment) Council maintains the view that in the longer term the optimum planning outcome for this area would be redevelopment as a high density mixed use/residential precinct. If at a future date landowners in the area demonstrate to the City a stronger commitment to participating in arrangements to jointly fund and implement road network improvements needed to

support such development, the Council would be willing to consider commencing a fresh planning process to facilitate such a redevelopment outcome.

To date, no landowner in the area has demonstrated to the City any interest in pursuing a coordinated approach to comprehensive redevelopment in the area including a mechanism to fund and implement necessary road network improvements.

Accordingly the current proposal needs to be assessed under the current provisions of LPS4.

Legislation and Policy:

Legislation

Local Planning Scheme No. 4:

- Clause 3.2.1 (e): Objectives of the Mixed use zone
- Table 1: Zoning
- 4.6: Commercial and Industrial Development
- Table 2: Vehicle parking
- 4.7.3: Relaxation of parking requirements
- 4.14: Demolition of buildings and structures
- 4.15: End of Trip Facilities
- Schedule 1: Land use definitions
- Schedule 7: Local Planning Area 4 – South Fremantle, Sub Area 4.3.5

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies

State Planning Policy 4.1: State Industrial Buffer Policy

State Planning Policy 4.1: Industrial Interface (Draft)

Local Policies

LPP 1.3: Public Notification of Planning Proposals

LPP 2.14: Advertisement Policy

Consultation:

Public Consultation

The application was advertised for 14 days with notification sent via post to the immediately adjoining lots and the lots across each street in accordance with policy LPP 1.3. At the end of the advertising period, being 3 April 2020, one (1) submission was received raising the following issues:

Issue Raised	Officer's comments
Petrol Station here years ago and failed	Financial success or failures are not a relevant planning consideration

Storage yard is not suitable. Storage Yard on Clontarf has not rented for 2 years.	Noted - See Officer's Comment below
Pylon Sign is an eyesore	Noted - See Officer's Comment below

Consultation with other Agencies or Consultants

Department of Water and Environmental Regulation (DWER)

The application has been referred to the Department of Water and Environmental Regulation (DWER) as the site is registered as 'Contaminated- Remediation required'. DWER responded with the following:

Based on available information, and consistent with historical advice from the department, the site is considered to be suitable for the proposed commercial development. The department has no objection to the demolition and development of Lot 100 in accordance with the proposed commercial land use layout, and recommends that the approval should not include a contamination condition. However, given the risks associated with the disturbance of surface and sub-surface contaminated soils, the department recommends that the approval include the following advice note:

Advice

An appropriate construction management plan should be prepared by a suitably qualified and experienced contaminated sites consultant, to address the risks associated with exposure of soil contaminants (eg. management of earthworks, stormwater and landscaping/vegetation planting).

The above advice note is include in the Officers Recommendation

Department of Fire and Emergency Services (DFES)

The Western Australian Planning Commission's (WAPC) State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) sets out the foundations for land use planning to address bushfire risk management. It applies to all development located within designated 'Bushfire Prone Areas'.

The western portion of the site is located within a 'bushfire prone area' as identified by the DFES Map of Bushfire Prone Areas. Accordingly, the proposed development was required to comply with the relevant policy measures of SPP3.7 and associated documents. A bushfire management plan has been prepared by Emerge Associates (refer to Attachment 4) which assesses the bushfire hazards within and nearby the site and identifies management strategies to ensure development is consistent SPP3.7.

The application was accompanied with a Bushfire Attack Level (BAL) assessment that indicates that the site can achieve a BAL-29 or less. Accordingly, the built form will need to comply with the AS standards 3959 for BAL 29 at the Building Permit stage of development.

The proposal including the BAL Assessment and Bushfire Management Plan were referred to DFES in accordance with State Planning Policy 3.7: Planning in Bushfire Prone Areas. At the time of writing this report the City had not received any comments from DFES. These comments will be made available in the Responsible Authority report (RAR).

Planning Assessment:

Local Planning Scheme

Item	Requirement	Proposal	Compliance
Land use	Petrol Filling Station (A) Warehouse (P) Office (P)	'A' uses	Supported – See Officer Comments
Vehicle Parking Bays	- Petrol Filling Station 1: per employee and 1: service storage area = 3 bays - Warehouse 1:100m² gla = 4,395m² gla and 1: per unit = 1 bay = 51 bays - Office 1:30m² gla and 1 delivery bay per 500m² = 227m² gla = 9 bays	19 16 8	Complies (Surplus of 16 bays) 35 Bay Shortfall 1 Bay Short fall
Total	63 bays	43 bays	<i>20 bay shortfall</i> Supported- See Officers Comments below.
Bike parking	Office: Class 1 or 2: 1 per 200m ² gla – 1 Required	Nil	<i>1 Class 1 Rack</i> Not supported – See Officer Comments
End of Trip Facilities	1 male and 1 female shower	Nil	<i>1 male and 1 female shower</i> Not supported – See Officer Comments

LPP2.14: Advertisement Policy

Item	Requirement	Proposal	Compliance
Pylon sign	6m maximum height	6m	Complies
3 x Wall Sign	The advertisement does not project above the fascia of the building and does not exceed the frontage of the tenancy; and The advertisement(s) are restricted to three signs per street frontage per tenancy.	Signs do not project above fascia of exceed frontage of the building 2 x Signs to Hampton Road and one to Brockman Place	Complies

Officer Comments

Demolition

The application proposes to retain the former Jockeys Quarters and the adjacent former Stables with all other structures and landscape elements on site are to be removed.

Under the provisions of Clause 4.14.1 of LPS4, 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 advice of the City’s Heritage Coordinator is that demolition of the existing buildings, with the exception of the former Jockeys Quarters and the adjacent former Stables is supported in accordance with cl. 4.14.1 as buildings and structures proposed to be demolished are considered to have limited or no cultural heritage significance and do not make significant contribution to the heritage significance and character of the locality.

Heritage

The application proposes to retain the former Jockeys Quarters and the adjacent former Stables and to carry out only sufficient conservation and maintenance works to stabilise the buildings to prevent loss or further damage to significant heritage fabric while an appropriate use is identified for the buildings. Full conservation and interpretation of the buildings will be carried when a new use/ user have been identified in the future.

The applicant’s Heritage Impact Statement states that the proposed new works will have no impact upon the identified heritage structures (Former Jockeys’ Quarters) and Former Stables because:

- They are to be retained

- They will be stabilised to ensure that they will survive largely intact until they can be fully conserved, redeveloped and interpreted in future once a use and or user have been identified
- The future conservation and interpretation works will have a positive impact upon the heritage significance of the buildings
- The new structures on site will have no impact upon the heritage structures because they are separate and distinct and because a structural engineer will be engaged prior to development to ensure that the heritage structures are stabilised sufficiently to ensure that they survive the surrounding demolition, excavation and construction
- The new structures on site will not diminish the heritage buildings contribution to the streetscapes of Brockman Place or Hampton Road.

The applicant's Conservation Works Schedule is a broad heritage strategy discussing the type of work that should be undertaken to stabilise the condition of the building and prevent further loss or deterioration of significant fabric. This report does not provide a scope of works but instead states that a detailed scope of work and specifications will not be prepared until Building Licence stage.

The scope of the conservation works to stabilise the heritage buildings given in the HIS and the Conservation Works Schedule is broad and general making it difficult to assess if the proposed works are adequate to stabilise the place for an indeterminate amount of time when further more comprehensive works will be undertaken. While there is no doubt that the full conservation of the former Jockey's Quarters and Stables would improve the heritage values of the place, it would appear that most of this work would be carried out at some unspecified time in the future and there is no guarantee that the work will ever be undertaken.

As such it is recommended that the following reports/plans be submitted for the City's review and approval:

- A Structural Engineers Report on the condition of the buildings
- A dilapidation survey of the buildings
- A detailed schedule of conservation works

The applicant is encouraged to ensure that the work is carried out by a suitably qualified and experienced tradesperson under the supervision of a suitably qualified heritage consultant. The approved work is to be completed prior to the occupation of either the self-storage building or the petrol filling station (whichever is completed first).

State Planning Policy 4.1: Industrial Interface (Draft)

SPP 4.1: State Industrial Buffer Policy provides general advice for creating a buffer zone for prescribed premises and sets out considerations for industrial uses abutting sensitive land uses. The draft updates to the SPP provide more comprehensive requirements, including reference to Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses, which recommends a general provision of a 200m buffer zone between sensitive land uses (i.e. residential uses) and a 24 hour service station. A service station operating during normal hours (i.e. Monday – Saturday 7.00am to 7.00pm) only has a recommended 50 m buffer zone.

The eastern side of Hampton Road (opposite the subject site) is zoned 'Residential' and accommodates a number of residential dwellings. The distance between the boundaries of the subject site and the residential properties is approximately 20m.

In regard to the potential impacts associated with the operation of the petrol filling station, the applicant has provided the following response:

Noise – It is common for fuel convenience stores to be located either opposite, or directly adjoining, residential properties. Transmission of noise in these circumstances is not an issue, and noise generated from a fuel convenience store are generally consistent with or less noisy than a comparable commercial or industrial land use.

Risk - As the proposed service station provides for the retail sale of fuel, the proponent must obtain a Dangerous Goods Storage and Handling Licence to store and sell petrol on the subject site. Accordingly, risk is appropriately addressed through the dangerous goods licensing process, which will follow the development approval process. The site has been designed to ensure it can obtain a Dangerous Goods and Handling Licence.

Odour/Gaseous - The underground fuel storage tanks will be equipped with a Stage 1 Vapour Recovery System. A Stage 1 Vapour Recovery System ensures all petrol vapours from the underground tanks are drawn back into the fuel tanker being emptied and returned to the supply terminal where the vapours are recondensed into liquid. The dangerous goods licensing process assesses the likely impact from vapours/odours.

Lighting - Potential sources of light spill from the proposed development are primarily the lighting of the retail building frontage, the fuel canopy, and any external lights throughout the forecourt area. It should be noted any light from the retail building is likely to be buffered by the forecourt area. Additionally, lights within the petrol canopy are baffled and oriented internally to ensure light spill is contained within the confines of the subject site. The final design of lighting will be subject to, and regulated by Australian Standard 4282 - Control of Obtrusive Effects of Outdoor Lighting and any other relevant regulatory requirements. In addition to regulatory requirements, the layout/orientation of the development and the location/direction of the lighting will further control potential light spill.

The EPA would be aware of the light spill, operation noise and odour control requirements for a petrol station under the relevant Department of Mines, Industry Regulation and Safety requirements and the relevant Australian Standards, but they nevertheless recommend a minimum distance of 200 metres from residential lots. The separation distance document therefore implicitly recognizes that 24 hour petrol stations have a cumulative negative impact on residential properties that is unlikely to be mitigated by the standard suite of legislative control measurements.

It is noted that the land uses are separated by Hampton Road, which is a four lane road, being a significant transit corridor between Fremantle and the Cockburn Coast District Structure Plan area within the City of Cockburn to the south. Although it is acknowledged that the residents along Hampton Road would experience a different level

of amenity to that of residents located on a local distributor road, the separation distance in this instance is significantly less than the 200m recommendation therefore hours of operation for the petrol filling station are recommended to be in line with the hours where a 50m buffer is provided, being 7.00am – 7.00pm. A suitable condition is recommended.

Land use

The Warehouse and Office land uses are permitted land uses within a Mixed use zone. The proposed petrol filling station use however, is an 'A' uses within a Mixed use zone, meaning the use is not permitted unless Council has given notice in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* and is satisfied that the use meets the objectives of the zone, the City's planning strategy, and the matters to be considered of the *Deemed provisions*. As per clause 3.2.1 (e), the objectives of a Mixed use zone are as follows:

Development within the mixed use zone shall—

- (i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;*
- (ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;*
- (iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*
- (iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (v) conserve places of heritage significance the subject of or affected by the development.*

The application has also been assessed against the above objectives and *Matters to be considered* of the *Deemed provisions* and is considered to comply with all of the above for the following reasons:

- The immediately adjacent lots to the south and north contain of an array of industrial and commercial uses that are not considered sensitive.
- The closest residential properties are located to the east of site opposite side of Hampton Road approximately 35-40m away which would not unduly impact the existing adjoining uses.
- Hampton Road is a major road that provides a wide separation distance and already results in some impacts to the existing residential zones through traffic noise and pollution, particularly during day time hours. The proposed uses will have a negligible impact on noise and traffic during this time.
- The proposed development includes the retention and some minor conservation works to the heritage significant '*Former Atkinson Jockey's Quarters & Stables*'.
- With regard to the desired future character of the area, the view of the Council based on its most recent relevant resolution on the matter (22 August 2018) is that the longer term optimum planning outcome for this area would be redevelopment as a high density mixed use/residential precinct. However, achieving this outcome

would require a coordinated commitment by all landowners in the Brockman Place mixed use zone precinct to facilitate such an outcome, including a willingness to contribute towards funding of significant road network improvements (through a developer contribution scheme or similar mechanism) required to support more intensive development and land uses and associated vehicle movements. To date there has been no demonstration of such a commitment, and therefore the Council's expressed preference in terms of the longer term planning outcome needs to be weighed against the reasonable prospects of achieving that outcome. On balance therefore, officers consider it would be unreasonable to refuse the current application on grounds that it would prejudice achievement of a longer term alternative development form and land uses, given the very significant obstacles to delivery of that alternative which exist now and for the foreseeable future.

Car parking

The overall proposed development results in a 20 car bays shortfall as per the requirements of Table 2 of LPS4. The proposed petrol filling station component provides a 16 car bay surplus and the Warehouse and Office portion results in a 36 car bay shortfall.

Clause 4.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

Council may—

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—*
 - (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
 - (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
 - (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
 - (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
 - (vi) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) *any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

- (b) *Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.*

Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.

Therefore, only Clause 4.7.3 (a), are applicable in the assessment of this application.

It is considered that the proposed on-site car parking shortfall could be supported against Clause 4.7.3 (viii) above for the following reasons:

- A surplus of 16 onsite bays is provided for the Petrol filling station use,
- A self-storage facility whilst falling into the Warehouse definition of LPS4 does not operate like a traditional 'warehouse' land use operates. Such facilities are generally occupied in a very sporadic and temporary nature, by smaller domestic vehicles rather than larger commercial vehicles one would associated with a common Warehouse operation.
- The accommodated 8 on site bays for future Office use meets LPS4 table 2 requirements and the relaxation of the one delivery bay is supported the development provides ample hardstand space which can act as delivery area when required.

In this regard, it is considered that this discretion of onsite car parking for the total development is supported against Clause 4.7.3 of LPS4.

Bike parking and End of Trip Facilities

Element	Required	Provided
Bike parking	Office: Class 1 or 2: 1 per 200m ² of gla	Nil
End of Trip Facilities	1 male and 1 female shower	Nil
Locker	1 for every Class 1 or 2 rack = 1	Nil

Given the development includes a 200m² Office, its considered highly likely some staff will ride to site and given this is a new build such facilities should be accommodated for the future Office tenants.

A condition is recommended imposing the above requirements for the proposed Office use on the site.

Built Form and Vehicle Access

A Traffic Impact Statement (TIS) has been submitted in support of the proposal with the following proposed access and egress arrangements:

- Retention of the existing Hampton Road crossover, modified to left in/left out to be managed by signage and line marking to allow for fuel tanker entry movements.
- Proposed 12m wide full movement crossover to Brockman Place, to allow vehicle access and egress to the fuel convenience store.
- Proposed 11m wide full movement crossover to Brockman Place, to allow vehicle access and egress to the self-storage facility and office.

The TIS and parking plan has been reviewed by the City's Engineers and the proposal is considered acceptable. It is noted that appropriate signage will compliment surface markings and all parking and vehicle and pedestrian circulation areas will comply with the relevant Australian Standards.

The subject site is located in Local Planning Area 4 – South Fremantle which only specifies a maximum building height requirement for development. The proposed building height and setbacks of the petrol filling station and the self-storage buildings are considered acceptable.

Conclusion:

In light of the above, it is recommended that the application be approved subject to relevant conditions of approval including a condition limiting the hours of operation of the petrol filling station consistent with the Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses.

Lost: 2/10

For

Mayor Brad Pettitt, Cr Marija Vujcic

Against

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

COUNCIL DECISION ITEM C2005-12

(Alternative recommendation, as amended)

Moved: Cr Adin Lang

Seconded: Mayor, Brad Pettitt

Council:

- 1. DO NOT SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Demolition of existing buildings and construction of a Petrol Filling Station, Office and Warehouse buildings at No. 229b Hampton Road (Lot 100) Hampton Road, South Fremantle and recommend that the application be REFUSED for the following reason:**

- a) The proposed use and development would be incompatible with the desired future character of the area and is likely to stymie future high density and mixed use developments in the area consistent with the objectives of the City's Strategic Community Plan 2015-25.
- b) The proposed Warehouse and Office development is inconsistent with the parking requirements (clause 4.7.2) of Local Planning Scheme No. 4.
- c) The proposal would be detrimental to the amenity of the area under clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015 by reasons of vehicle parking and traffic.
- d) *The Petrol Station land use is incompatible with the objectives of the Mixed use zone under clause 3.2.1(e) of the City's Local Planning Scheme No. 4 by virtue of being detrimental to the amenity of residential properties in the locality.*

- e) The 24 hours Petrol Station is inconsistent with the separation distances as recommend in the Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses and will be therefore detrimental to the amenity of the residential properties.***
- f) The development would have an adverse impact on the safety and capacity of the existing road network, particularly at the Brockman Place and Hampton Road intersection.***

- 2. Invite the proponents to discuss with the City of Fremantle alternative development proposals for the site involving land uses and built form that would be more compatible with a progressive transition of the Brockman Place mixed use zone over time into a precinct with the following features:**

- a) Commercial land uses presenting an active frontage of more urban character to Hampton Road and Brockman Place**
- b) A less car-orientated public domain**
- c) Development compatible with the possible future provision of residential uses in the area once services needed to support residential uses are available.**

Carried: 11/1

For

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

Against

Cr Marija Vujcic

Reason for change:

- a) The proposed development and use is inconsistent with the City's objectives of the Strategic Community Plan which aims to improve density in urban centres, transit corridors and redevelopment areas. The proposed development and use will stymie future development of this lot and surrounding lots for a mix of compatible uses including residential at a higher density.
- b) In its current form the lack of parking for the Warehouse and Office development and the increased traffic generated by the development will have a detrimental impact on the amenity of the immediate locality.

Cr Frank Mofflin returned to the meeting at 6.43 pm.

C2005-13 HIGH STREET, NO. 96 (LOT 22) FREMANTLE – CHANGE OF USE TO TAVERN AND INTERNAL FITOUT (TG DA0114/20)

Meeting Date:	27 May 2020
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Agenda attachments:	1. Development Plans
Additional information:	1. Site Photos 2. House Management Policy, Code of Conduct Management Plan

SUMMARY

Approval is sought for a change of use to Tavern and an internal fitout at 96 High Street, 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). These discretionary assessments include the following:

- Land use (Tavern).
- Car parking.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use to Tavern (Palace Arcade) to an existing Restaurant (Lapa Brazilian Barbeque) at 96 High Street Fremantle. The proposal comprises the following:

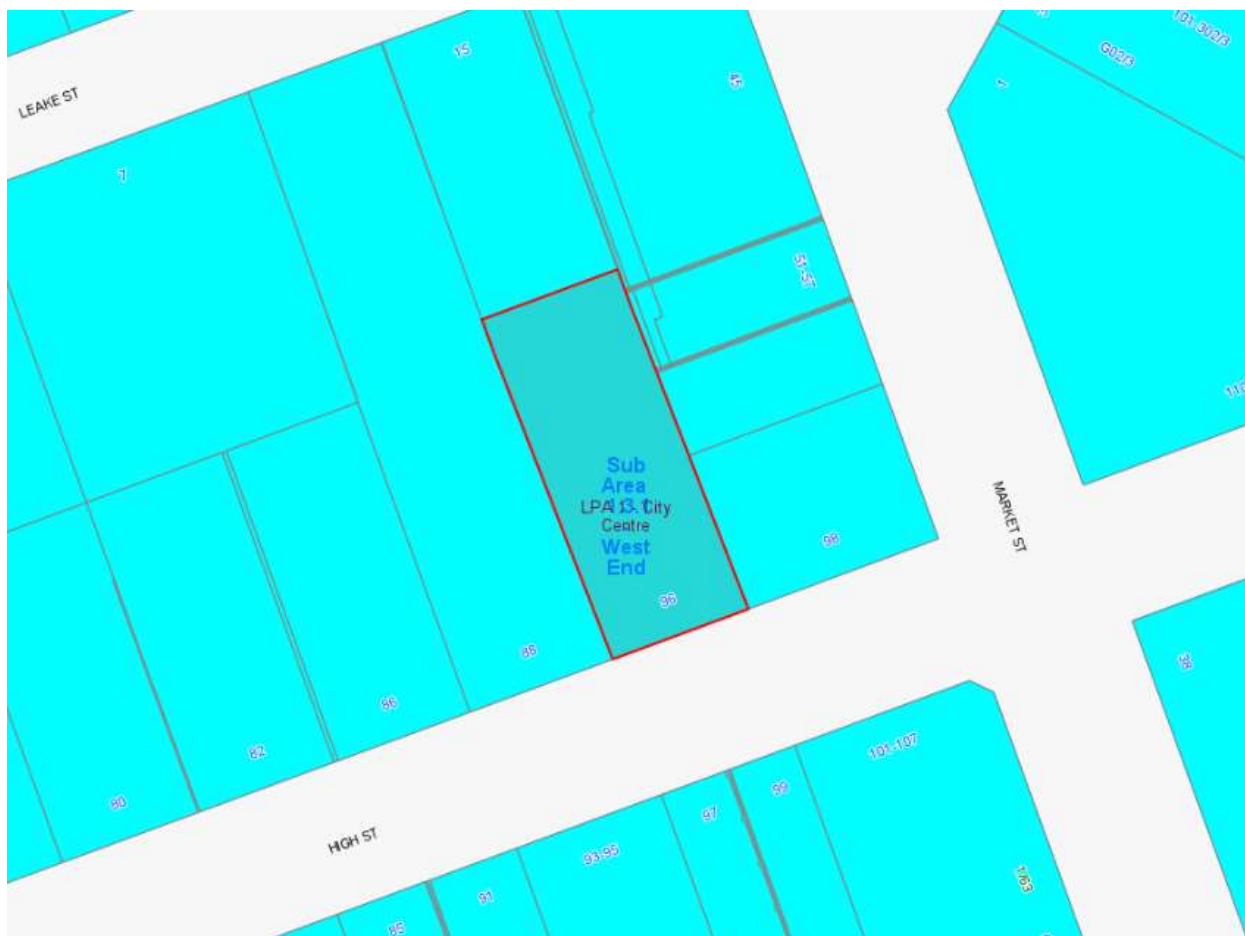
- The use of the tenancy as a Tavern, including sale of packaged liquor. The business concept provides the use of electronic arcade machines.
- The hours of operation are proposed to be:
 - Monday to Thursday and Sunday – late morning until 12 midnight.
 - Friday and Saturday – Late morning until 2am the following morning.
- Internal fitout alterations to accommodate the new use.

Development plans are included as attachment 1.

Site/application information

Date received:	30 March 2020
Owner name:	Silverleaf Investments Pty Ltd
Submitted by:	PTS Town Planning Pty Ltd
Scheme:	City Centre
Heritage listing:	West End Heritage Area

Existing land use:	Restaurant (Lapa Brazilian Barbeque)
Use class:	Tavern
Use permissibility:	A



CONSULTATION

External referrals

Heritage Comments (Under Delegation from the Heritage Council of Western Australia)
The subject site is located within the state registered curtilage of the West End, Fremantle (Place No. 25225) but is not individually state listed. The application is deemed to be a routine referral. The heritage impact of the application was consequently assessed by the City acting under delegation from the Heritage Council of WA (HR401) pursuant to Section 22(1) of the *Heritage of Western Australia Act 1990*. The City's Heritage Officer has advised that they have no objection to the proposed use or internal fitout.

Fremantle Ports (FA)

The application was referred to Fremantle Ports as the subject site is located within Fremantle Port Buffer Area 2. Fremantle Ports have advised that they request that the development complies with the Local Planning Policy 2.3 standard built form requirements for Area 2. As the proposal comprises a fitout and change of use only, these elements are not readily incorporated into the proposal. The comments from

Fremantle Ports are noted, however it is not considered necessary to apply conditions to this effect as the building is already in existence.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal involved a land use which requires consultation in accordance with Local Planning Scheme No. 4. The advertising period concluded on 1 May 2020, and four (4) submissions were received, with three (3) raising concerns in relation to the proposal. The following issues were raised (summarised):

Concern	Applicant Response
Concerns were raised with respect to the noise from the operations of the tavern in addition to the gaming machines and the potential for this to disturb residents and visitors in the immediate area of the property. One submitter was concerned that the rear courtyard would result in loud noise and music emanating from the property until late at night approximately 30 metres from dwellings.	The premises are already licensed as a restaurant and the rear courtyard was used as part of the previous use. The premises are located within the Fremantle City Centre and in accordance with the Planning Scheme zone objective the tavern provides for a full range of, entertainment services, consistent with the region-serving role of the centre. Music played at the premises will be at a background level. The sound system will be fitted with limiters. Sound levels will be set in accordance with relevant codes and standards, including <i>Environmental Protection (Noise) Regulations 1997</i>, and tested by the audio services provider when the sound system is installed at the completion of the renovation to ensure compliance. There will be no television screens installed for sporting events which may attract excitable behaviour from patrons. Staff will monitor the exterior of the premises regularly to assess emissions and rubbish. The Code of Conduct includes a complaint procedure.
A submitter was also concerned about the location of the bin room at the back of the premises as emptying bottles into the bin is likewise noisy.	The bin store location and service arrangements are not changed as a result of the proposed change of use. The existing restaurant and proposed tavern would have similar bottle deposit.
With regard to noise, a submitter had a concern that noise from the property may bounce off the buildings in High Street and travel a considerable distance.	Refer to response above.

A submitter was concerned that the business concept was “tacky and cheap”.	The proposed use is to be the Palace Arcade which is retro styled themed premises accommodating electronic arcade machines. The operator currently runs similar premises in Perth and Victoria Park. We do not accept this comment and the popularity of the other premises currently operating would suggest that this is not the case.
Concerns were raised about the sale of takeaway alcohol from the premises as this is considered to have the potential to result in an increase in alcohol fuelled disputes in Fremantle.	The premises will sell and supply liquor for consumption predominantly on the premises. There is a modest or incidental take-away service in response to demand experienced at the existing Palace Arcade premises and to address demand expressed by people in Fremantle for the take-away service.
An objection was raised to the operating hours of the business, as the submitter noted that other similar businesses closed at 1am on weekends, rather than 2am.	The premises is already licensed as a restaurant. Operating under the tavern licence will include less trading hours available for the premises to be open. The premises is located within the Fremantle City Centre and in accordance with the objective the tavern provides for a full range of, entertainment services, consistent with the region-serving role of the centre. The hours of operation of other premises are not known and not relevant to the consideration of this application. The applicant seeks approval for an extended trading permit to authorise trading at the premises after midnight on Friday and Saturday nights, up until 2am the following morning. The applicant has observed at its other Palace Arcade premises a strong demand for later trading and consultation with the public in the preparation of this application has confirmed the same demand in the Fremantle area. No take-away liquor sales are proposed after midnight.
Reduction to the operating hours until midnight was requested, in addition to the removal of the sale of takeaway alcohol from the business operation.	The operating hours only go past midnight on Friday and Saturday night. Refer to response above regarding operating hours. There is a modest or incidental take-away service in response to demand experienced at the existing Palace Arcade premises and to address demand expressed by people in

	Fremantle for the take-away service. No take-away liquor sales are proposed after midnight.
An objection was made to the density of tavern uses in the immediate area – the site is directly adjacent to the National Hotel and close to the Newport and the submitter considers the proposal unnecessary.	The premises is located within the City Centre Zone The proposed Tavern use is not a traditional large tavern simply serving alcohol and could be appropriately defined as an amusement arcade that services alcohol. The use is a new type of entertainment premises. The proposed use is consistent with the City Centre Zone Objectives as the tavern provides for a full range of, entertainment services, consistent with the region-serving role of the centre.

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

- In relation to noise from the premises, the development will be required to comply with the *Environmental Health (Noise) Regulations 1997*. Advice is provided to the applicant confirming this requirement.
- A waste management plan is recommended to be provided as a condition of approval. The applicant will be required to specifically address the timing for bottle disposal and collection in this waste management plan.
- The applicant has provided a house management plan and code of conduct with their liquor license application which addresses the sale of alcohol on the premises and for takeaway.
- The operating hours of the business are generally controlled by the Department of Local Government, Sport and Cultural Industries which approves liquor licenses.
- The City of Fremantle does not currently restrict the density of particular land uses within the City Centre area, a Tavern land use is a use which can be considered in this zone.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No. 4 and relevant Council local planning policies. In this particular application the areas outlined below require discretionary assessment:

- Land use (Tavern).
- Car parking.

The above matters are discussed below.

BACKGROUND

The subject site is located on the northern side of High Street, close to the corner of Market Street and directly adjacent to the National Hotel. The site has a land area of

approximately 572m² and is currently a Restaurant. The site is zoned City Centre. The site is not individually heritage listed but is located in the West End Heritage Area.

The site is occupied by buildings currently used as a Restaurant (Lapa Brazilian Barbeque).

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

- DA0497/06 – Signage
- DA0367/14 – Signage, alterations and additions to existing building.
- VA0034/14 – Variation to DA0367/14.
- DA0655/14 – Alterations and additions to existing Restaurant.
- DA0242/15 – Addition (Patio) to existing Restaurant building.

Land Use

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

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

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

- The proposed land use is consistent with existing businesses in the City Centre area and is consistent with the objectives and character of the City Centre Zone in providing for the range of entertainment services. The use contributes to a full range of social, recreational and entertainment services consistent with the region-serving role of the centre as set out in the zone objectives of LPS4.
- The proposed development is not considered to unduly impact adjoining properties by way of its scale or appearance, in that there will be minimal external changes to the business as existing.
- It is considered that the social and amenity impacts of the use can be appropriately managed by recommended conditions of development approval.

In accordance with the above considerations it is considered that the Tavern use is appropriate for approval in this location.

On site car parking

Required	Provided	Extent of variation
Tavern - 1:2.5m ² of public bar (215m ² public bar area)*	Nil	86 bays
Tavern - 1:5m ² of lounge / garden area (52m ² of outdoor garden area)	Nil	10.4 (11) bays
Delivery bay 1:service/storage area (1)	Nil	1 delivery bay
	Total	97 bays and 1 delivery bay
<i>Bicycle bays</i>		
Tavern		
Class 1:1 per 25m ² bar floor area & 1:100m ² lounge and beer garden area	Nil	5 class 1 bays
Class 3: 1 per 25m ² bar floor area & 1:100m ² lounge and beer garden area	Nil	10 class 3 bays

*Note: the applicant has excluded the gaming machines in considering the area available as public bar and determined that the premises would require 68 car parking bays. As the premises could be used as a Tavern without the provision of these machines, the area occupied is included in the City's calculation of car parking requirements.

The provision of vehicle parking (cars and bicycles) for the use is considered to meet the relaxation criteria of clause 4.7.3 of Local Planning Scheme No. 4 for the following reasons:

- Multiple public car parking facilities and on street parking bays are provided within a walkable catchment of the subject site, noting that encouraging the use of private vehicles to travel to and from a use of this nature should not necessarily be encouraged.
- The subject site is close to multiple public transport services, including the Fremantle Bus Port (250m), Fremantle Train Station (225m), and Fremantle CAT Bus services (140 to Newport Hotel stop, 220m to Phillimore Street stop), thereby permitting access to the premises via public transport.
- Multiple public bicycle parking bays are provided in the immediate locality. Local Planning Scheme No. 4 permits the waiving of bicycle parking bays for minor change of use applications which is considered applicable in this case. With respect to the number of persons accessing the site, this will remain generally consistent with the existing use on site.
- There is already a car parking shortfall on site based on the existing operation of a Restaurant. The existing restaurant use has operated satisfactorily without any on-site parking as has the neighbouring National Hotel.
- The subject site has no capacity to provide any on-site parking for any land use as the site is located within a State registered heritage precinct.

- Deliveries for the premises can be accommodated using existing bays on High Street similar to previous management of Lapa Brazilian Restaurant. A recommended condition of development approval requires the submission of a delivery management plan for consideration and approval to ensure that deliveries are appropriately timed.

Based on the above considerations, the reduction in vehicle and bicycle parking for the premises can be appropriately managed and accommodated by existing facilities in the locality.

DBU6 – Late Night Entertainment Venues Serving Alcohol

In accordance with the general provisions of DBU6 (Late night entertainment venues serving alcohol), it is considered the local area is well serviced by public streets and Taxi ranks to allow for safe transport to and from the site without significantly disrupting through traffic. The adjoining footpaths and streets are well lit to allow for adequate safety for patrons late at night. The proposed Tavern is also adjacent to civic, retail and other hospitality uses and has sufficient separation provided by adjoining buildings from residential uses and tourist accommodation to ensure limited impacts on amenity and reduced opportunity for conflict between uses.

Liquor Licensing

Should the subject application be approved, the applicant will be required to make application to the Department of Local Government, Sport and Cultural Industries for appropriate liquor license approval. Any such application will be referred to the City for comment to ensure that the site has the appropriate land use approval.

CONCLUSION

As considered above, the proposed business is considered to appropriately satisfy the relevant statutory requirements of Local Planning Scheme No. 4 and Council policies. Accordingly the change of use application is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of use to Tavern and Internal Fitout at No. 96 (Lot 22) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 30 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. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to including specific details as to how deliveries for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.
3. Prior to issue of a building permit, the owner/developer is to submit a Waste Management Plan for approval by the City of Fremantle detailing the storage and management of the waste generated by the development, including the timing of emptying of glass waste. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
4. Prior to the issue of a building permit, a final Business Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:
 - Hours of operation for the business;
 - The maximum number of employees for the business; and
 - Parking arrangements for staff.

The business shall operate in accordance with the approved business management plan thereafter. Any amendments to the management plan shall be submitted to, and approved by the City of Fremantle, prior to implementing the amended management plan.

5. 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/owner is advised that the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- ii) Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.
- iii) The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- iv) The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- v) Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the *Environmental Protection (Noise) Regulations 1997* (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Hannah Fitzhardinge

Add an additional advice note, to read as follows:

- vi) **The applicant is advised that the City will not support an Unrestricted Tavern License as it will not support the sale of takeaway alcohol from the subject premises.**

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 Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Marija Vujcic**

COUNCIL DECISION ITEM C2005-13
(Amended officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of use to Tavern and Internal Fitout at No. 96 (Lot 22) High Street, Fremantle, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 30 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. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to including specific details as to how deliveries for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.**
- 3. Prior to issue of a building permit, the owner/developer is to submit a Waste Management Plan for approval by the City of Fremantle detailing the storage and management of the waste generated by the development, including the timing of emptying of glass waste. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.**
- 4. Prior to the issue of a building permit, a final Business Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:**
 - Hours of operation for the business;**
 - The maximum number of employees for the business; and**
 - Parking arrangements for staff.**

The business shall operate in accordance with the approved business management plan thereafter. Any amendments to the management plan shall be submitted to, and approved by the City of Fremantle, prior to implementing the amended management plan.

- 5. 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/owner is advised that the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- ii) Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.
- iii) The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992*. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- iv) The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- v) Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the *Environmental Protection (Noise) Regulations 1997* (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- vi) *The applicant is advised that the City will not support an Unrestricted Tavern License as it will not support the sale of takeaway alcohol from the subject premises.*

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 Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Marija Vujcic

**C2005-14 MORAN COURT, NO. 26 (LOT 20), BEACONSFIELD – REAR
EXTENSION AND ALTERATIONS TO AN EXISTING SINGLE HOUSE
– (NB DA0091/20)**

Meeting Date: 27 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 a rear ground floor extension and rooftop deck to an existing Single house.

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:

- Solar access

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for additions and alterations to an existing Single house at No. 26 Moran Court. The proposed works include:

- Partial demolition of the rear of the house in order to extend the existing living room
- New rear alfresco
- New rooftop deck with visual privacy screens to the adjoining property.

Amended plans were submitted on 12 May 2020, increasing the setback of the roof of the upper floor deck to address concerns relating to overshadowing.

Development plans are included as attachment 1.

Site/application information

Date received: 13 March 2020
Owner name: Kristy Lee Crocker
Submitted by: Kristy Lee Crocker
Scheme: Residential R25
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 variations to the deemed to comply requirements of the R-Codes were sought. The advertising period concluded on 3 April 2020, and one (1) submission was received. The following issues were raised (summarised):

- Concerned that the privacy screens shown on the plans will not be installed.
- The overshadowing from the new extension will fall onto the ground floor patio and living room.

In response to the above, the applicant submitted an overshadowing elevation diagram comparing the proposed overshadowing from the new extension to a standard 1.8m high dividing fence. After further consultation with the City, amended plans were submitted to increase the lot boundary setback of the roof of the upper deck in order to improve the overall solar access to the adjoining property in general, and to specifically avoid overshadowing of the upper floor balcony. These amendments are further discussed below.

In response to the visual privacy concerns, the screening is shown on the plans and is included as a condition of approval. The implementation of the screening will therefore be a requirement that the City can enforce through the compliance process should the need arise. A future planning approval will be required should the applicant choose to delete the screening.

The remaining comment 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:

- Solar access

The above matters are discussed below.

Background

The subject site is located on the western side of Moran Court, south of Beard Street in Beaconsfield. The site has a land area of approximately 1012 m² and is currently a split level single storey Single house with underground garage and basement. The site is zoned Residential and has a density coding of R25. The site is not individually heritage listed but is located within the South Fremantle Heritage Area.

The ground level steps up approximately 2m from the primary street boundary towards the middle of the block, and thereafter maintains the higher ground level. Also of note, the adjoining southern lot has substantially excavated their overall ground level such that it is approximately 1.7m lower than the subject site at the lowest point.

Solar Access

Element	Requirement	Proposed	Extent of Variation
Overshadowing	Maximum 25% (126.5 m ²)	30.4% (155.12 m ²)	5.4% (27.38 m ²)

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

- The natural ground level of the subject site slopes up 2m towards the centre of the site, with the existing house being built into the slope through utilisation of an undercroft garage and basement. The adjoining site has chosen to excavate and level their ground level by approximately 1.7m at the lowest point, which exacerbates the overshadowing.
- The shadow diagram provided shows that a standard 1.8m dividing fence (which would not require planning approval) would predominantly overshadow the ground floor deck of the adjoining house, leaving only a small 900mm sunlight corridor (Figure 1).

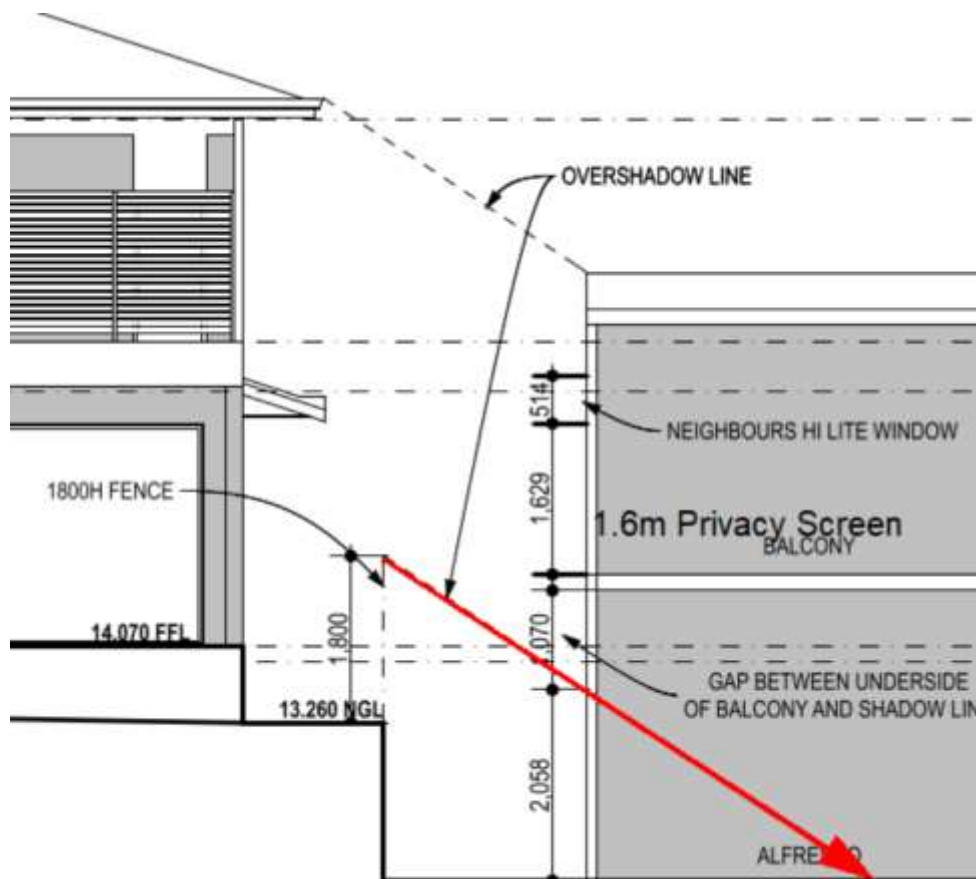
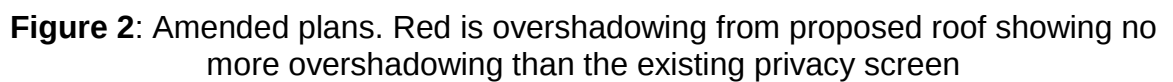


Figure 1: Original plans. Red is overshadowing from a 1.8m high dividing fence.

- The adjoining house includes a lower floor deck and an upper floor balcony of equal dimension. The house is designed with the main living areas located on the upper floor, resulting in the upper floor balcony being directly accessible from the living and dining room. As such, the upper floor balcony is likely to be the main entertaining area. This upper floor balcony contains a 1.6m high visual privacy screen to both the north and south elevations. The original plans for the proposed application showed the upper floor roof continuing on from the main building line and being only approximately 700mm from the adjoining property. This resulted in the shadow of the proposed roof falling entirely over the adjoining upper floor balcony (Figure 1 above). After consultation with the City, the applicant has increased the setback of the roof, such that the proposed overshadowing of the adjoining balcony does not exceed the shadow cast by the existing privacy screen of the adjoining balcony (Figure 2).



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- Architectural floor plan of the first floor of a proposed restaurant. The plan shows a large yellow area labeled "PROPOSED LIVING" and a smaller yellow area labeled "PROPOSED ALFRESCO". The total area is 50.29m. The plan includes a kitchen, a bar, a dining area with tables and chairs, and a private screen area. Dimensions and room labels are provided throughout the plan.

Figure 3: Site location of proposed upper extension (in yellow) compared to the existing adjoining balcony.

- The existing house overshadows the adjoining lot by approximately 20.4%. Had the applicant been proposing an entirely new house on a vacant lot, there would be ability to more easily redesign the plans to enable the development to comply with the deemed to comply requirements. As it is, the extension must work within the constraints of the existing development. The ground floor extension is a continuation of the existing building line and relies on the existing building for structural support.

CONCLUSION

The proposed extension has no more impact on solar access to the adjoining balcony than the existing privacy screen on the adjoining balcony. The extension has been amended so as to reduce the impact of overshadowing to the adjoining outdoor living areas and is conditionally supported.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

COUNCIL DECISION ITEM C2005-14 **(Officer's recommendation)**

Moved: Cr Andrew Sullivan

Seconded: Cr Hannah Fitzhardinge

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, rear extension and upper floor deck at No. 26 (Lot 20) Moran Court, Beaconsfield, subject to the following condition(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 12 May 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, a detailed drawing showing how the south and west elevations of the upper**

floor deck as shown on the plans, is to be screened in accordance with Clause 5.4.1 C1.1 of the Residential Design Codes by either:

- a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or**
- b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level.**

Prior to use of the upper floor deck, the approved screening method shall be installed and maintained to the satisfaction of 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 Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Marija Vujcic**

Cr Adin Lang declared a proximity interest in item number C2005-15. He left the meeting at 6.48 pm and was absent during discussion and voting of this item.

**C2005-15 DAVIS PARK PRECINCT LOCAL STRUCTURE PLAN,
BEACONSFIELD - OUTCOMES OF COMMUNITY CONSULTATION
AND RECOMMENDATION**

Meeting Date: 27 May 2020
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: 1. Davis Park Structure Plan – Part 1
2. Schedule of Submissions
3. Schedule of Modifications
Additional Information: Centre Scale Examples
Attached in the previous item (29 April 2020):
1. Davis Park Structure Plan – Part 2
2. Main Roads Referral Response – February 2020
3. Retail Sustainability Assessment (Urbis)
4. Site Photos

SUMMARY

At its meeting on 22 May 2019, Council noted the lodgement of a Local Structure Plan (LSP) for the Davis Park Precinct, Beaconsfield. The structure plan provides for staged redevelopment of the precinct to support medium to high density residential and mixed use development, and an expansion of the existing Beaconsfield activity centre along South Street. The documentation has been prepared for the primary landowner, the Department of Communities, by planning consultants Urbis. The structure plan area is located within the City's interim draft Heart of Beaconsfield masterplan area.

Community consultation on the structure plan was undertaken between 24 May and 21 June 2019, and 43 submissions were received expressing a variety of views on the proposal. Some submissions expressed strong support for revitalisation of the precinct however others raised concern regarding residential density, traffic impacts/congestion, as well as the suitability and scale of additional commercial/retail floor space proposed.

The City has undertaken its own assessment of the structure plan following the community consultation phase. The plan is considered to broadly align with the City's strategic objectives and draft interim Heart of Beaconsfield Masterplan. However, the plan raises issues most notably in respect to:

- anticipated dwelling yields (and the transport oriented development / consolidation outcomes consequentially to be realised);
- the scale of the retail component in the Mixed Use area; and
- provision of new traffic signals on South Street, at the intersection of Nannine Avenue.

This report recommends that it be recommended for approval by the Western Australian Planning Commission (WAPC) subject to a series of modifications to address the above matters and a number of more minor details as outlined in the attached Schedule of Modifications.

The report was deferred by Council on 29 April 2020 and is reproduced here with additional information provided at the conclusion.

Background

Davis Park Precinct

As detailed in the previous officer report (SPT1905-5), the land subject to this structure plan proposal is an area of mostly state-owned housing located in Beaconsfield. It has an overall area of 10.18ha and currently contains 51 lots accommodating 266 dwellings. Existing development is centred around an open space reserve (Davis Park) with dwellings accessed via a number of internalised cul de sac roads. The Department of Communities own the majority of the land within the structure plan area: all excepting the site on the corner of Lefroy Road and Fifth Avenue in the south-eastern quadrant of the precinct. The Davis Park precinct falls within the City's draft interim Heart of Beaconsfield master plan area, and in 2018 was rezoned to 'Development' zone under Local Planning Scheme No. 4 (LPS4) via Amendment No. 72. Further background information is provided in the previous report confirming lodgement of the proposal, in response to which Council noted lodgement of the structure plan and its requirement to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations*.



Figure 1: Davis Park Precinct location (left) and proposed structure plan map (right)

Proposed Structure Plan

The structure plan was submitted to the City in April 2019. Following preliminary review of the documentation to ensure completeness, community consultation was undertaken between May and June 2019 (refer 'Consultation' below), in accordance with statutory requirements. Following the close of the advertising period, extensions to the statutory reporting period to the WAPC were sought to allow additional time for the proponents to address concerns regarding their Retail Sustainability Assessment (RSA), residential densities and dwelling yields, as well as the proposed traffic signals at the junction of Nannine Avenue and South Street. Additional time was also requested by Main Roads WA to provide a formal referral response on the proposed signals following receipt of additional information. Detailed comment on these aspects is provided later in this report.

The structure plan itself is divided into sub-precincts to facilitate a mixture of residential and commercial development at a range of densities (refer *Figure 1* above). Broadly speaking, the proposal comprises of the following:

Land Use

- The plan shows a mostly residential precinct, and states an aim of providing for a variety of different housing types. Each precinct, aside from the Mixed Use precinct along South Street, has a low-to-medium residential density ranging between R30 and R80.
- A Mixed Use precinct is proposed along South Street and has been allocated a high density coding of R-AC0. The Structure Plan provides for up to 4,600sqm retail floor space within this. The Mixed Use zone is intended to act as an expansion of the existing Beaconsfield local centre on South Street, immediately to the east.
- The existing educational establishment (childcare) centre adjacent to Davis Park is proposed to be retained. The child care centre site is shown on the structure plan map as being reserved for 'Education' purposes.

Access and Transport

- A new access road into the structure plan area is proposed from South Street, continuing the same alignment as Nannine Avenue to the north. A set of traffic signals is proposed at this intersection.
- The plan seeks to facilitate a north-south connection through the precinct via a public access way ('green link') to provide access between Davis Park, Doig Place and Lefroy Road.
- Conversion of internal cul de sac roads into through-roads is also proposed; this would also allow for improved east west and north south connectivity for both vehicles and pedestrians.

Public Open Space

- The public open space at the centre of the precinct – Davis Park – is shown as being retained and expanded to the north. The expanded park provides the required 10 percent open space contribution, as required by state policy.

- The structure plan also shows integration of the existing child care centre (Fremantle Early Learning Centre) into the Davis Park open space.

The structure plan document itself is divided into Part 1 (Implementation) and Part 2 (Explanatory) as per the WAPC's Structure Plan Framework document. In addition, the plan is accompanied by a series of technical appendices which include a Transport Impact Assessment, Retail Sustainability Assessment, Landscape Report and Environmental Assessment Report. These are non-binding but provide information and rationale supporting the Part 1 provisions.

Further description and comment on specific aspects of the structure plan and subsequent recommendations, is provided below.

STATUTORY AND POLICY REQUIREMENTS

State Planning Framework

Planning and Development (Local Planning Schemes) Regulations 2015

The Schedule 2 Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* outline the process for preparing and amending local structure plans. It specifies that they are to be subject to the approval of the WAPC (not the Council) and are to operate as documents of 'due regard' (i.e. without the statutory weight of the scheme and consequent capable of flexibility in application).

The City has followed the relevant processes outlined within the Regulations in the processing of the structure plan. Due to outstanding matters concerning the Retail Sustainability Assessment, and delayed referral response from Main Roads in respect to the traffic signals, three extensions to the statutory reporting period outlined in the *Regulations* were granted.

Perth and Peel @ 3.5 Million & Central Sub-regional Planning Framework

Perth and Peel@3.5million is a key state planning strategic document for the Perth metropolitan area. The *Central Sub-regional Planning Framework*, which the City of Fremantle municipality forms part of, provides further detail on the broader objectives outlined in *Perth and Peel@3.5million*. They promote 'connected' city growth with a high proportion of infill in well serviced locations, particularly along transport corridors.

Under these documents, the City has been allocated an additional urban infill housing target of just over 4,100 new dwellings by 2031. Whilst the City has undertaken a number of strategic initiatives to increase housing choice and density in recent times, this structure plan provides further opportunity to advance these targets within a locality outside of the City Centre identified as having strong redevelopment potential and good access to services, transport and amenities. As such, the structure plan is considered to align with this fundamental objective of the *Perth and Peel @ 3.5 million* documents.

Aside from dwelling targets, South Street is designated as a future (long term) high frequency transit route and so a potential focus for transit oriented development ('TOD'). The City has been advocating with the South West Group for the advancement of planning for, and commitment to, alternative transit options for this corridor in the short to

medium term. High level investigation into engineering and transport options, and indicative costings for this are currently under preparation. Bus services along South Street provide a reasonably good level of service in the interim.

SPP 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 ('SPP 4.2') addresses the planning and development of Activity Centres throughout the Perth Metropolitan area and outlines a functional hierarchy, roles and locational criteria for these. It also contains criteria for where development is proposed to occur 'out of centre' to ensure that the highest trip-generating land uses are contained within activity centres.

The City of Fremantle has two higher order activity centres identified in the SPP 4.2 hierarchy – Fremantle (Strategic Centre) and North Fremantle (District Centre). The existing selection of shops around Central Avenue on South Street are zoned 'Local Centre' under the planning scheme. SPP 4.2 states, in relation to these, that:

5.1.2 Neighbourhood and local centres

(1) Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium-density housing. There are also many smaller local centres such as delicatessens and convenience stores that provide for the day-to-day needs of local communities.

(2) Neighbourhood and local centres play an important role in providing walkable access to services and facilities for communities. These centres should be recognised in local planning strategies, and also in structure plans for new urban areas.

The scheme definition of Local Centre corresponds more directly with the SPP definition for a Neighbourhood Centre.

The proposed inclusion of up to 4,600m² of commercial floor space within the structure plan area represents a significant expansion to the existing centre.

Whilst planning for centres is intended to be undertaken strategically, through local planning and commercial strategies, the policy states that in seeking to implement it:

(2) The responsible authority should not support activity centre or other structure plans, scheme amendments or development proposals that are likely to:

- undermine the activity centre hierarchy or the policy objectives;
- result in a deterioration in the level of service to the local community or undermine public investments in infrastructure and services; or
- unreasonably affect the amenity of the locality through traffic or other impacts.

(3) Unacceptable impact¹⁴ may include a physical or financial cause that would result in an adverse effect on the extent and adequacy of facilities and services available to the local community that would not be made good by the proposed development itself.

In response to the above assessment criteria, the proponent has prepared a *Retail Sustainability Assessment* (RSA) to assess potential effects of the proposed expansion on existing and planned activity centres in the locality. The SPP provides broad criteria to be followed in the preparation of RSAs. Further comment on this assessment, and its potential implications, is provided later in this report.

Local Planning Framework

Local Planning Scheme No. 4 (LPS4)

The subject land was rezoned to 'Development' via Scheme Amendment No. 72, gazetted in March 2018. Land zoned for this purpose requires the preparation and adoption of a structure plan to coordinate future land uses, residential density and zoning prior to redevelopment occurring. The precinct was rezoned by the City at the request of the Department of Communities to facilitate structure planning and redevelopment.

The Heart of Beaconsfield

Over the last couple of years, the City has been developing a masterplan to coordinate and connect a number of potential redevelopment sites within the suburb of Beaconsfield. This project is known as The Heart of Beaconsfield, and has involved considerable consultation with the local community. As discussed in the previous officer report, the Davis Park precinct is located to the north of the masterplan area. An interim draft masterplan was released by the City in 2019, and envisages a number of changes within the precinct, including:

- A pedestrian connection through the precinct from north to south, connecting South Street with Lefroy Road.
- A mixture of residential types from apartments, to town houses and single dwellings.
- Maintaining the existing local centre along South Street.
- Retention of the existing child care centre and the Davis Park open space.
- Improved east-to-west road and pedestrian connectivity.

It is noted that the masterplan is non-statutory, still in draft form, and has not been formally adopted by Council. The submitted structure plan is, however, considered to align with the relevant features in the masterplan as noted above. The plans includes a north to south connection through the precinct assisted by the creation of a new access road off South Street, expanded Davis Park and pedestrian access through the southern portion of the site. The plan also envisages a diversity of housing types within the precinct through a range of residential densities, as well as a mixed use zone along South Street to facilitate the extension of the existing local centre. Work on the masterplan is still in train and is subject to further feasibility studies. Further comment on Heart of Beaconsfield is provided in the following sections where relevant.

CONSULTATION

Consultation on the structure plan was undertaken for a period of 28 days, the maximum permitted under the *Planning & Development Regulations*, from 24 May 2019 to 21 June 2019. Consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as the City's *Local Planning Policy 1.3: Public Notification of Planning Proposals*.

Advertising of the proposal consisted of:

- Information Pack prepared by the City of Fremantle, which outlined the content of the structure plan and how it relates to the draft interim Heart of Beaconsfield master plan.
- My Say Freo page containing all relevant information on the structure plan.
- Notice in the local newspaper on 24 May 2019.
- Letters to landowners and occupiers within at least 300m of the proposed LSP area and to all residents within the structure plan area (the vast majority of whom are Department of Housing tenants).
- Letters to various service agencies and government organisations.
- Five signs on the site.
- Notification of the Hilton Precinct Group (there was no Beaconsfield precinct group at the time of advertising the structure plan).
- A community information 'pop-up' held at the *Growers Green Farmers Market* on Sunday 16 June 2019, attended by officers from the City, staff from the Department of Communities as well as the project team from consultant Urbis. A number of interested community members attended this information event, including DoC tenants within the Davis Park precinct itself.

In addition to the above, the Department of Communities distributed its own newsletter, *The Beacon*, to tenants within the Davis Park precinct as well as residents within the surrounding area. This newsletter provided an overview of the structure plan proposal and provided details on the above-mentioned community information session and how to make a submission.

At the completion of the comment period, the City had received 43 submissions. These include 17 submissions in support of the plan or specific elements of it, 12 submissions objecting and 14 submissions expressing neutral or no comment on the structure plan.

Some of the key comments in support of the structure plan included:

- *The structure plan is comprehensive and will allow for removal of existing buildings which are old, dilapidated and do not satisfy current building codes.*
- *Redevelopment will improve the safety and amenity of the area and is long overdue.*
- *The proposed traffic signals will allow for a safe pedestrian crossing of South Street which is currently lacking at the present time.*
- *The presence of more shops will be convenient for locals and will bring healthy competition, which will benefit customers.*
- *Strong support for retention of the Fremantle Early Learning Centre as it is an important part of the community and there are more young families moving into the area.*
- *Support for an increase in the size of the Davis Park reserve (open space).*
- *Providing a range of housing options within the structure plan area will be of great benefit to the community.*

Some of the main concerns raised in relation to the plan were as follows:

- *Concern regarding the viability of the new mixed use precinct and its potential impact upon the existing commercial local centres within Beaconsfield, Hilton and beyond.*

- *A traditional 'box-type' supermarket development may not be viable as locals are very loyal to more independent and established outlets.*
- *Retail trading conditions have changed since the preparation of the Retail Sustainability Analysis in July 2017 especially given the recent closure of the Beaconsfield IGA.*
- *The plan lacks detail and thus it is difficult to provide comment on the changes proposed.*
- *Objection to the location of the proposed traffic signals on South Street; they should either be relocated to an existing intersection, such as South Street and Caesar Street, or not provided at all.*
- *The proposed traffic signals will cause traffic congestion and safety issues on Nannine Avenue and other side streets north of the proposed structure plan area.*
- *The additional population combined with the commercial development proposed will result in traffic congestion within the immediate area.*
- *Density is too high for a lower density suburb; it favours the interests of developers and not the local community and is not what the community expected during consultation on the Heart of Beaconsfield project.*
- *Six – eight storey development is too high. Scale of development along South Street should be no higher than 4 storeys or similar to what is allowed within the existing Beaconsfield Local Centre zone along South Street.*
- *Housing stock within the precinct should cater more for families or the elderly.*
- *Redevelopment at a higher density may result in further social issues particularly if more public housing is developed.*
- *Development at the density proposed will result in loss of mature vegetation within the precinct and will ruin the established feel of the area.*
- *Demolition of existing buildings and surrounding landscapes is wasteful and the adaptation and re-use of buildings should be considered.*

Other comments received from the community included:

- *Redevelopment provides an opportunity to apply best-practice environmental standards to new buildings for improved energy consumption.*
- *A number of questions regarding how much public housing is proposed within the structure plan area.*
- *Bruce Lee Oval should be retained as part of any future development in the broader area.*
- *More space should be provided to the childcare centre so that it can expand into the future.*
- *Development within the 'Transition Precinct' should not exceed 3 storeys in height given the low scale of existing surrounding development.*
- *There may be alternatives to providing traffic signals on South Street – such as a roundabout.*
- *Confusion as to what the 'Innovation Precinct' entails, will it allow for innovative commercial enterprise?*
- *There should be a focus on affordable housing, and housing for the aged, within the precinct.*

The complete summary of submissions along with a basic officer comment on each is provided as an attachment to this report. A number of the matters raised are also addressed in the officer comment section below.

OFFICER COMMENT

Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the City to prepare a report on the proposed structure plan, taking into consideration submissions received during the consultation period as well as any relevant/appropriate planning principles. This section breaks down the City's assessment into key areas of discussion, referencing comments received from community members and the referral agencies where relevant.

General Structure

The fundamental layout and broad arrangement of land-uses is supported. This includes:

- the utilisation of existing road reserves (providing opportunities for tree retention) and their through connection (creating a more legible and interconnected network);
- extension of a north-south pedestrian movement corridor through the site, providing an alternative connection to the street network between the South Street Local Centre and Fremantle College, and their respective catchments;
- retention and enhancement of the existing Davis Park open space;
- retention of the existing child care centre;
- predominant residential land use with non-residential uses concentrated in an extension of the South Street Local Centre;
- provision of a range of densities with reference to lower density interface along Fifth Avenue to reflect the existing character of this street.

However some concerns exist in relation to the detail of the plan. These relate to:

- The proposed scale and potential form of the centre;
- The commitment to residential yield and density;
- The proposed traffic lights and new entry into the precinct.

Mixed Use Zone and Retail Assessment

The structure plan proposes a new Mixed Use zone along South Street as an extension to the existing South Street local centre / 'Retail Heart' (purple colour in Figure 1). The proponent indicates that introduction of additional retail floor space within the precinct is required to support the redevelopment and encourage density:

The potential to expand retail amenities within the Davis Park redevelopment came about as a result of a market sounding exercise in 2016/17 which revealed that the lack of retail amenities would result in the inability to deliver a denser residential outcome within the redevelopment. In particular, the question of apartment development viability was noted by developers and market advisors to be unviable in the absence of new retail amenity and associated conveniences.

From the City's perspective, the South Street Local Centre was identified as an important local hub as part of the City's Heart of Beaconsfield community engagement. This centre

is one of a number along South Street and indeed within the wider catchment area of the Davis Park precinct. It is noted that the Hilton Local Centre, which includes an IGA and specialty supermarket amongst an assortment of smaller tenancies, is located only 750 metres to the east of the proposed new Mixed Use zone. The smaller Beaconsfield Local Centre (which until last year also contained an IGA) is located only 400 metres to the south-east of the proposed Mixed Use zone. Further centres within the local area have been identified within the proponent's defined catchment area assessment (Figure 3), though a number have been omitted from this plan because it focusses almost exclusively on supermarket offerings.

The submission of this structure plan raises the question of whether the expansion of the existing South Street Local Centre is appropriate in the short term (5 -10 years) and how this might impact the local retail landscape. This is particularly pertinent when considering the scale of expansion proposed, the existence of a number of well-established local service centres in close vicinity, the slow uptake (to date) of planned additional density in the catchment and the stated relationship of the retail to potential density outcomes on the site.

The City's local commercial strategy was prepared in 1999 and states that the existing South Street Local Centre was rezoned from residential to allow for a wider range of services and employment opportunities. It does not identify any need for expansion and indicates that the centre should remain 'locally focussed' into the future. The strategy was, however, produced 21 years ago and reflected a different population and demographic landscape to that of the present day. As such, there is scope to consider varying these recommendations, also taking into account community interest in facilitating urban revitalisation and other strategic objectives.

Retail Sustainability Assessment (Urbis)

The proponent (Urbis) have prepared a Retail Sustainability Assessment (RSA) to model the projected impact of the proposal on the existing centre hierarchy to assist in assessment under SPP 4.2. This is provided as an appendix to the structure plan.

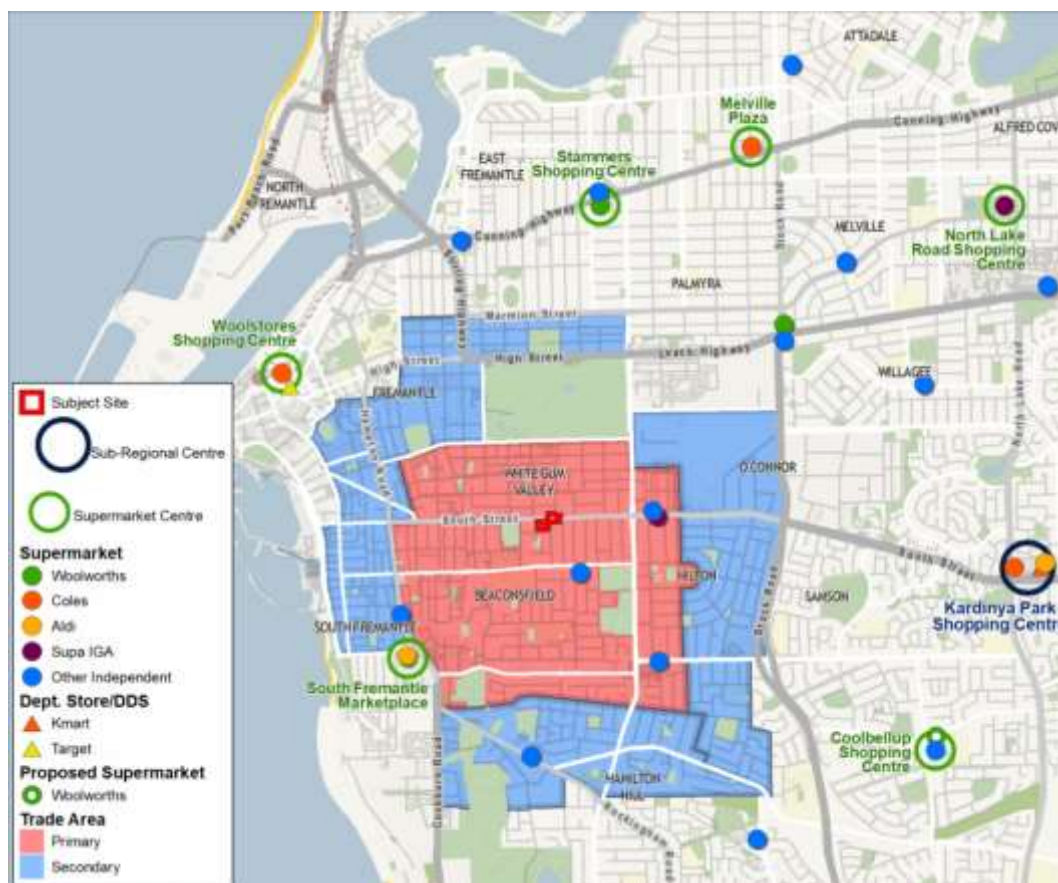


Figure 3: Primary and secondary catchment areas, and existing retail context (Urbis 2018)

The RSA looks at the primary and secondary catchment areas for the expanded centre and takes into consideration the current and future trading performance of existing commercial centres within these catchments. In order to do this, the document makes a number of assumptions regarding future development within the Fremantle area and links these to projected population increases. It also relies on historical population and commercial trends to assist in determining future changes and resulting demand for retail.

The key findings of the supplied RSA prepared by Urbis are as follows:

- The supportable additional floor space within the site is estimated to be 4,600sqm. Of this, 2,800sqm could be allocated to a small, full line supermarket tenant (e.g. Woolworths). The remaining floor space could comprise smaller ancillary tenancies (food, take-away, non-specialty stores).
- The impact of proposed development within the Davis Park precinct is anticipated to be 'overall positive' due to a number of factors including reduced need for travel, improved local employment opportunities, increased consumer choice and increased viability for density.
- Due to anticipated population growth and the existing large catchment, the additional retail floor space is not expected to threaten the ongoing viability of existing centres.
- It is estimated that the short term impact (to 2023) from the proposed mixed use centre on competing centres will be approximately \$49.7 million, however this will be offset by a forecast increase in turnover for these existing centres.

Peer Review (Shrapnel Urban Planning)

In July 2019, the City commissioned Shrapnel Urban Planning to peer review the supplied RSA document given the significance of the proposal, and the specialist expertise involved in retail modelling. The peer review identified some shortcomings with Urbis' RSA, the most significant of these are detailed below. The proponent provided a response to this peer review in August 2019, as summarised in the table below.

Shrapnel Urban Planning Peer Review (summary only)	Urbis Response to Peer Review (summary only)
The primary catchment area of the proposed centre (shown in red in Figure 2), overlaps the catchment areas of competing centres. This overlapping has not been factored into account in Urbis' assessment.	Primary catchment market shares average approximately 20.4% across metropolitan centres; therefore it is common for primary catchment areas to overlap. For the proposed neighbourhood centre, a full-line supermarket retailer that is not present in the South Fremantle Marketplace would very likely cater to an overlapping primary catchment.
Population forecasts are low and depend on the realisation of numerous development projects within the vicinity of the precinct. Further analysis of the forecasts shows that these forecasts appear to be insufficient to warrant development of the scale proposed (i.e. 4,600sqm of additional floor space).	Population forecasts are based on ABS data. Growth in the order of 17% and 27% in an established urban area is arguably significant – especially when combined with historical growth experienced over the past decade. The study identifies a current undersupply of the convenience retail proposed for the subject site. This was informed by analysis of historical population growth and retail supply; as well as estimates of supermarket spending leakage.
The South Fremantle Marketplace, a larger retail centre with a wide catchment, has been excluded from the Davis Park catchment area, and in turn this could impact the proponent's assessment of future retail floor space supply and demand.	The catchment area represents the places of residence that most likely will patronise the proposed expanded floor space and the inclusion or exclusion of the South Fremantle Marketplace has no bearing on the study's conclusions. The centre is considered a key neighbourhood centre that is currently servicing the Beaconsfield area and was assessed as such.
The analysis provided in relation to retail expenditure relies on the assumption that the population will increase at a certain rate over time, and that this population will also spend a consistently increasing amount year-on-year into the future. This is seen as being overly simplistic and not reflective of recent downward trends in household spending habits (particularly discretionary	State and federal government treasury departments continue to forecast real expenditure increases as a result of wage growth increasing to more than 3% per annum over the four year forecast period. Notable market analysts continue to forecast real per capita expenditure growth over the medium term. Food retail spend traditionally increases in real terms

spending). These assumptions in turn have implications in regard to the RSA's estimation of potential impact on other centres.	(averaging 1.4% over the 1991 to 2017 period and 0.5% over the 2012-17 period in WA – the later period being one where wage levels declined in real terms).
The Davis Park precinct could support a small expansion of retail floor space, estimated in the range of between 700 – 800sqm. This would represent a smaller expansion to complement the existing South Street (White Gum Valley / Beaconsfield) local centre immediately to the east.	The author has not provided evidence to support how this level of additional floor space was derived.
The methodology used within the RSA lacks transparency in general.	Urbis acknowledge this comment and have suggested inclusion of a 'Turnover Impact Methodology' within an amended RSA document.

The proposed early (stage 1) establishment of the centre suggests that it will, at least initially, be trading off the existing residential catchment. The extent that this impacts on other centres is uncertain. Council's role in this decision is not to protect other centres from competition but rather to ensure that the functional hierarchy which is established is not undermined by the proposal (ie the impact is not so significant that other centres cease to remain viable at all, or reduce in function below that they were planned to operate at).

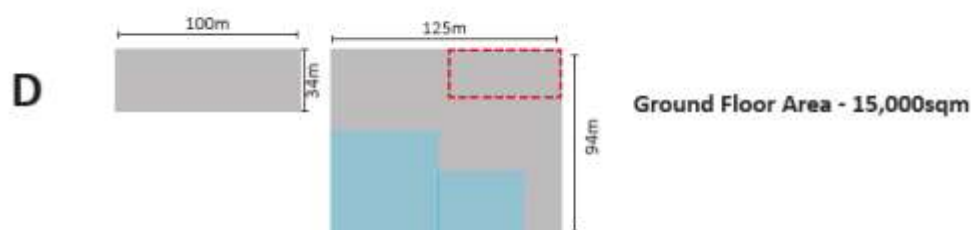
The differing opinions of commercial consultants on this makes this decision challenging. The conclusion of officers is that the impact appears (from a common sense perspective, if nothing else) likely to be significant but that this *could* be acceptable if Council, recognising the identical designation of this centre with others in the immediate locality (Hilton and Hampton Road), weighs establishment of a more dynamic centre and basis for density in this node above the less certain TOD outcomes available (but as yet unpursued) in others.

Should Council prefer to prioritise consolidation of existing centres ahead of major expansion of a single one, an alternative would be to request reduction of the scale of the commercial component of the centre to a more modest 800-900m², as suggested in the *Shrapnel Urban Planning* peer review. Another option would be to modify the proposal to seek to delay establishment of the centre to following realisation of some of the population increases projected to sustain it. The proponents have, however, advised that these options would undermine the feasibility of the proposal and the precinct density the centre expansion is stated to underpin. Council could also consider restricting tenancy size within the centre, so as to ensure that future businesses are smaller-scale and commensurate with that of a local service centre. On balance, inclusion of an extension of the existing centre into this precinct is supported, but not at the scale proposed: an increase in floor space of 2,500m² retail floor space would effectively double the size of the existing centre, but retain the scale of this below those located at the more major intersections to the east and west.

Should Council wish to support the centre as proposed (including a supermarket), modification of the structure plan to designate this portion as a 'Local Centre' zone is recommended by officers as more appropriate to the type of retail proposed and the stated intention to extend the existing South Street local centre. It should be noted that the objectives for both zones stated in the City's planning scheme reference 'small scale retail premises' only, which is arguably inconsistent with the inclusion of a full-line supermarket. However no higher order commercial zoning would be appropriate, and the Local Centre zone is considered to more closely align with the type of development contemplated. Application of this zoning to the eastern portion of the centre (adjoining the existing centre) is consequently recommended. Retention of the Mixed Use zone to the western strip can be supported, given the higher probability (and desirability) of this area being primarily residential and only incorporating a limited amount of smaller scale / lower impact commercial development.

Under any scenario, it is recommended that the 'zoned' depth of the Mixed Use / Centre zone be reduced to reflect a more street-based linear form and avoid implication of a 'box' style of centre (noting that this is understood not to be the intention of the current landowner). The depth of the zone does not need to be precisely established, as a minor variation to this can be approved in subsequent stages of planning (because of the non-statutory nature of a structure plan). However, the visual reflection of a linear extension of the existing centre (at a depth reflective of street-based retailing) is important to reduce the potential for confusion and debate in subsequent stages.

It is noted that the depth of the mixed use zone currently shown on the plan is 94m (presenting 12,000m² of land in the eastern portion), well in excess of the footprint required to accommodate a 'Reynolds Road' style development (which has been cited as a comparable example, and the footprint of which is shown in blue on the below diagram).



In the absence of a local development plan for the centre site/s, the precise arrangement of the centre and land use boundaries will need to be established in subsequent stages of planning.

Ideally, the City would prefer that the developer look to international best practice examples to explore the best options for this site, with an interesting Danish example provided by the City's urban designers illustrated below (with its footprint illustrated by the red dashed line on the above diagram).

SH2-Sundbyøster Hall II / Denmark



The viability challenges presented by the current market do, however, need to be acknowledged as key constraints. An acceptable design solution should nevertheless be sought.

Residential Dwelling Yield

This structure plan plays an important role in advancing the City's strategic housing and integrated transport planning objectives in an important locality outside of the City Centre, with access to existing services, community facilities and transport. Ensuring appropriate residential densities, and assigning subsequent dwelling yields to the precinct, is considered to be a key output of the plan. Comment during consultation included both positive and negative remarks on the residential densities shown on the submitted plan.

The structure plan provides the potential for transit oriented development along South Street with the potential for higher densities on the northern most part of the precinct. The City is supportive of this general approach given that South Street is identified as a strategic transport corridor within state planning documents and already enjoys a relatively high frequency bus service. Concern has however been raised regarding the level of detail provided within the structure plan in respect to dwelling yields and potential built form outcomes, particularly for the higher density residential areas on the plan adjacent to South Street. The structure plan proposes that detail relating to density and built form to be provided at later stages for each of the sub-precincts through Local Development Plans, providing little certainty of outcome at this stage. It is acknowledged that the current WA State Planning framework supports this approach.

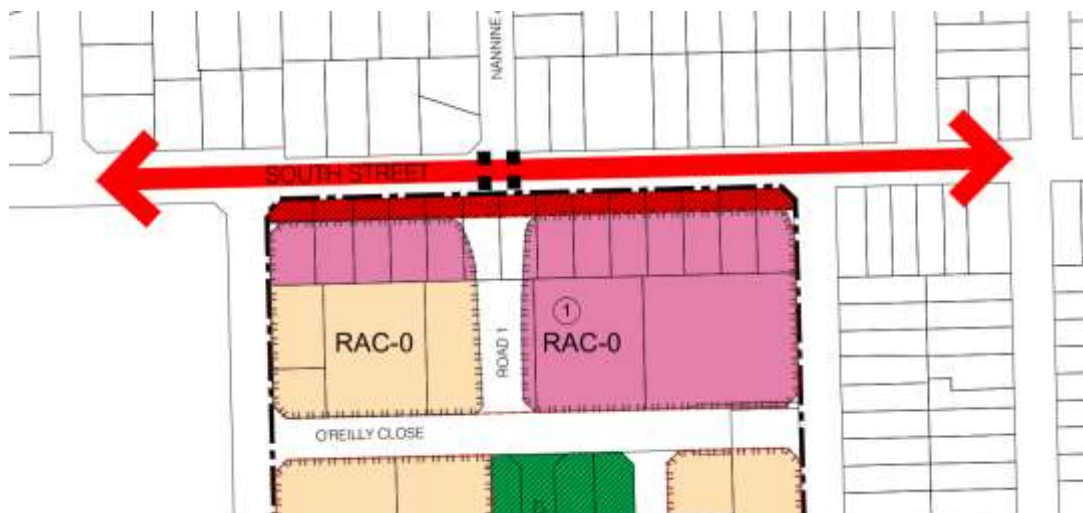


Figure 2: RAC-0 density and Mixed Use zone proposed along South Street

Part 1 of the structure plan includes a map which shows the envisaged zoning and densities for each of the sub-precincts within the plan (refer Figure 1). A high density of RAC-0 ('activity centre' coding) has been allocated to the Mixed Use zone along South Street (with the text stating a density range of R60-R100), whilst the remaining Residential zones each have a density 'range' allocated between R30 and R80. These residential zone ranges are quite broad, and could result in anything from typical single houses to mid-rise (typically 3-4 storey) multiple dwellings (apartments) with part 2 referencing potential for development of 6-8 storeys on South Street. This might result in provision of anywhere between 275 and 793 dwellings (as a rough estimate), dependent on whether the lower or high density range options are pursued.

It is worth noting that the RAC-0 coding, unlike other codes, does not have any building height, plot ratio or setback requirements under the 'primary controls table' of the Residential Design Codes Volume 2. Instead, this code requires specific controls to be formulated through site-specific local planning scheme provisions or local development plans. In addition, Local Planning Scheme No. 4 does not require inclusion of residential development in a Mixed Use zone: residential is encouraged, however development can be purely commercial. Further complicating the matter is the fact that the submitted structure plan does not include any estimated dwelling yields for the precinct as a whole, or each of its sub-precincts. Provision of dwelling yield estimates is a standard requirement of the WAPC's structure planning framework.

The closest indication of an estimated dwelling yield in the submitted documentation is found in the structure plan's supporting documents; however there are inconsistencies within these. The Transport Impact Assessment states an estimated dwelling yield of 755 dwellings; this figure was used to calculate traffic movements at maximum build-out of the structure plan area. In contrast the proponent's Retail Sustainability Assessment (RSA) quotes an estimated yield of 770 – 1200 dwellings, which is a significant range. Given these inconsistencies and the strategic importance of this precinct in contributing to consolidation and housing objectives, the City requested that the proponent provide relevant yield estimates for the whole structure plan area as well as each sub-precinct.

This was provided as follows:

Precinct	Density	Indicative Dwelling Targets
1. Mixed-Use	RAC-0	194 - 298
2. Transition Precinct	R30 – R60	52-74
3. Innovation Precinct	R40 – R60	86 - 187
4. Lefroy Precinct	R30 – R60	155 - 220
TOTAL RANGE		591 - 779

Inclusion of these figures (with the applicable density range corrected) within Part 1 of the structure plan text is recommended. This will provide the community with a higher level of certainty in respect to the anticipated scale of development within the precinct as its redevelopment occurs. They will also provide greater assurance to the City in respect to the distribution of dwelling numbers across the precinct as it develops in stages over time. The individual sub-precinct targets would be flexible, which is recognised as necessary to allow for market responsiveness. However they set a clear intent with proposals significantly above or below them capable of challenge. Inclusion of a mandatory overall minimum yield is also recommended; a 550 dwelling target is proposed, representing an approximate doubling of existing density, whilst remaining at the lower end of the range proposed by the proponent (and therefore providing them some degree of flexibility to respond to market demand).

Local Development Plans and Built Form

The City has also sought further detail from the proponent regarding specific design considerations to be addressed as part of the Local Development Plans proposed for each of the sub-precincts. In response to this, the applicant has provided a list of objectives for each precinct which are proposed to be included within Part 1 (i.e. statutory section) of the Structure Plan text. These objectives will provide further clarity on the

1. Mixed-Use	- To provide opportunities for mixed use development along South Street and the corner of South Street and Fifth Avenue. - To provide for higher density apartment development 6-8 storeys along South Street and at the corner of South Street and Caesar Street. - To achieve an indicative dwelling target of 298 dwellings.
2. Transition Precinct	- To maintain a complementary streetscape along Fifth Avenue, minimising the visual and traffic impacts to the existing suburban setting. - To provide for 2 story terrace housing products (rear loaded) to Fifth Avenue with allowance for higher density, 2-3 story built form to rear of precinct (addressing Davis Park) to ensure an appropriate transition of housing typologies. - To achieve an indicative dwelling target of between 52-74 dwellings.
3. Innovation Precinct	- To provide for a streetblock which is of a size and scale to provide for a range of typical housing typologies whilst maintaining flexibility to provide for alternative/innovative built form outcomes. - To achieve an indicative dwelling target of 86-187 dwellings.
4. Lefroy Precinct	- To provide for the rationalisation of built form 3-4 storeys in height, increasing permeability and additional amenity outcomes combined with greater articulation and interaction with Lefroy Street and adjacent community uses. Build on opportunities to retain existing vegetation within the precinct - To provide for a minimum 10m wide pedestrian connection from Davis Park to Lefroy Road, linking the structure plan area to the adjacent development. - To achieve an indicative dwelling target of 155-220 dwellings.

desired outcomes and outputs of each of the sub-precincts. This information is provided in the following table:

It is recommended that these additional criteria be included as a modification to the structure plan. However, officers recommend modifications to the above criteria to correct inconsistencies with the structure plan document, expand/re-word some of the objectives, and to assist with better articulating the style of development anticipated within each of the sub-precincts. This modified table is included within the schedule of modifications (attached) but includes:

- Inclusion of the full yield range provided for the Mixed Use precinct (rather than only the top end), consistent with the approach taken with other precincts;
- Reduction in anticipated height within the Mixed Use precinct from 6-8 storeys to up to up to 6 storeys (ideally 4-6 storeys). This would provide greater consistency with that established for the adjoining local centre (3-4 storeys), promote the spreading of residential across the precinct (rather than its concentration in one tall element), respond to feedback received during consultation and is considered more appropriate to the area's character.

This (and the requirement for site-specific LDPs) may or may not be supported by the WAPC given its stated desire to minimise area-based variations with the R-Codes except where absolutely necessary. It does, however, respond to the very reasonable built form concerns significant infill presents, and is consequently considered a reasonable request.

The alternative, should the WAPC not support this approach, would be to more specifically define the density applicable to each cell (and so the implied built form) however this would restrict the flexibility available to the development over its estimated ten year development timeframe.

Retention of a requirement for Local Development Plans for the Mixed Use area, and the Innovative Housing area is recommended under any scenario, given the special opportunities and constraints these cells present.

Vehicle Access - South Street

The most significant road network change proposed by the structure plan is a new signalised access road off South Street as a continuation of the Nannine Avenue street alignment to the north of the precinct. This access road connects South Street with O'Reilly Close, and has been proposed by the proponent for two key reasons: Firstly, to assist in providing a north to south pedestrian linkage, and secondly to provide for a dedicated access point to the new Mixed Use zone/centre expansion.



Figure 4: Traffic signal location and access arrangement as proposed by proponent

The proponent's supporting traffic impact statement, prepared by GHD consulting engineers, concluded that this new set of signals is required to moderate anticipated vehicle movements resulting from redevelopment of the precinct, in particular from the mixed use component. The signals are also required to ensure an acceptable 'level of service' is maintained on adjacent intersections of Caesar Street to the west and Fifth Avenue to the east. Furthermore, it has also been argued that a new set of traffic signals will provide for an improved pedestrian crossing experience on South Street. This aspect in particular was something that was commented on in the submissions received during consultation.

From a strategic perspective, facilitating improved pedestrian crossing across South Street is important in improving pedestrian accessibility to the local centre, sports facilities, Fremantle College and public transport stops (both existing and potential future) along South Street. Relatively traffic high volumes along South Street do, however, require care in design to avoid excessive detrimental impact on the local network or exacerbation of safety issues (particularly prevalent where long delays in right turns are experienced).

Main Roads Advice

Given that this section of South Street is reserved as a Primary Distributor (A) Road under the Metropolitan Region Scheme, referral of the structure plan to Main Roads was required. In addition, all traffic signals require the assessment and approval of Main Roads regardless of the road classification. Main Roads traditionally have a strong stance in relation to the introduction of new traffic signals to the network, usually favouring alternative traffic management approaches where possible.

The structure plan was originally referred to Main Roads in May 2019, to which it provided an interim response stating that the proponent had not scheduled a follow up

meeting prior to submitting the structure plan to the City, and therefore a response couldn't be provided until a number of technical issues previously flagged had been resolved. Subsequent meetings between the City, Main Roads and the proponent ensued over the following months, with Main Roads maintaining concern regarding the provision of signals, due in part to the lack of information concerning traffic volumes and flows within the wider road network. The proponent's new traffic consultant (GTA) provided Main Roads with additional information supporting the new intersection's performance in November 2019.

A referral response was provided in February 2020 which stated that Main Roads was unable to support the structure plan due to the proposed intersection, and has requested that a revised traffic impact assessment be provided that addresses various inconsistencies. The full response is provided in the additional information to this report.

City's Engineering Advice

In addition and independent to the advice provided by Main Roads, the City's engineers initially raised some concern with the idea of a new signalised intersection on South Street, largely related to the introduction of a further conflict and delay point on an already busy road, and the absence of any strong movement driver at this intersection beyond the proposed introduction of a supermarket. They have also suggested that a road safety audit should be undertaken to provide an assessment of safety issues for the site and surrounding streets, should the idea of a new signalised intersection advance.

A number of alternatives have been discussed including:

1. Left-in / left-out onto South Street from the new access road with no traffic signals;
2. New signalised pedestrian only crossing on South Street (Figure 5 below);
3. Relocation of the signals to an existing intersection (Ceasar or Fifth – with the Ceasar Street option illustrated in Figure 6 below).



Figure 5: An alternative to a signalised intersection.

In meetings with Main Roads, it was verbally stated by officers that a pedestrian-only signalised crossing could be considered, given the identified need for pedestrian accessibility in this locality. It does not, however, provide for a controlled right turn traffic movement, which could create issues (particularly in relation to the servicing of the local centre, as experienced around the 'Peaches' centre on Hampton Road). It would also most likely require restrictions in access to Nannine Avenue and could potentially require the installation of slip lanes which could further reduce the quality of the South Street urban environment. Legibility and directness for pedestrians could also be argued as lesser in this option.

Signalisation of the Fifth Avenue or Caesar Street provides another alternative. Restriction of the new access road at the Nannine intersection to left in left out only would most likely be required in this scenario.

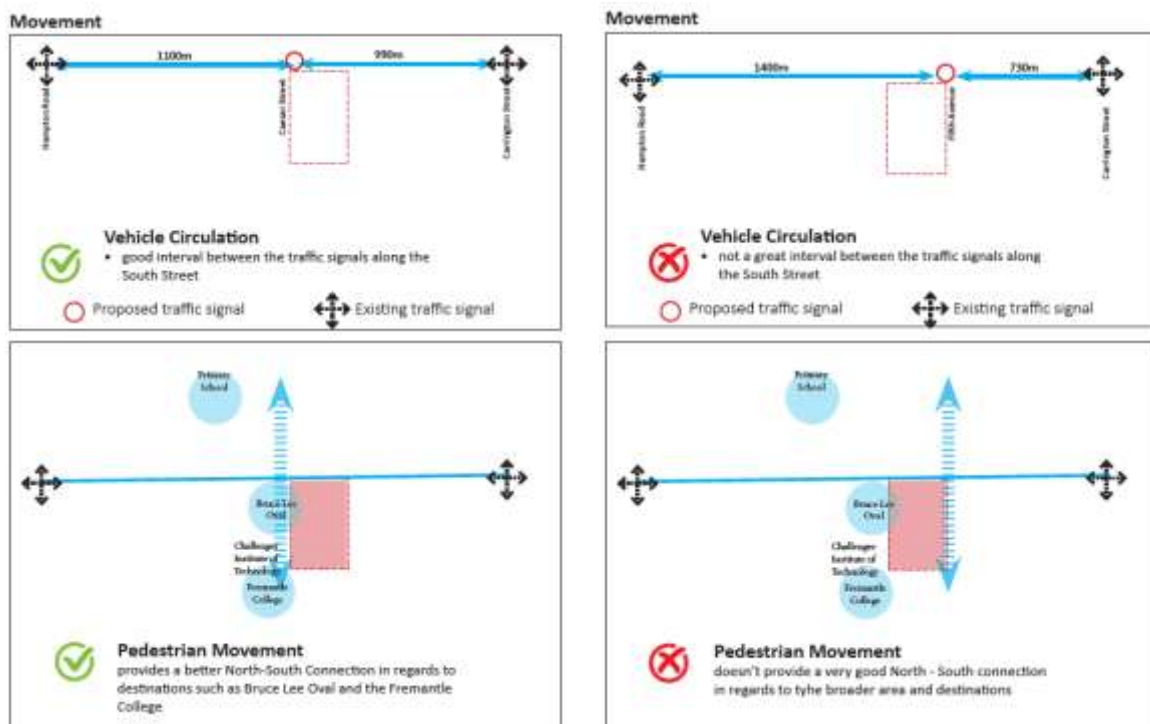


Figure 6: Signalising the intersection of Caesar Street and South Street

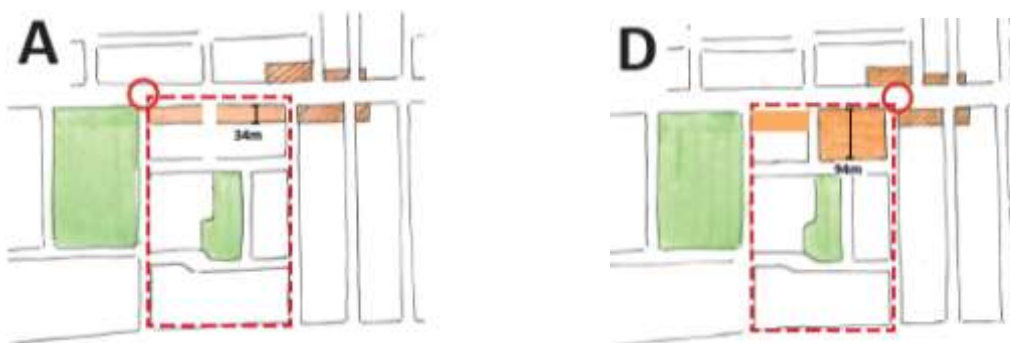
In considering the relative merits of signalising Caesar Street, vs Nannine Avenue vs Fifth Avenue, it was noted that:

- Creation of a four-way intersection at Nannine Avenue (as opposed to using an existing intersection and three-way movement) creates additional friction and delay;
- Fifth Avenue would provide a nodal link between the existing local centre and the proposed expansion, and greatest provide ease of access into and out of the anticipated supermarket site. But it is a lower order road and contains significant existing residential development to the east, the inhabitants of which may well object to signalisation;
- Caesar Street is almost equidistant between the existing lights at Hampton and Carrington Street;
- Caesar Street relatively closely aligns with Wiluna Avenue, which provides a higher order linkage through White Gum Valley. It is also identified as a linkage street within the City's Green Plan;
- Caesar Street provides a more obvious 'desire line' between attractors both north and south of South Street (refer diagrams below);

- Ceasar Street services Bruce Lee Oval to the west and so contains no existing residents (outside of the redevelopment);



From a neighbourhood connection and movement perspective, Ceasar Street represents the obvious choice. The principle disadvantage of locating signals (should they be supported) at Ceasar Street rather than Fifth or Nannine Avenue is that it locates the primary movement node away from the centre it is helping to support.



If the primary function of the lights is to provide access into the centre, its location in the heart of the centre is the key consideration. However if they are considered to be important in facilitating cross-suburban movement, with the additional service they provide in improving access to the centre as an important but secondary consideration, their location at the periphery of the centre becomes acceptable. There are numerous examples of both scenarios operating across Perth.

The format and scale of the centre expansion (and how elongated versus box-based this is) also influence the suitability of different access arrangements, as do Council's view of the longer term opportunities presented along the corridor.

Whilst no perfect solution appears to exist (with all options presenting some merit), on balance, officers recommend that the structure plan be amended to relocate the signals to Ceasar Street (subject to satisfactory demonstration and modelling). This does challenge the notion of a consolidated (traffic lights and shop-based) 'heart' to Beaconsfield around the intersection of Fifth Avenue but is considered to represent the better long term arrangement if Council wishes to facilitate a more robust movement-based urban structure.

Any plan incorporating traffic signals remains dependent on securing Main Roads WA support however the Western Australia Planning Commission may be able to facilitate this if an acceptable planning solution can be agreed. More detailed modelling of the preferred option and additional traffic management measures (such as medians) at nearby intersections may be required under any scenario (including that originally proposed).

A requirement for a traffic safety audit to demonstrate current hazard and net reduction of this is also recommended for any scenario.

Other Matters

Built Form Outcomes

The deferral of built form detail to subsequent stages of planning (via Local Development Plans) is consistent with the state framework (though under review as part of the Design WA Precinct Planning policy). Whilst unfortunate in an infill situation (where built form details are critical to integration), this is accepted. Inclusion of further detail on the objectives and parameters of the Local Development Plans required for each precinct is, however, recommended to provide guidance on this, as outlined previously.

Expansion of Davis Park

The expansion of Davis Park – the area of open space at the centre of the precinct – is a key component of the structure plan. This aspect of the proposal, along with the retention of the existing child care centre ('educational establishment') land use, has been widely supported in submissions received from community members. The structure plan includes a landscaping plan which includes concept proposals for Davis Park, as well as streetscape treatments and the proposed green pedestrian link within the southern portion of the precinct.

The City's Parks team have indicated general support for increasing the size of Davis Park as it provides the opportunity to provide additional and improved community infrastructure. However, further detailed discussions with technical officers will be required prior to redevelopment to ensure that any upgrades are in accordance with the City's Urban Forest Plan and associated technical standards. Parks have also raised concern with the size of the proposed communal garden space, however are not opposed to this general idea in principle. These aspects and the details of treatment can be further discussed and addressed in subsequent planning phases.

Inclusion of further direction on trees demonstrating most potential for retention on site is desirable with the tree assessment appended to the plan providing only limited guidance.

However the identification of opportunities for this, and the commitment to address it in local development planning and / or subdivision is noted and supported.

Sustainability

The primary sustainability commitment provided by the development rests with its contribution towards well-serviced urban consolidation. The Part 2 text also states that the Department for Communities will work with the City to implement an agreed sustainability framework at subdivision and development. R-Code and Building Code construction standards would apply by default, along with the City's Local Planning Policy 2.13 – Sustainable Building Design Requirements.

The absence of sustainable building commitment was raised in submissions however the state government has previously rejected option to introduce additional sustainable building requirements into the City's planning scheme.

If a reduced density / consolidation commitment (beyond the 550 minimum dwelling target recommended) is pursued, Council could request that Part 1.5 of the structure plan text (Development Requirements) be amended to require any development proposed at a density of R40 or less to comply with a set of sustainability and energy efficiency standards, offsetting the impact of reduced dwelling yield with improved environmental credentials.

Other Modifications

In addition to the key issues already discussed, other technical and wording modifications are recommended by officers, such as renaming the 'Innovation Precinct' 'Alternative Housing' precinct, to remove the confusion evident in some submissions. These are included as part of the schedule of modifications attached to this report, with explanations and justification included for each recommendation.

Conclusion

The proposal is a significant one and demonstrates the many challenges of facilitating well resolved infill. If uncertain impact on other centres is an acceptable outcome to facilitate the potential density this proposal offers, support for the centre expansion could be considered (subject to a firmer commitment to such density). However if these external impacts are considered excessive, reduction of the scale of the centre addition would be appropriate. The proponents have indicated that this would be likely to impact the density they could deliver and consequently require comprehensive review of the structure plan.

The traffic signals have similarly been argued as critical to both the structure of the plan and the operation of the centre expansion. Whilst these are subject Main Roads control (and so will ultimately be subject to its decision), City staff recommend that alternatives be explored which remove co-location with the new access leg; a new signalised intersection at Caesar Street is the preference in this regard.

These represent the key issues presented by the plan, with a range of options available to Council. Irrespective of whether Council supports modifications to these elements, the series of more minor modifications outlined in the attached Schedule are recommended.

These include:

- Some minor corrections and clarifications.
- A redrafted vision statement providing greater clarity to intent.
- Inclusion of objectives for each development cell.

Inclusion of further guidance on anticipated dwelling yield and targets for the precinct as a whole, and each block within it is also recommended under any scenario to provide some guidance of this fundamental.

Additional Officers Comment

Following deferral of this item by Council on 29 April 2020, further informal discussion of the proposal occurred, including a meeting with the proponents on 12 May. This explored:

1. Placement of traffic signals.
2. The proposed scale of the centre / retail floorspace, its configuration and timeframe for development.
3. Residential density and yields.
4. Built form (of the centre in particular).
5. Several minor suggestions for refinements to the document suggested by Elected Members.

The following additional information is provided to assist in Council's decision on the proposal:

1. Placement of traffic signals

The pros and cons of the various options for placement of the traffic signals were discussed. The proponent reiterated the rationale for their proposed placement at the end of Nannine Avenue, creating direct connection across South Street from White Gum Valley and into the centre (and the 'mini main street' conceptualised for the centre). They reinforced that relocation to Caesar Street would likely result in relocation of retail floorspace and so affect contiguity of the new centre to the existing centre, and also the layout of the structure plan. The likely impact of their placement at Fifth Avenue on existing residents and the nature of this street was also noted. Negotiations with Main Roads on traffic modelling required for their support of traffic signals in this (or any other) location continue.

2. The proposed scale of the centre / retail floorspace, its configuration and timeframe for development.

The existing South Street Local Centre contains approximately 3,000m² of retail floorspace. Retail floorspace in the planning context is defined by Planning Land Use Codes and the state planning policy on activity centres. It includes shop floorspace, hairdressers, cafes and the like but doesn't include other commercial uses such as offices and gymnasiums.

The Local Structure Plan proposes an additional 4,600m² of retail floorspace (creating a total centre size of approximately 7,600 m² NLA retail). This total floorspace is

comparable in scale to Hilton Local Centre up the road and the Mezz in Mt Hawthorn (6,700m²). To provide further context, several other centres of similar scale (3,000 - 5,000m²) were tabled by the applicant in discussions (noting that these illustrate approximate scale of the new centre area, not intended built form) – refer Attachment 5.

Whilst it is indicative information only, the structure plan explanatory report suggests that the supermarket component of this floorspace is intended to be in the order of 2,800m² with the balance made up of other specialty shops and cafes. The additional floorspace (ie excluding the 3,000m² within the existing South Street Local Centre) is similar in scale to the new Port Coogee centre, the new Reynolds Road centre on Canning Highway (approximately 4,100m²) and existing Winthrop Centre.

By way of other examples queried by elected members, the new IGA and liquor store developed as part of a mixed use building on the corner of Davies and Shenton roads in the Claremont Oval redevelopment is, according to the Council report, 1,200m² and contributes to an overall retail floorspace of 2,800m² within that structure plan area. It presents a good planning and built form outcome for that location (and is one of the relatively few examples of substantial residential above retail in Perth) but is premised on a different context and underlying land values. The street-based Coles developed in the West Leederville centre on Cambridge Street a few years ago is appropriately 2,500m² with a further 835m² of specialty retail plus additional upper level office floorspace.

The proponent confirmed that their intended configuration of the centre is to concentrate retail floorspace on the eastern part of the mixed use zone, providing an extension the existing centre across Fifth Avenue. The development is intended to incorporate an anchor tenant supermarket with specialty stores wrapped around the periphery activating the street and creating a mini ‘main street’ down the new road. The proponent advised that a reduction in floorspace as recommended will either result in development of only a supermarket, or only a series of lower-amenity small scale stores, and would further undermine the viability of the residential densities proposed, making the current plan unfeasible.

The structure plan document indicates that development of the centre is intended in the first stage of development with the proponent confirming this intention in discussions. Advancement of more detailed planning (in the form of the Local Development Plan) has been proposed as one way to address the layout and built form queries the centre proposal has raised. This has consequently been incorporated in the revised officer recommendation.

3. Residential density and yields

The proponent has reiterated that the development concept has been formulated based on principles of good design, improvement of place and development of housing diversity (including higher density). They have reiterated that achieving the densities outlined in the targets is contingent on creating additional amenity / attraction through the centre development, amongst other things. The density proposal has been based on preliminary market analysis, with increases beyond that proposed considered unfeasible in this location at this time. Inclusion of a minimum yield requirement for the structure plan (as recommended) has been indicated as

acceptable, with the potential to extend this to a minimum requirement per precinct (currently recommended as targets only) also acknowledged as possible, providing a further degree of strength in the document (noting that it remains 'due regard' only, in any event). The acceptability of this approach to the Western Australian Planning Commission remains uncertain however it has been incorporated in the revised recommendation.

4. Built form (of the centre in particular)

Because of the restrictions on structure plan scope which preclude them addressing built form, there are limitations on the extent to which the structure plan can address this. However the anticipated form of the centre was discussed with the proponent, confirming the intention for this to:

- Incorporate a small full line supermarket (approximately 2,800m² retail floorspace);
- A number of specialty stores, such as hairdressers, butchers, bakers, cafes and the like;
- Wrap the specialty stores are the 'box' of the supermarket to maintain an active frontage to the street (particularly the proposed new mini 'main street');
- Incorporate residential and predominantly non-retail commercial through the balance of the Mixed Use zone area;
- Screen public parking (either under ground or on an upper level).

As noted above, the option of requesting immediate progression of the Local Development Plan for this precinct was discussed as providing an avenue to locking in these details. It was noted that the nature of a structure plan provides some flexibility on the configuration of the centre (with 'zoning' boundaries being indicative rather than fixed, as they are in a planning scheme).

The expectation that development along South Street establish a greater presence of the 'node' and an 'urban wall' consistent with design parameters for other centres along the corridor was also discussed with proponents. It was agreed that a minimum 2 storey height limit along South Street be referenced in the objectives for the Mixed Use precinct. Further detail on this aspect could be explored through the Local Development Plan. The option of linking retail floorspace to a higher minimum height (to consolidate the node) was also floated but raised feasibility queries for the proponent, who expressed a preference for exploration of this through the Local Development Plan, when a wider range of design considerations could be factored in.

The option of incorporating additional sustainability construction standards for lower density development was also briefly discussed. Options for this might include a requirement that development at a density of R40 or below incorporate:

- (a) a Nationwide House Energy Rating Scheme (NatHERS) star rating 2 stars in excess of the current energy efficiency requirement of the Building Codes of Australia.
- (c) Provision of a minimum 2.0kw photovoltaic solar panel system per dwelling;
and

(d) Provision of a minimum 3000L capacity rainwater tank per dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathroom and re-directs it for irrigation and/or ground water recharge; and

(e) Retention or planting of a minimum of one tree per dwelling.

This approach both incentivises density (supporting the Transport Oriented Development objectives of the plan) and promotes higher quality development. Incorporation of such provisions would extend the incentives approaches used elsewhere in the City (for example for building height bonuses in the city centre, and in split density coded areas) but extends this to lower density development. As noted in the original report, the position of the Western Australian Planning Commission on such an approach has not been tested by the City in recent years.

5. Several minor suggestions for refinements to the document suggested by Elected Members.

Several minor modifications to the structure plan were suggested by Elected Members which essentially clarify intent. These:

- Confirm the requirement that landscaping design be based on water wise principles;
- Confirm the expectation that public transport integration (including bus stop location) be addressed in the Local Development Plan for Sub-Precinct 1 (the Mixed Use precinct).

A revised officer recommendation incorporating these refinements and those discussed above is proposed (as shown in part 'e' of the revised officer's recommendation).

As outlined in the original report, it remains open to Council to resolve on other more substantive changes to the recommendation if, taking into account the balance of considerations (which are acknowledged to be complex), it forms a different view.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

ORIGINAL OFFICER'S RECOMMENDATION

That Council:

1. Note the submissions received on the Davis Park Precinct structure plan as detailed in the officer's report and Attachment 2.
2. In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the

Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:

- a. Reduction in the additional retail floorspace provided for to 2,500m² NLA.
- b. Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.
- c. Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.
- d. Relocation of the proposed traffic signals from the intersection of Nannine Avenue to the intersection of Ceasar Street.

ALTERNATIVE OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

1. Note the submissions received on the Davis Park Precinct structure plan as detailed in the officer's report and Attachment 2.
2. In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:
 - a. Reduction in the additional retail floorspace provided for to 2,500m² NLA.
 - b. Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.
 - c. Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.
 - d. Relocation of the proposed traffic signals from the intersection of Nannine Avenue to the intersection of Ceasar Street.
 - e. Also including the following additional modifications:
 - i. Incorporate reference to a desired minimum 2 storey building height along South Street in the objective for Sub-Precinct 1.
 - ii. Incorporate minimum dwelling yield requirements for each precinct, reflecting the lowest level 'target' currently identified.
 - iii. Amend the requirement for a Landscape and Open Space Management Plan in Section 1.7, Table 2, to make this a Landscape Design and Open Space Management Plan, with the purpose of "To detail landscape design and planting (including adherence to waterwise principles) and the ongoing management and maintenance arrangements of landscaping and public open space areas", and include additional information on this aspect in Part 2 of the document.

- iv. Amend Section 1.6 Table 1 to include a requirement for 'Public Transport integration and stop provision' as a Consideration within Precinct 1, and include additional information on this aspect in Part 2 of the document.
3. Request the Department of Communities to advance the preparation of the Local Development Plan for Sub-Precinct 1 (abutting South Street) over the next 3-6 months to allow resolution of design and built form details in conjunction with intersection and bus stop reconfiguration associated with the proposed traffic signals.

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Hannah Fitzhardinge

Amend part 2 of the officer's recommendation to delete reference to relocation of the traffic lights in point d) and in Attachment 3, as shown below:

2. In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:
 - a. Reduction in the additional retail floorspace provided for to 2,500m² NLA.
 - b. Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.
 - c. Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.
 - ~~d. Relocation of the proposed traffic signals from the intersection of Nannine Avenue to the intersection of Ceasar Street.~~

And also including the following additional modification:

- i. Modify Part 2 to reference the intention for the new signalised intersection to improve pedestrian and cycle movement across South Street, and access into the Davis Park precinct and local centre, whilst minimising additional vehicular traffic movement on Nannine Avenue.*

Amendment carried: 10/2

For

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

Against

Cr Marija Vujcic, Cr Geoff Graham

Reason for change:

To make better provision for access into the expanded local centre and improved pedestrian and cycle connection across South Street.

AMENDMENT 2

Moved: Mayor, Brad Pettitt

Seconded: Cr Su Groome

Amend part 2 of the officer's recommendation to amend reference to the minimum building height on South Street to 3 storeys of active frontage in point i), as shown below:

2. In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:
 - a. Reduction in the additional retail floorspace provided for to 2,500m2 NLA.
 - b. Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.
 - c. Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.
 - d. Relocation of the proposed traffic signals from the intersection of Nannine Avenue to the intersection of Caesar Street.
 - e. And also including the following additional modifications:
 - i. Incorporate reference to a desired minimum **2 3** storey building height **of active frontage** along South Street in the objective for Sub-Precinct 1.
 - ii. Incorporate minimum dwelling yield requirements for each precinct, reflecting the lowest level 'target' currently identified.
 - iii. Amend the requirement for a Landscape and Open Space Management Plan in Section 1.7, Table 2, to make this a Landscape Design and Open Space Management Plan, with the purpose of "To detail landscape design and planting (including adherence to waterwise principles) and the ongoing management and maintenance arrangements of landscaping and public open space areas", and include additional information on this aspect in Part 2 of the document.
 - iv. Amend Section 1.6 Table 1 to include a requirement for 'Public Transport integration and stop provision' as a Consideration within Precinct 1, and include additional information on this aspect in Part 2 of the document.

Amendment carried: 11/1

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,

Against

Cr Marija Vujcic

Reason for change:

To make better provision for the type of built form the Council is wishing to achieve as part of its broader planning and design objectives.

AMENDMENT 3

Moved: Cr Andrew Sullivan

Seconded: Cr Hannah Fitzhardinge

Amend part 2 of the officer's recommendation to delete reference to the reduction in retail floorspace in point a) and in Attachment 3, as shown below:

2. *In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:*
 - a. ~~Reduction in the additional retail floorspace provided for to 2,500m² NLA.~~
 - b. *Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.*
 - c. *Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.*
 - d. *Relocation of the proposed traffic signals from the intersection of Nannine Avenue to the intersection of Ceasar Street.*

Amendment Lost: 6/7

For

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

Against

Mayor Brad Pettitt, Cr Geoff Graham, Cr Su Groome,
Cr Frank Mofflin, Cr Sam Wainwright, Cr Marija Vujcic

Mayor, Brad Pettitt used his casting vote AGAINST the amendment resulting in it being LOST.

Reason for change:

To enable the significant redevelopment of the precinct as a transport oriented development, and to underpin residential densities by providing substantial local amenity.

AMENDMENT 4

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Amend part 2 of the officer's recommendation to incorporate a further modification requiring application of additional sustainability construction standards for lower density development, as shown below:

And also including the following additional modification:

i. Add the following to Section 1.5 "Sustainability Schedule for Lower Density Development (R40 or less)"

Where development is proposed at a residential density of R40 or less, all of the following criteria shall be satisfied:

- (a) Each dwelling shall demonstrate a Nationwide House Energy Rating Scheme (NatHERS) star rating 2 stars in excess of the current energy efficiency requirement of the Building Codes of Australia for class 1A buildings. The star rating shall be certified by a NatHERS accredited assessor; and*
- (b) Provision of a minimum 2.0kw photovoltaic solar panel system per dwelling; and*
- (c) Provision of a minimum 3000L capacity rainwater tank per dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathroom and re-directs it for irrigation and/or ground water recharge; and*
- (d) A minimum of one existing mature tree per dwelling shall be retained on site, or alternatively a minimum of one mature tree per dwelling (minimum 100 Litre bag) shall be planted on site prior to occupancy of development in a location nominated and approved on the development application.*

Amendment carried: 11/1

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

Against

Cr Marija Vujcic

Reason for change:

To provide further incentive to achieve density development in this well located area, and to promote more sustainable buildings.

AMENDMENT 5

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

Amend part 2 of the officer's recommendation to incorporate a further modification amending the building height for the Innovative Housing Precinct outlined in the sub-precinct objective to 6 storeys, as shown below:

And also including the following additional modification:

- i. Amendment to the objectives for sub-precinct 3 - Innovative Housing in Table 1 to include a reference to development being up to 6 storeys.**

Amendment carried: 11/1

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**

Against

Cr Marija Vujcic

Reason for change:

To provide further flexibility for different building typologies and housing diversity, noting the absence of interface with existing residential development with this precinct.

Cr Marija Vujcic left the meeting at 7.42 pm during discussion of the following amendment and returned at 7.44pm prior to the vote.

AMENDMENT 6

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

Amend part 2 a. of the officer's recommendation to change the floorspace from 2,500m² to 3,500m², to read as follows:

- a. Reduction in the additional retail floorspace provided for to 3,500m² NLA.**

Amendment carried: 12/0

**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 Andrew Sullivan, Cr Rachel Pemberton, Cr Marija Vujcic**

Reason for change:

To permit sufficient retail floorspace to enable the significant redevelopment of the precinct as a transport oriented development, and to underpin residential densities by providing substantial local amenity.

COUNCIL DECISION ITEM C2005-15

(Revised officer's recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

- 1. Note the submissions received on the Davis Park Precinct structure plan as detailed in the officer's report and Attachment 2.**
- 2. In accordance with clause 20 of the deemed provisions in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer the Davis Park Precinct Local Structure Plan (Attachment 1) and the associated council reports to the Western Australian Planning Commission with a recommendation that the plan be approved subject to modifications addressing the issues outlined in the officer's report, as detailed in Attachment 3 to this report, including:**
 - a. Reduction in the additional retail floorspace provided for to 3,500m² NLA.**
 - b. Reclassification of the Mixed Use between the Nannine Avenue extension and Fifth Avenue to 'Local Centre' and reduction of its depth to half the depth shown, with the balance made Residential.**
 - c. Inclusion of information on residential density targets as provided by the proponent, and a minimum overall density yield requirement of 550 dwellings.**
 - d. Also including the following additional modifications:**
 - i. Incorporate reference to a desired minimum 3 storey building height of *active frontage* along South Street in the objective for Sub-Precinct 1.**
 - ii. Incorporate minimum dwelling yield requirements for each precinct, reflecting the lowest level 'target' currently identified.**
 - iii. Amend the requirement for a Landscape and Open Space Management Plan in Section 1.7, Table 2, to make this a Landscape Design and Open Space Management Plan, with the purpose of "To detail landscape design and planting (including adherence to waterwise principles) and the ongoing management and maintenance arrangements of landscaping and public open space areas", and include additional information on this aspect in Part 2 of the document.**
 - iv. Amend Section 1.6 Table 1 to include a requirement for 'Public Transport integration and stop provision' as a Consideration within Precinct 1, and include additional information on this aspect in Part 2 of the document.**
 - v. *Modify Part 2 to reference the intention for the new signalised intersection to improve pedestrian and cycle movement across South Street, and access into the Davis Park precinct and local centre, whilst minimising additional vehicular traffic movement on Nannine Avenue.***

vi. Add the following to Section 1.5 “Sustainability Schedule for Lower Density Development (R40 or less)”

Where development is proposed at a residential density of R40 or less, all of the following criteria shall be satisfied:

(a) Each dwelling shall demonstrate a Nationwide House Energy Rating Scheme (NatHERS) star rating 2 stars in excess of the current energy efficiency requirement of the Building Codes of Australia for class 1A buildings. The star rating shall be certified by a NatHERS accredited assessor; and

(c) Provision of a minimum 2.0kw photovoltaic solar panel system per dwelling; and

(d) Provision of a minimum 3000L capacity rainwater tank per dwelling; or alternatively an approved grey-water reuse system that collects grey water from the laundry and bathroom and re-directs it for irrigation and/or ground water recharge; and

(e) A minimum of one existing mature tree per dwelling shall be retained on site, or alternatively a minimum of one mature tree per dwelling (minimum 100 Litre bag) shall be planted on site prior to occupancy of development in a location nominated and approved on the development application.

vii. Amendment to the objectives for sub-precinct 3 - Innovative Housing in Table 1 to include a reference to development being up to 6 storeys.

- 3. Request the Department of Communities to advance the preparation of the Local Development Plan for Sub-Precinct 1 (abutting South Street) over the next 3-6months to allow resolution of design and built form details in conjunction with intersection and bus stop reconfiguration associated with the proposed traffic signals.**

Carried: 12/0

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 Andrew Sullivan, Cr Rachel Pemberton, Cr Marija Vujcic

Cr Adin Lang returned to the meeting at 7.49 pm.

ITEMS APPROVED “EN BLOC”

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

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

The following items be adopted en bloc as recommended:

C2005-17	PURCHASING POLICY EXEMPTIONS FEBRUARY TO APRIL 2020
C2005-18	TENDERS AWARDED UNDER DELEGATION FEBRUARY 2020 TO APRIL 2020
C2005-19	INFORMATION REPORT – MAY 2020
C2005-23	BUDGET AMENDMENTS - APRIL 2020
C2005-24	SCHEDULE OF PAYMENTS APRIL 2020
C2005-25	MONTHLY FINANCIAL REPORT - APRIL 2020
C2005-26	STATEMENT OF INVESTMENTS AS AT 30 APRIL 2020

Carried enbloc: 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

C2005-17 PURCHASING POLICY EXEMPTIONS FEBRUARY TO APRIL 2020

Meeting date: 27 May 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: 1. Purchasing Policy Exemption details February to April 2020 (*Confidential attachment under separate cover*)

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempt to the requirements of the Purchasing policy, during the period February to April 2020.

This report recommends that Council receive the Purchasing Policy Exemptions report for February 2020, March 2020 and April 2020.

BACKGROUND

At the Ordinary Council Meeting of 15 April 2020, Council adopted a new purchasing policy. The policy contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and policy exemptions. Under this policy all exemptions used by the City are to be reported to the Audit and Risk Management committee.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

February 2020

The total value of exemptions from the City of Fremantle Purchasing Policy is \$40,220.00 for the month of February 2020.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultancy / Legal Services Exemptions	\$40,220.00
Total	\$40,220.00

Details regarding individual exemptions can be found in the confidential attachment.

March 2020

The total value of exemptions used under the City of Fremantle Purchasing Policy is \$22,121.00 for the month of March 2020.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultancy / Legal Services Exemptions	\$22,121.00
Total	\$22,121.00

Details regarding individual exemptions can be found in the confidential attachment.

April 2020

The total value of exemptions used under the City of Fremantle Purchasing Policy is \$26,065.00 for the month of April 2020. This exemption for April could also have been considered a sole source supplier as it was for a single outcome that is already under third party agreement.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultancy / Legal Services Exemptions	\$26,065.00
Total	\$26,065.00

Details regarding individual exemptions can be found in the confidential attachment.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2005-17
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the Purchasing Policy exemptions report for February, March and April 2020.

Carried enbloc: 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**

**C2005-18 TENDERS AWARDED UNDER DELEGATION FEBRUARY 2020
TO APRIL 2020**

Meeting date: 27 May 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated Officers and Committee's, during the period February 2020 to April 2020.

This report recommends that Council receive the report on tenders awarded under delegation between February 2020 and April 2020.

Background

Tenders awarded by the City are awarded under the following delegations, approved at Council on 26 June 2019:

Delegated Authority	Amount of Delegation
Finance, Policy Operations and Legislation Committee (FPOL)	\$500,000+ (if within budget)
CEO	Up to \$500,000
Directors	Up to \$500,000

Items identified under 'Officer Comment' of this report detail tenders awarded under delegation.

FINANCIAL IMPLICATIONS

All tenders were awarded within budget approved at Council on 26 June 2019.

LEGAL IMPLICATIONS

All tenders awarded met the requirements of Regulations 11A – 24AJ of the Local Government (Functions and General) Regulations 1996 and S3.57 of the *Local Government Act 1995*.

Under delegation 2.11 Expressions of interest and tenders or the City's Delegated Authority Register, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.

CONSULTATION

Nil

OFFICER COMMENT

Below is a list of Tenders awarded under delegation between February and April 2020

February 2020

Tender Description	Awarded By	Contractor(s)	Contract Value
FCC546/19 Architectural Services for the Fremantle Golf Course Club House and Community Centre	Director Delegation (12 February 2020)	Gresley Abas	\$270,000.00 (ex GST)
FCC552/19 Seawall Construction Port Beach	Director Delegation (13 February 2020)	WA Limestone Contracting Pty Ltd	\$270,677.32 (ex GST)
FCC551/19 Cleaning Services	FPOL Delegation (19 February 2020)	CSCH Pty Ltd T/As Charles Service Company	\$1,881,792.00 (ex GST)

March 2020

Nil

April 2020

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2005-18 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the report on Tenders Awarded under delegation for February to April 2020.

Carried enbloc: 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

C2005-19 INFORMATION REPORT – MAY 2020

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda attachments: 1: Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Agenda attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP001/20
Site Address and Proposal
254C Hampton Road and 2 Culver Street, Beaconsfield – Mixed Use Commercial Development (Petrol Filling Station, Lunch Bar, Restaurant)
Planning Committee Consideration/Decision
At its meeting held on 15 April 2020, the Council resolved to support the officer's recommendation to refuse the application.
Current Status
At its meeting held on 7 May 2020, the Metro Inner-South Joint Development Assessment Panel refused the application in accordance with the officer recommendation including with the inclusion of additional reasons relating to the built form of the proposed development.

COUNCIL DECISION ITEM C2005-19
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the following information reports for May 2020:

- 1. Schedule of applications determined under delegated authority.**
- 2. Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review.**

Carried enbloc: 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**

C2005-23 BUDGET AMENDMENTS - APRIL 2020

Meeting date: 27 May 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2019/20 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

- (b) is authorised in advance by resolution by Absolute Majority; or
(c) is authorised in advance by the mayor or president in an emergency.
Where expenditure has been incurred;
(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	Grant funding of \$50k from WALGA to fund the project to design and construct depot slab for the Household Hazardous Waste program.					
	300xxx.1606	Construction and fit out of HHW shed and surrounding area	0		(50,000)	(50,000)
	300xxx.4225	Construction and fit out of HHW shed and surrounding area	0		50,000	50,000

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

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

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

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM C2005-23
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	Grant funding of \$50k from WALGA to fund the project to design and construct depot slab for the Household Hazardous Waste program.					
	300xxx.1606	Construction and fit out of HHW shed and surrounding area	0		(50,000)	(50,000)
	300xxx.4225	Construction and fit out of HHW shed and surrounding area	0		50,000	50,000

Carried enbloc: 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**

C2005-24 SCHEDULE OF PAYMENTS APRIL 2020

Meeting Date: 28 May 2020
Responsible Officer: Manager Finance
Decision Making Authority: Council
Agenda Attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending April 2020, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of April 2020, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$9,050,020.11 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

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

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

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending April 2020 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$6,601,857.25
Purchase card transactions	\$6,994.16
Salary / Wages / Superannuation	\$2,441,168.70
Other payments <i>(as outlined in Attachment 1)</i>	\$0.00
Total	\$9,050,020.11

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending April 2020.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2005-24 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$9,050,020.11 for the month ending April 2020, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending April 2020, as contained within Attachment 2.**

Carried enbloc: 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**

C2005-25 MONTHLY FINANCIAL REPORT - APRIL 2020

Meeting date: 27 May 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Monthly Financial Report – 30 April 2020
Additional information: Nil

SUMMARY

The Monthly Financial Report for the period ending 30 April 2020 has been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

This report provides an analysis of financial performance for April 2020 based on the following statements:

- Statement of Comprehensive Income by Nature & Type and by Program;
- Rate Setting Statement by Nature & Type and by Directorate; and
- Statement of Financial Position with Net Current Assets

BACKGROUND

The following table provides a high level summary of Council's year to date financial performance as at 30 April 2020.

Description	2019-20 YTD Budget	2019-20 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)-(A)	(D) =(C)/(A)	
OPERATING					
Revenue	\$69.57M	\$69.67M	\$0.10M	0.14%	
Expenses	(\$62.82M)	(\$61.20M)	\$1.62M	2.57%	
Operating Surplus/Deficit	\$6.75M	\$8.47M	\$1.72M	25.4%	
CAPITAL					
Revenue	\$10.40M	\$11.42M	\$1.02M	9.78%	
Expenses	(\$21.02M)	(\$22.44M)	(\$1.42M)	(6.72%)	
Overall Surplus/Deficit	\$14.14M	\$18.18M	\$4.04M	28.57%	

As detailed in the Statement of Comprehensive Income by Nature and Type operating income and expenses have mainly varied to the anticipated budget in the following categories:

Income	Variance	
Fees and Charges	402,558	
Operating Grants, Subsidies & Contributions	(418,092)	
Other Revenue	172,716	
Expenses	Variance	

Materials and Contracts	2,112,784	
Employee Costs	(570,853)	
Employee Costs – Agency Labour	(75,836)	
Utility Charges	76,023	

Further explanation of material variances are included under officers comments.

FINANCIAL IMPLICATIONS

This report is provided to enable Council to assess how revenue and expenditure is tracking against the budget. It is also provided to identify any budget issues which Council should be informed of.

LEGAL IMPLICATIONS

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with explanation of any material variances to be prepared and presented to an ordinary meeting of council

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 30 April 2020 resulted in an additional \$4,040,372 being identified in the year to date position than anticipated, which is mainly as a result of :-

Reduction in anticipated year to date position

- Increased capital expenditure of \$1,413,426

Increase in anticipated year to date position

- Increased operating revenue (excluding general rates) of \$50,587
- Increased capital revenue of \$1,017,027
- Increase net transfer to/from reserve of \$2,675,791
- Underspending of operating expenditure to date of \$1,616,344
- Increase general rates income of \$6,502

Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in 2019-2020 for reporting material variances as 10% or \$100,000, whichever is greater (Item C1906-2 refers Council meeting on 26 June 2019).

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially. The following is an explanation of significant operating and capital variances as identified in the Rate Setting Statement by Nature and Type:

Category	Variance \$	Var %	Var	Explanation of Variance
Operating Revenue				
Operating Grants, Subsidies and Contributions	(418,092)	14%		<u>Outstanding grant</u> 200457 - P-10273 Purchase-FOGO bins (\$250k) \$150k due to be received by June. Balance expected next year, budget amendment to be submitted at June OCM <u>Program on hold - will be carried forward to 20-21</u> - P-11729 Program-Reveal Aboriginal Artist 2020(\$75k)
Other Revenue	172,716	33%		Additional income mainly due to the transfer of funds held in the trust fund for greater than 10 years in accordance with s6.9 (4) of the Local Government Act.
Capital Revenue				
Capital Grants, Subsidies and Contributions	1,126,637	14%		<u>Budget phasing</u> P-11882 -Design and construct - Fremantle Golf Course (\$1.39m)
Capital Expenditure				
Purchase Infrastructure – Road	455,532	29%		<u>Projects progress delayed due to COVID19.</u> The following projects are currently under anticipated budget: - P-11854 Resurface MRRG-South Tce (\$132k) - P-11868 Rennie Crescent Car Parking (\$68k) - P-11851 Resurface MRRG-Ord St (\$164k) - P-11852 Resurface MRRG-Parry St (\$74k) - P-11857 Resurface R2R-South Tce (\$28k)
Purchase Community Land and Building	(1,992,186)	12%		<u>Invoice paid in advance</u> P-10297 Construct-Council Admin Offices (Kings Square redevelopment) (\$2,329,970) Additional upfront payments made to Pindan for ordering materials
Purchase Furniture and Fittings	133,540	14%		<u>Invoices to be received</u> - P-11796 Install-CCTV (\$41k) <u>Program on hold - will be carried forward to 20-21</u> - P-10498 Program-Network infrastructure (\$50k budget with \$20k is estimated to be spent in this financial year)
Reserve Transfers				
Transfers from Reserves – Capital	2,615,006	21%		<u>Budget phasing</u> Timing of budget to be adjusted next month for additional upfront payments made to Pindan for ordering materials: - P-10295 Design and construct-Kings Square Public Realm Newman (\$216k) - P-11814 Building development – Consultants Council Administration (\$320k) - P-10297 Construct-Council Admin Offices (Kings Square redevelopment) (\$2.33m)

① Invoices to be received -Variance relates to the actual year to date expenditure being less than anticipated. Works or services are in progress and the funds are committed. Payment will be made once invoices are received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2005-25
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the City of Fremantle Monthly Financial Report including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets for the period ended 30 April 2020.

Carried enbloc: 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**

C2005-26 STATEMENT OF INVESTMENTS AS AT 30 APRIL 2020

Meeting date: 27 May 2020
Responsible officer: Finance Manager
Decision making authority: Council
Agenda attachments: Investment Report – 30 April 2020
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 30 April 2020 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 30 April 2020.

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

- **Portfolio details as at April 2020;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

BACKGROUND

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

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

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

FINANCIAL IMPLICATIONS

To date actual investment interest earned is \$799,572 against a year to date budget of \$784,150 which represents a positive variance of \$15,422.

Future interest earnings will be determined by the cash flows of the City's surplus cash and the movements in interest rates on term deposits. The Reserve Bank of Australia has decided to maintain the current policy settings, including the targets for the cash rate

and the yield on 3-year Australian Government bonds of 25 basis points at its meeting on 5th May. The decision is made to support the economy as it responds to the global coronavirus outbreak and help when the recovery comes. A total reduction of \$241,659 of interest income budget has been approved by Council in this financial year. The interest income will continue to be closely monitored throughout the year.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 1.12% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 1.48% as at the end of April 2020.

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 30 April 2020 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 30 April 2020

At month end the City's investment portfolio totalled \$41.86m. The market value was \$42.04m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments(<= 3 months)	\$13.16m
Term Deposits (> 3 months)	\$28.70m
TOTAL	\$41.86m

Of which:

Unrestricted cash	\$23.91m
Restricted cash (Reserve Funds)	\$16.62m
Restricted cash (Trust Funds)	\$ 1.33m
TOTAL	\$41.86m

The current amount of \$23.91m held as unrestricted cash represents 57% of the total adopted budget for operating revenue (\$76.28m)

2. Portfolio counterparty credit framework (as at 30 April 2020)

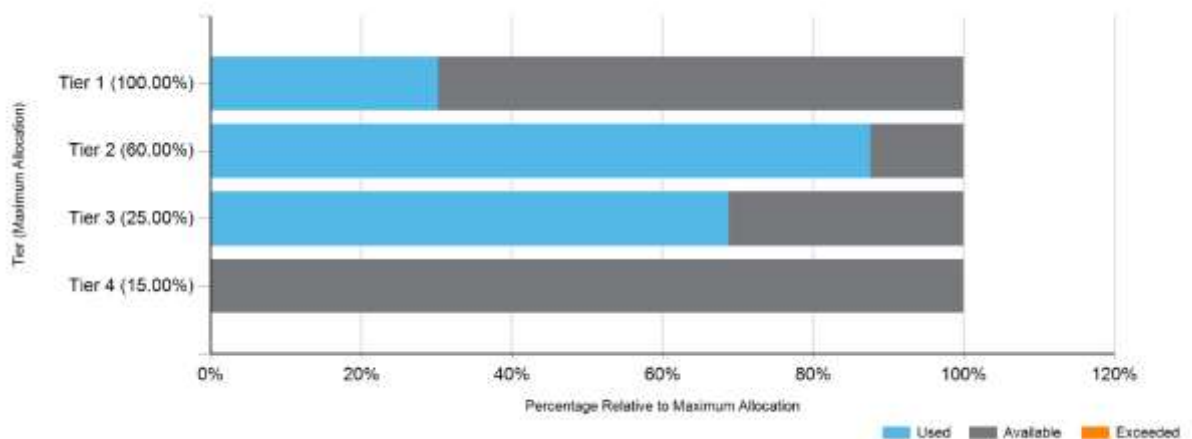
The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. The adopted counterparty credit framework is as below:

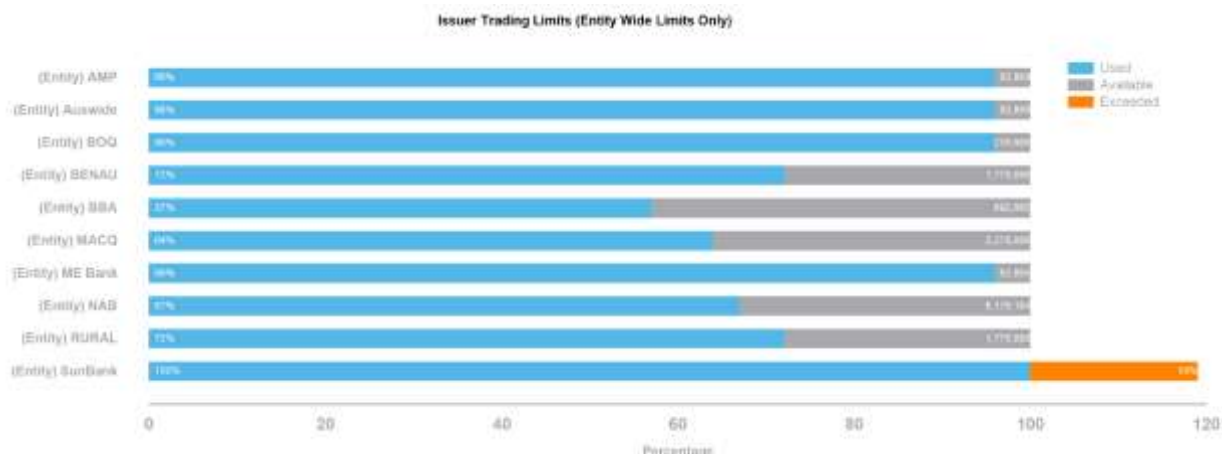
Counterparty credit framework

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution or managed fund and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government)	45%
Tier 2	15%
Tier 3	5%
Tier 4	(\$1m)

The following graphs provide details of the funds invested at the end of this month as per the City's investment portfolio relative to the threshold allowed by the investment policy as below:





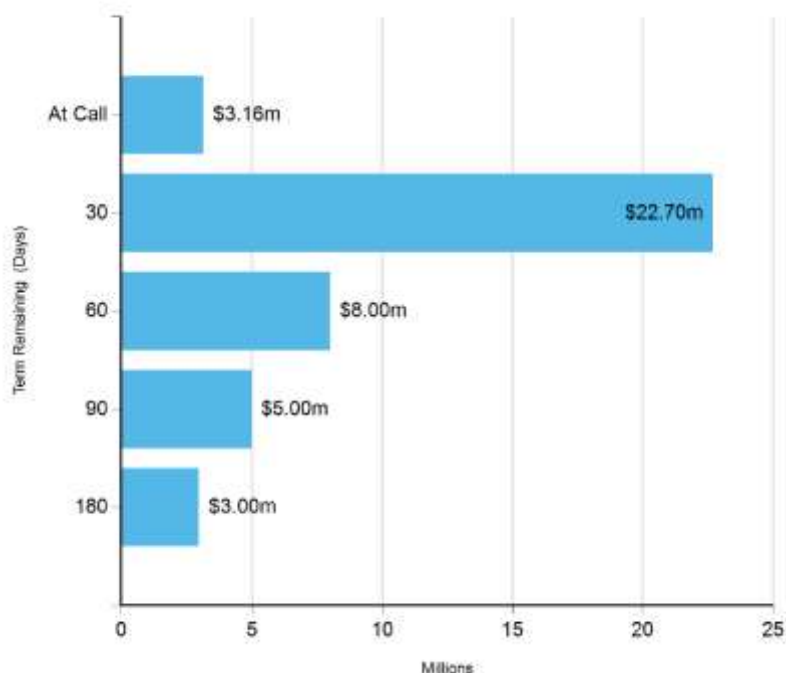
As reported in the above graph at the end of the month Suncorp Bank went outside its thresholds by \$1.22m (19%). At the time of investment of funds the portfolio was compliant, however due to subsequent maturities and cash requirements during the month it has resulted in this entity exceeding the trading limits as at 30 April 2020. This will be rectified as Suncorp Bank term deposits mature or cash flow increases to the level when the investment was made.

3. Portfolio Liquidity Indicator (as at 30 April 2020)

The below graph provides details on the maturity timing of the City's investment portfolio. Currently all investments will mature in one year or less.

Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

Face Value by Term Remaining



4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 30 April 2020)

At the end of this month \$17.2m (41.1%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non Fossil Fuel lending ADI’s).

The current conditions and the institution limits in the investment policy are affecting the City’s ability to invest in non-fossil fuel institutions. Presently a large number of banks and in particular the small non-fossil fuel lending banks are not taking new deposits. The others are at their maximum limit for investment.



5. Interest Income for Matured Investments (For 1 April 2020 to 30 April 2020)

During month of April \$61,747 in interest was earned from matured investments.

6. Investing Activities (For 1 April 2020 to 30 April 2020)

During this month 3 term deposits were acquired with a total value of \$5m invested.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2005-26 **(Officer’s recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the Investment Report for the month ending 30 April 2020.

Carried enbloc: 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

C2005-16 OVERDUE DEBTORS REPORT AS AT 31 MARCH 2020

Meeting date:	27 May 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	1. Summary of Overdue Debts above Threshold (Confidential attachment under separate cover)
Additional information:	Nil

SUMMARY

This debtors report with a confidential attachment is provided to the Audit and Risk Management Committee together with details of overdue debts that exceed a threshold value of \$10,000.

This report recommends that Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 March 2020.

BACKGROUND

The report provides details to the Audit and Risk Management Committee on overdue debtors. The following information is provided on a quarterly basis:

- The amount of total debtors outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- The value of debt that is in excess of ninety (90) days overdue and the combined value of those debt(s) which exceed \$10,000.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the audit and risk management committee.
- A confidential report containing the individual debtor information in relation to the outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments, background and a comparison to the previous quarters report.
- Debtor day ratio - the average number of days required for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

It is a requirement that annual financial statements include an allowance for impairment of receivables owed to the local government to be recognised as a cost to the budget in the year in which the impairment is made.

As at year ending 30 June 2019 an amount of \$144,907 was held as an allowance for impairment of receivables. As at the 31 March 2020 the current allowance held as impairment is \$106,046 with \$38,861 being written-off to date.

During this financial year the following reportable write-offs and waivers have been processed against this account:

Total Write-offs	\$38,861 + GST
Total Waivers	\$NIL

Since the last report, no occurrence of delegated authority to waive or write off debts valued at \$1,000 or above per debtor by officers has occurred. Further, no funds have been identified for potential write-off. Officers continue to engage with debtors to secure payment arrangements to clear the debt.

Summary of Sundry Debtors Debts Written-off

Debtor No.	Name	Amount	Business Unit	Date	Delegated Officer or Council
2092379	The Event Agency	4,367	Waste Management	August 2019	Director Infrastructure and Project Delivery
2092585	Fly By Night Musicians Club Ltd	15,850	Economic Development	August 2019	Council ARMC1908-1
	TOTAL	20,217			

Summary of Rates Debtors Debts Written-off

PID No.	Name	Amount	Business Unit	Date	Delegated Officer or Council
260	Fly By Night Musicians Club Ltd	16,419	Economic Development	August 2019	Council ARMC1908-1
1061	Fly By Night Musicians Club Ltd	2,030	Economic Development	August 2019	Council ARMC1908-1
	TOTAL	18,449			

Summary of Sundry Debtors Debts Waived

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

LEGAL IMPLICATIONS

Section 6.12 (1) (c) of the *Local Government Act 1995* provides authority for the Council to write off outstanding monies.

In accordance with section 5.42 and 5.44 of the *Local Government Act 1995* the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$100,000 per account where in the opinion of the Chief Executive Officer all other reasonable avenues of recovery have been exhausted.

- Directors and Managers have various sub-delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$20,000 per account where in the opinion of the Director or Manager all other reasonable avenues of recovery have been exhausted.

All records of the uses of this delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the Audit and Risk Management Committee.

Any amount in excess of \$100,000 is to be written off by Council resolution. A council resolution authorising the write off of any bad debt does not prevent Council from reinstating the debt if the future circumstances change and the debt becomes collectable.

CONSULTATION

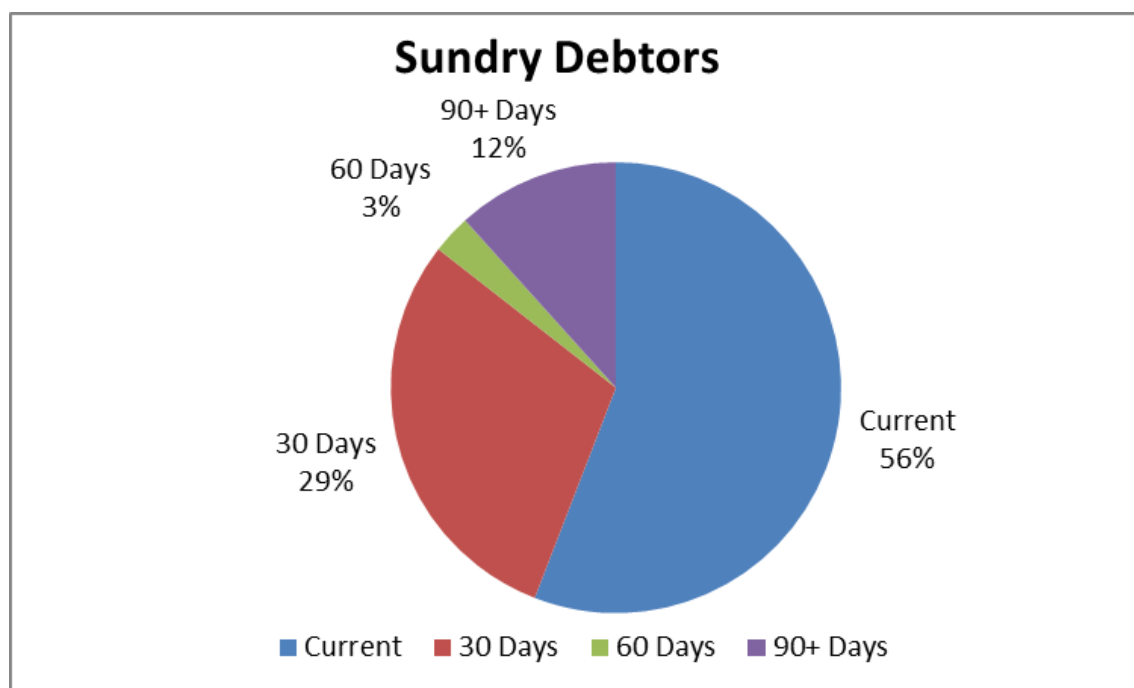
Nil

OFFICER COMMENT

The total of debtors outstanding as at 31 March 2020 is \$986,723. A breakdown of aged debt for the current period compared to prior year for the same period is tabled below.

Period Ending March	Current	30 Days	60 Days	90+ Days	Total
July 19 – March 20	56%	29%	3%	12%	100%
	551,399	292,590	27,409	115,325	986,723
July 18 – March 19	623,948	138,774	27,285	231,473	1,021,480

Of the total debt balance, the amount outstanding for 90+ days is \$115,325 or 12%. Below is a graph of the aged debt balances as at 31 March 2020.



Compared to the report of overdue debtors as at 31 December 2019, presented to Audit and Risk Management Committee at the 11 February 2020 meeting, the total value of outstanding debtors has increased by \$288k.

Outstanding debt over 90 days has decreased from \$139k at the end of the previous quarter to \$115k. The number of overdue debtors above reporting threshold is 2 with a total value of \$87,848.

In accordance with delegated authority, any debts over \$100,000 will be submitted to Audit and Risk Management Committee for approval and all recorded use of delegated authority by Chief Executive Officer, Directors and Managers will be reported to Audit and Risk Management Committee.

The confidential attachment contains debtor information in relation to the \$87,848 of outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments and background.

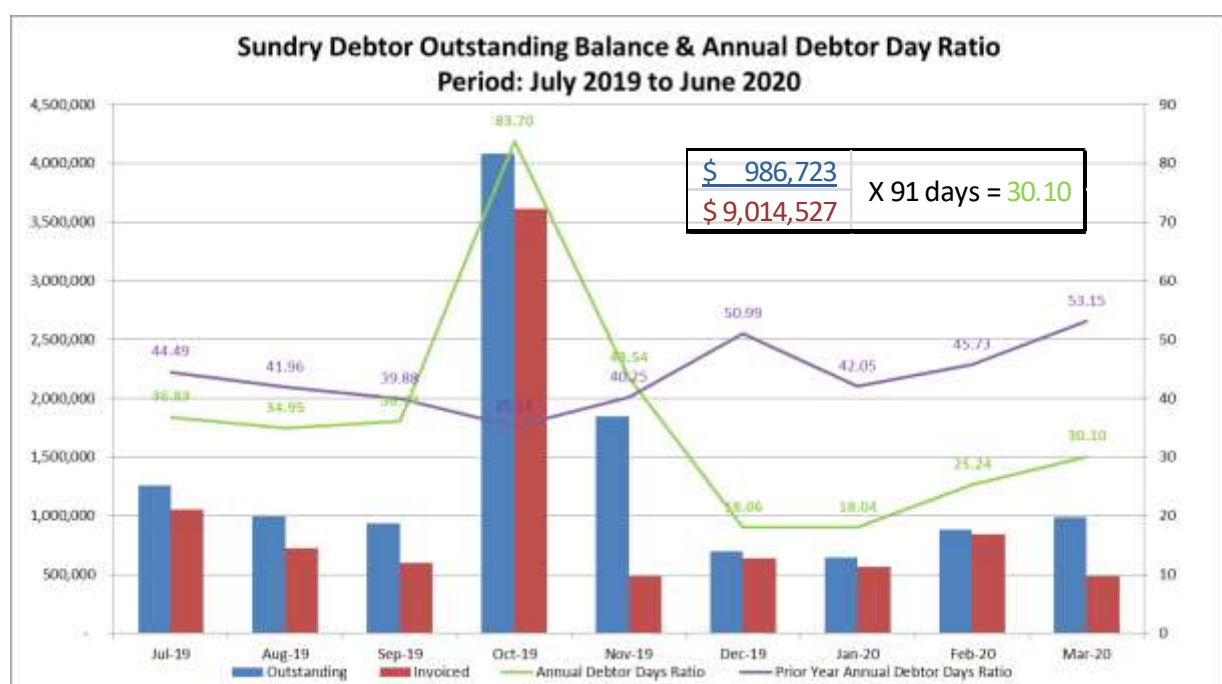
Debtors Outstanding

The debtor day ratio measures how quickly cash is being collected from debtors. The longer it takes for an organisation to collect, the greater the number of debtor days.

The calculation of the ratio considers the total amount outstanding at the end of the period over the total amount invoiced to that period for the financial year by the total number of days from 1 July to the end of the period. See calculation in graph below.

Prior financial year information is presented together with the current financial year as a comparative to demonstrate the City's ability to collect funds owed to the City when due.

At 1 July 2019, \$318,284 of invoices raised in 2018/19 was outstanding resulting in outstanding debt exceeding the amount invoiced during July 2019.



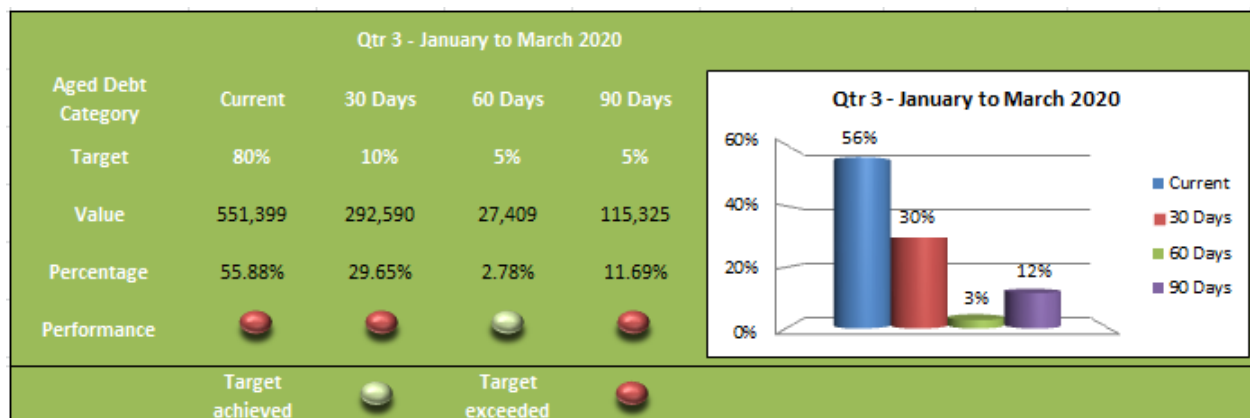
At reporting date, the debtor day ratio was 30.10 an increase from the prior reporting period. Of outstanding debt, 56% related to current invoices that were not yet due.

Key Performance Indicators

The Audit Risk Management Committee recommended a performance measure be included to provide a reporting date 'snap shot' of performance against agreed indicators.

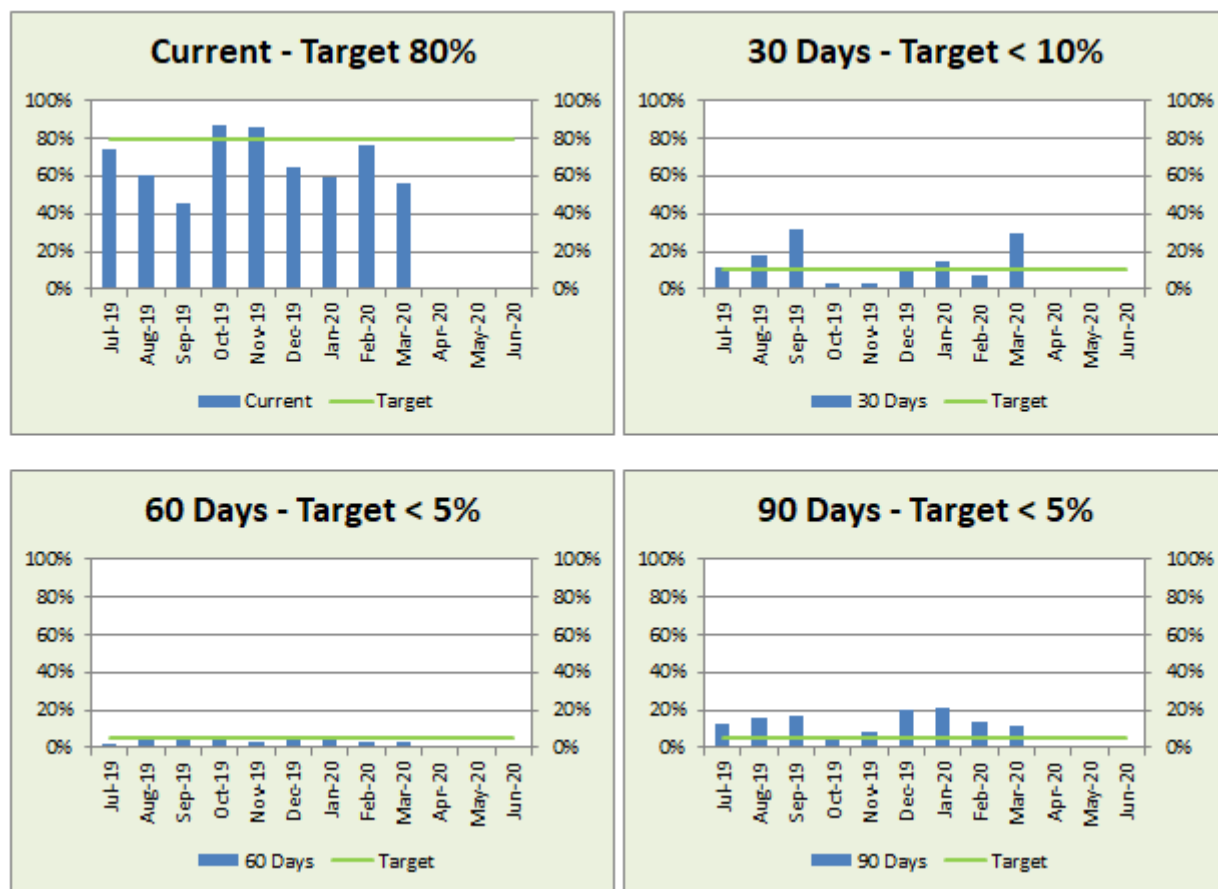
Internal debt management procedures have been reviewed resulting in Officers engaging with debtors earlier where an amount is considered to have an increased risk of default. Upon review of debt levels over prior financial years, Officers consider reasonable and recommend the following targets against which to report.

Key Performance Targets				
Current	30 Days	60 Days	90 Days	Total
80%+	<= 10%	<=5%	<=5%	100%



Of total overdue debt, Commercial Properties account for 39% (\$385k). One Commercial Property debtor has invoices overdue for more than 90 days amounting to \$76k. Payment arrangements have been agreed and further details are included in the confidential attachment.

The following charts demonstrate performance against the recommended target for each aged debt category by period to reporting date for this financial year.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2005-16 (Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 March 2020.

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

**C2005-20 ADOPTION OF THE COUNCIL AND COMMITTEE MEETING
SCHEDULE FOR THE PERIOD OF JULY 2020 TO JUNE 2021**

Meeting date: 27 May 2020
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: City of Fremantle Meeting Schedule 2020-2021
Additional information: Nil

SUMMARY

In accordance with the *Local Government Act 1995*, at least once per year, Council is required to resolve the days and times when Ordinary Council and Committee meetings will be held in the next 12 months. The Council must then advertise the days and times, and the place at which meetings are to be held for those meetings open to the public.

This report recommends that Council adopt the Ordinary Council and Committee Meeting Schedule for the period of 1 July 2020 to 30 June 2021.

BACKGROUND

Public meetings provide the community and stakeholders with the opportunity to attend a formal meeting of Council or Committee.

The City of Fremantle traditionally holds Ordinary Council Meetings on the fourth Wednesday of each month, and Committee meetings on the first three Wednesdays of the month or quarterly on Tuesdays.

In past years, Council has agreed to hold fewer meetings in December and January, as Council recognises that many members of the community are enjoying holidays during this period and may miss an opportunity to comment on a council item at this time.

Should the Council or Committee meeting dates change during the year, additional notices will be provided in local newspapers, on City noticeboards and on the City website, to advise the community of the changes.

Agendas and Minutes for all meetings will be made available online at www.fremantle.wa.gov.au

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

These dates must be advertised in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

CONSULTATION

No consultation is required.

OFFICER COMMENT

The Council and Committee meeting schedule for 2019-2020 was amended in March 2020 in response to the restrictions put in place by the Federal and State Governments in response to the COVID-19 Pandemic state of emergency.

The Council resolved to suspend Committee Meetings and hold two Ordinary Meetings of Council a month, on the second and fourth Wednesdays of the month, until further notice. These meetings are currently being held via electronic means.

This report recommends Council return to its typical cycle of Committee and Ordinary Council meetings, as shown in the table below, from July 2020.

Meetings will continue to be held via electronic means ensure the safety of the community, elected members and staff during the pandemic. However, it is intended that meetings will resume being held at the North Fremantle Community Hall as soon as government social distancing provisions make that possible.

The following Council and committee meetings are held on Wednesdays on a **monthly** meeting cycle. These meetings start at 6.00pm:

- Week 1 Planning Committee
- Week 2 Finance, Policy, Operations and Legislation Committee
- Week 3 Strategic Planning and Transport Committee
- Week 4 Ordinary Meeting of Council

The following Committee meetings are currently held on Tuesdays on a **quarterly** meeting cycle. These meetings start at 5:30pm:

- Week 2 Audit and Risk Management Committee

The months of December and January of the meeting schedule have fewer meetings listed to accommodate members of the community enjoying the holiday period and therefore being unable to attend meetings.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Adopt the schedule of council and committee meetings, to be held during the period of July 2020 to June 2021, shown in attachment 1.
2. Approve advertisement of the adopted schedule in accordance with the Local Government Act 1995.
3. Approve meetings to continue to be held via electronic means until further reviewed in line with government social distancing provisions relating to the Covid19 pandemic.

AMENDMENT 1

Moved: Cr Frank Mofflin

Seconded: Cr Andrew Sullivan

Amend the officer's recommendation to include an additional part 4, as follows:

4. ***If the North Fremantle Community Centre can't meet the social distancing provisions to enable public participation then other options to enable public access will be investigated.***

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**

Reason for change:

North Fremantle Community Centre can only accommodate 20 people with an allocation of 4m² each, if the 4m² requirement is maintained the Community Centre will not be a viable option for Council meetings. It is important to enable public access to meetings as soon as it is safe to do so.

COUNCIL DECISION ITEM C2005-20
(Officer's recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Adopt the schedule of council and committee meetings, to be held during the period of July 2020 to June 2021, shown in attachment 1.**
- 2. Approve advertisement of the adopted schedule in accordance with the Local Government Act 1995.**
- 3. Approve meetings to continue to be held via electronic means until further reviewed in line with government social distancing provisions relating to the Covid19 pandemic.**
- 4. *If the North Fremantle Community Centre can't meet the social distancing provisions to enable public participation then other options to enable public access will be investigated.***

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**

**C2005-21 ACCEPTANCE OF TENDER – FCC918/19 – SUPPLY DELIVERY
INSTALL AND MAINTENANCE OF LOOSE FURNITURE AND
WORKSTATIONS**

Meeting Date: 27 May 2020
Responsible Officer: Manager Assets
Decision Making Authority: Council
Agenda attachments: Nil
Additional information: Overall weighted score (confidential attachment)

SUMMARY

The purpose of this report is to consider tender number FCC918/19 for the Supply, Delivery, Install and Maintenance of Furniture and Workstations at Walyalup Civic Centre and Library.

This report recommends that council agree to delegate to the Chief Executive Officer the ability to negotiate with the preferred tenderer with regard to the scope of work, including value engineering solutions and contractual conditions to reach a suitable outcome for the city prior to the award of the final contract (if any) with that preferred tenderer.

The contract, if entered into, will include a termination for convenience clause in the event council does not proceed with the purchase.

BACKGROUND

In October 2011 the City of Fremantle entered into a Memorandum of Understanding (MOU) with Sirona Capital to progress discussions on the possibility of an integrated development of the City owned and Sirona owned properties adjacent to the Kings Square site. These properties include the current Myer building, Queensgate Car Park, Queensgate commercial building, City administration building, the titled property in front of the Myer building and the Spicer property on William Street. The proposal also considered implications for the public area of Kings Square in accordance with the Urban Design Plan adopted by council in June 2012.

In November, 2012 Council considered the Business Case report for the proposal and subsequently adopted a business plan to undertake the project in accordance with the Local Government Act 1995.

As part of the City's commitment to the Kings Square Renewal Project, the Council agreed to construct a new civic building and library, on the site of the old administration office. The Contract to construct the new civic building and library was awarded to Pindan Constructions and is now underway. The Contract with Pindan Constructions did not include the supply of 'loose furniture' and workstations, which has been tendered separately.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by Access Office Industries for the supply of loose furniture and workstations of FCC918/19, and associated expenses:

Description	Expenditure	Budget
Budget		
BC-0000142 - Fitout-Council Admin Offices – Kings Square		\$1,129,323.00
Expenditure		
Expenditure incurred to date:	\$49,681.00	
- Tender number FCC918/19 Supply, Deliver, Install and Maintain Loose furniture and Workstations - Contingency @5%	\$671,555.00 \$33,577.00	
Total expenditure (estimated)	\$754,813.00	
Balance		\$374,510.00

Sufficient funding provision has currently been allocated to deliver the project within the overall Kings Square development budget.

Expenditure is expected to be incurred over two financial years (20/21 and 21/22). With the impact of the Covid-19 pandemic, the majority of contract expenditure is likely to occur in the 21/22 financial year, therefore a commitment to suitable budget provision for future years must be considered.

LEGAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Nil

OFFICER COMMENT

Detail

Tender FCC918/19 for supply, install, delivery and maintenance of loose furniture and workstations at Walyalup Civic Building and Library was advertised 9 October 2019 and closed on 22 November 2019.

Essential details of the contract are outlined below:

Contract type	City of Fremantle Terms and Conditions of Contract for the Supply of Goods and Services
Contract duration	Two (2) years

Commencement date	TBC
Completion date	Two (2) years from commencement date, confirmed in letter of Award

Tender evaluation

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

- Interiorco / Zenith Interiors
- Stylecraft Australia
- UCI
- Living Edge (Aust) Pty Ltd
- Innerspace Commercial Interiors
- Castledex Pty Ltd
- Cannonsleigh Pty Ltd / District Furniture
- Kulbardi Pty Ltd
- Access Office Industries
- Design Farm

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

The tender evaluation panel comprised:

- Manager Facilities and Environmental Management
- Project Manager (Buildings)
- Team Leader Procurement
- Project Manager - Organisational Development and Change
- Procurement Officer – Assets & Insurance
- Customer Service Team Leader

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

Item No	Description	Weighting %
1	Price for the goods and services offered	25
2	Methodology for delivery of the project	30
3	Sustainability	15
4	Safety management	5
5	Tenderer's experience and ability to do the work	15
6	Tenderer's resources (including personnel)	10

Six (6) tender submissions received were conforming, and four (4) tender submissions received were considered non-conforming.

Non-conforming submissions were not evaluated as the respondents had chosen not to price all items in the requirement.

The tender submitted by Access Office Industries scored the highest with 72%, followed by Interiorco / Zenith with 67%. The remaining tender submissions received lower scores.

Access Office Industries, the recommended tenderer, was assessed as having the experience, personnel and methodology to be able to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

The evaluation process determined that the tender from Access Office Industries is a conforming tender. They are known to the City having previously provided similar goods and services during the relocation from the old office building to the current temporary facility. Reference checks indicate that Access Office Industries have provided satisfactory service delivery to their customers on similar projects, and will be a suitable supplier to the City of Fremantle.

Environmental considerations

The furniture selected includes some recycled materials, local materials, have low VOC emissions and be certified with one of the following recognised sustainability certification schemes or standards:

- a. Australasian Furnishing Research and Development Institute – Green Tick; OR
- b. Sustainable Materials Rating Technology - SMaRT 4.0 Sustainable; OR
- c. Good Environmental Choice Australia (GECA); OR
- d. Environmental Choice New Zealand (ECNZ); OR
- e. Global GreenTag's GreenRate

The response from Access Office Furniture provided evidence of being able to meet the sustainability criteria in the request.

Risk consideration

An assessment undertaken by illion indicates that Access Office Industries have the financial capacity to undertake the contract.

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

Project specific risk assessments have been developed and will be used in the management of this project.

COMMENT

The recommended preferred tenderer, Access Office Industries, scored well against the qualitative and quantitative criteria required to deliver a safe and value for money outcome to achieve the scope of work. The tender from Access Office Industries is

recommended as the most advantageous for the City to accept, as per Regulation 18(4) of the Local Government (Function and General) Regulations 1996.

Subject to acceptance of the recommendation, the proposed implementation program is scheduled below:

Award contract:	July 2020
Commence services:	Approx Q1 2021
Completion:	July 2022

Tenderers were contacted to consider providing a termination for convenience clause to allow flexibility for the City in determining the best outcome in fitout. This will be included in any negotiated agreement.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

1. Agrees to nominate Access Office Industries as the City of Fremantle's preferred tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations (subject to the City and Access Office Industries reaching agreement on the terms of the final contract) on the basis that it is considered to be the most advantageous for the City of Fremantle, in accordance with Regulation 18(4) of the Local Government (Functions and General) Regulations 1996;
2. Authorises the Chief Executive officer to enter into negotiations with Access Office Industries in relation to the final specifications of the furniture contract (including any value engineering solutions);
3. Agrees, that if the City and Access Office Industries are able to reach agreement on the terms of the final contract, to:
 - a. authorise the Chief Executive Office to accept Access Office Industries as the successful tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations; and
 - b. authorise the Chief Executive Officer and the Mayor to execute the contract with Access Office Industries.

PROCEDURAL MOTION

The following procedural motion was moved:

COUNCIL DECISION ITEM C2005-21

Moved: Cr Su Groome

Seconded: Cr Hannah Fitzhardinge

The item be deferred for a decision to the next appropriate Council meeting to discuss the impacts of Covid-19 and changes that may be required to the office plan.

Carried: 12/1

For

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

Against

Cr Frank Mofflin

C2005-22 FREMANTLE LEISURE CENTRE ROOF REPLACEMENT

Meeting date: 27 May 2020
Responsible officer: Manager Asset Management
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

In order to progress the Fremantle Leisure Centre pool roof replacement project and take advantage of the close-down and quieter winter period, officers are seeking authority to progress to advertise the tender and progress to construction works subject to budget approval.

This report recommends that Council authorise officer's progress to advertise the tender for the works to replace the Fremantle Leisure Centre pool roof prior to full budget allocation and submit a budget request to be included for Council consideration as part of the 2020/21 budget process.

The report also seeks that, subject to suitable tender submissions and Council budget approval, Council delegate authority to the CEO to accept tenders up to a value of \$950,000.

BACKGROUND

The pavilion structure that covers the 25m and family leisure pools was constructed in 1996. The steel structure is clad with a lightweight, low cost polycarbonate sheeting and steel safety mesh.

The steel structure is showing significant signs of corrosion, and given the highly corrosive environment, requires treatment and repainting to prolong its life.

The polycarbonate sheeting has reached the end of its useful life. It has deteriorated as a result of the prolonged exposure to light radiation, heat and humidity. The polycarbonate has lost its ductility, is very brittle and breaks in strong winds or when impacted by objects such as balls posing a risk to pool users and staff.

The steel safety mesh has rusted to a point where it is no longer effective and also needs to be replaced. As such, any maintenance of the roof needs to be undertaken via an elevated work platform. This is very costly and disruptive to the operations of the Leisure Centre.

The Fremantle Leisure Centre is currently closed to the public due to the restrictions as a result of COVID-19. All of the regular swim programs have been cancelled for the foreseeable future.

FINANCIAL IMPLICATIONS

The pre tender estimate for the project is approximately \$900,000. \$185,000 has been identified to be reallocated from the 2019/20 budget. This would leave a commitment requirement of approximately \$715,000 to be allocated in the 2020/21 budget.

Officers seek Council approval to tender prior to establishing the whole project budget; however, any successful tender would only progress once Council have formally approved adequate budget to allow the project to be awarded.

LEGAL IMPLICATIONS

Tenders will be invited in accordance with the requirements of Section 3.57 of the Local Government Act 1995. The tendering procedures and evaluation complied with the requirements of Part 4 of the Local Government (Functions and General) Regulations 1996.

CONSULTATION

Project officers have consulted with the relevant service areas to ensure customer disruption is minimised.

OFFICER COMMENT

As part of the 2019/20 capital works program the City has designed and documented a project to remediate the steel structure and replace the roof sheeting. The design provides a new external fabric which is long lasting, fit for purpose and requires minimal maintenance during its lifespan. It will also provide a much improved indoor environmental quality with improved light and air quality which is warmer in winter and cool and ventilated in summer.

The result of the project will be a more enjoyable experience all year round for swimmers and spectators. It will also enable increased patronage over the winter months as well as reduced operating and maintenance costs in the longer term.

For the safety of contractors, staff and users, the covered 25m and family leisure pools will need to be closed during the construction of the roof replacement project. Subject to site management plans, the remainder of the Leisure Centre including the 50m and hydrotherapy pools, gymnasium and other facilities will be able to remain open during construction.

If this project does not go ahead the City will need to actively mitigate any risk. The poor condition of the roof covering means the roof is increasingly susceptible to damage as a result of high winds or impact; therefore, a risk management plan will be required to ensure the safety of facility users, staff and also passers-by and the nearby community. It is anticipated that the control measures will be onerous and may frequently result in the closure of the pool and part of the Leisure Centre during certain weather events. This would cause major disruptions to users and have a budget impact.

In order to take advantage of the current close down period officers would propose to progress the Fremantle Leisure Centre roof replacement project as soon as possible. Officers require authority to tender the construction works prior to the 2020/21 budget approval.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM C2005-22 **(Officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

- 1. Approve the advertising of the tender for the works to replace the Fremantle Leisure Centre pool roof.**
- 2. Note a budget request for the Fremantle Leisure Centre pool roof will be included, for council consideration, as part of the draft 2020/21 budget process.**
- 3. Subject to suitable tender submissions and Council budget approval, delegate authority to the Chief Executive Officer, to accept a tender up to a value of \$950,000 for the works to replace the Fremantle Leisure Centre pool roof.**

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**

13. Motions of which previous notice has been given

C2005-27 NOTICE OF MOTION – RESERVE 8965 SOUTH TERRACE, SOUTH FREMANTLE ‘WILSON PARK’ – CR MARIJA VUJCIC

Meeting date: 27 May 2020
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil
Additional information: Photographs and background information on Wilson Park Reserve

ELECTED MEMBER SUMMARY

RESERVE 8965 SOUTH TERRACE, SOUTH FREMANTLE, ‘WILSON PARK’

“Further to my letter dated August 25 1986 I advise for your information that Executive Council has approved of Fremantle Suburban Lot 85 being set apart as Reserve No. 39729 for the purpose of “Recreation” and issued an Order in Council directing that Reserve No 39729 (Fremantle Suburban Lot 85) vest in and be held by the City of Fremantle in trust for the purpose of “Recreation”.

This is an excerpt from an executive order (copy included below) from the State Government which makes the use of this land for any other purpose other than recreation unlawful.

Unfortunately some activities are considered to be ‘ancillary’ to this “Recreation” purpose, including commercial activities (such as festivals and markets) and overflow car parking.

However facilitating these ancillary activities is currently costing ratepayers around \$40,000 per year to maintain and repair damage, done to the Reserve.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER COMMENT

Wilson Park is vested for recreation; however in 2016 Council adopted a policy stating that we will open Wilson Park up for parking during the summer months until Easter time and during school holidays as ancillary to the recreation which is allowed under the vesting.

As part of the greening strategy, Council has sectioned off and undertakes landscaping as part of that strategy to improve the park and protect it from any parking and to enhance its recreational use.

The City has recently received and responded to an enquiry and request for information from the Department of Planning, Lands and Heritage (DPLH):

“The Department of Planning, Lands and Heritage has received an enquiry regarding Reserve 39729 being Wilson Park, South Fremantle.

Reserve 39729, comprises Lot 85 on Deposited Plan 254098, is set aside for the purpose of ‘recreation’ and is managed by the City of Fremantle.

We have received Ministerial correspondence from a community member who is concerned about the protection of public green space and use of the Reserve for over flow parking and for visitors of the Sunset Markets.”

The City provided the information included below in its response and DPLH has subsequently advised the City of Fremantle that it considers the use of the reserve for parking to be ancillary to the purpose of ‘recreation’.

The DPLH also noted that the City of Fremantle has implemented measures to limit the impact that parking has on the Reserve including:

- parking only being accessible during peak periods of the year
- having in place an Over Flow Car Parking Management Plan
- sectioned off landscaped areas of the park to limit impact from pedestrian and vehicle traffic and to enhance the parks recreation use.

Events

The inability to use Wilson Park for overflow parking would deter larger event operators hiring South Beach for the purpose of events.

Wilson Park has been previously intended (and relied on) to be utilised for staff and overflow parking and event drop off / pick up for rideshare, party buses and taxis for a number of events, including:

- Sets on the Beach
- Sunset Markets
- VW Car Show
- Freo Ports Swim Thru
- Beach Football
- 3x3 Basketball

Overflow Car Parking Management

The City has adopted the attached Wilson Park Overflow Car Parking Management Plan.

Parking access times

As detailed in the management plan, Wilson Park is opened and closed at the following times and days for the current year:

- Queen’s Birthday long weekend – in September entry and exit gates are unlocked on Friday 17:00 and locked on the Tuesday 08:00.
- All other weekends from Queen’s Birthday until the end of term 4 (19 December 2019) - entry and exit gates are unlocked on Friday 17:00 and locked on the Monday 08:00.

- The gates are unlocked at the start of the summer holidays at end of school term 4 (19 December 2019) and locked back up at the start of term 1 the following year (3 February 2020) (i.e. The gates remain open).
- From the beginning of School Term 1 (3 February 2020) until the end of April – entry and exit gates are unlocked on Friday 17:00 and locked on the Monday 08:00 except the following public holiday weekends where they are unlocked and locked at the following times:
 - Labour Day Long weekend – Unlock Friday 28 February 2020 at 17:00 and lock on Tuesday 3 March 2020 at 08:00.
 - Easter Long Weekend – Unlock Thursday 9 April 2020 at 17:00 and lock on Tuesday 14 April 2020 at 08:00.
 - Anzac Day long weekend – Unlock Friday 24 April 2020 at 17:00 and lock on Tuesday 28 April 2020 at 08:00.

When the park is open for carparking it is unlocked at the entrance and exit. It is not manned by council officers. However, parking officers do attend to ensure that vehicles are parked in compliance with the City's Parking Local Law.

Landscaping and turf maintenance

As part of the City's greening strategy, the City has sectioned off and landscaped areas to improve the park and protect these landscaped areas from vehicle and pedestrian damage, and to enhance the parks recreational use. These landscaped areas are indicated outlined in blue on the aerial photo below.

The City's Parks and Landscapes section has an enhanced landscape maintenance program for the park to help the grass recover as best as possible. This includes turf renovation works such as coring, fertilising and returfing. This is undertaken annually following the summer parking period.

Sunset Markets

The allowance for overflow parking in the Licence for Sunset Markets was approved by the City on the stipulation that parking on Wilson Park was managed by the markets. The Licence for Sunset Markets is now finished and the future of the markets and/or how they operate will be considered in the coming months.

Community Safety

Wilson Park is patrolled regularly by the City's Community Safety officers through the day because it is a dog off the lead exercise area. It is also patrolled after hours as the area attracts a significant number of illegal campers. The additional attention to the area generally reduces anti-social behaviour on the park.

Comment

An important reason for permitting overflow parking on Wilson Park for the adjacent South Beach recreation reserve during high use times of the year is to alleviate street parking pressure on surrounding residential streets.

Maintenance costs

The estimated annual landscape maintenance costs for Wilson Park is \$40,383 this can be broken down as follows:

Activity / Description	Details	Requirement	Plant	Labour	Materials	Total
Mowing	Broad acre mowing	2 Hrs monthly	\$30 p/h	\$68 Hr		\$2,352
Surrounds maintenance.	Surrounds mowing, brushcutting, litter control and garden maintenance	2 Hrs fortnight	\$29 p/h	3 x \$68Hr		\$15,145
Irrigation maintenance	Inspections and repairs	1.5 Hrs weekly (Irrigation period)	\$7 p/h	\$68 Hr	\$2,500	\$8,137
Fertiliser	200 Kgs Ha per application	3 x per annum				\$1,608
Turf Wetting Agents	50 Ltrs per application	2 x per annum				\$1,920
Turf Weed Spraying	Broadleaf weeds	2 x per annum				\$640
Tree and turf watering	As required	1 Hr fortnight	\$13	\$68 Hr		\$2,106
Returfing	Turf damaged from vehicle movements	360m2				\$4,600
Park Infrastructure Maintenance	Reactive repairs to bollards, chains and turf	25 Hrs per Annum	\$7 Hr	\$68 Hr	\$2,000	\$3,875
Totals						\$40,383

ELECTED MEMBER MOTION ITEM C2005-27

Moved: Cr Marija Vujcic

Seconded: Cr Geoff Graham

That the City of Fremantle no longer permits the use of Wilson Park, Reserve 8965 South Terrace, South Fremantle for commercial activities (such as festivals or markets) or for overflow car parking purposes.

Lost: 1/12

For
Cr Marija Vujcic

Against
**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**

**C2005-28 NOTICE OF MOTION – C40 CLIMATE LEADERSHIP GROUP
"STATEMENT OF PRINCIPLES" – CR RACHEL PEMBERTON**

Meeting date: 27 May 2020
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil

ELECTED MEMBER SUMMARY

On 7 May, a Statement of Principles to guide post COVID 19 recovery strategies were adopted in the first meeting of C40's Global Mayors COVID-19 Recovery Task Force, supported by C40 Chair, Mayor of Los Angeles, Eric Garcetti, and have been endorsed by scores of city leaders from around the world, including Los Angeles, Athens, Austin, Barcelona, Bogotá, Boston, Buenos Aires, Chicago, Copenhagen, Curitiba, Durban, Freetown, Hong Kong, Houston, Lima, Lisbon, London, Medellín, Melbourne, Mexico City, Milan, Montréal, New Orleans, New York City, Oslo, Portland, Quezon City, Rotterdam, Salvador, São Paulo, San Francisco, Santiago, Seattle, Seoul, Sydney, Tel Aviv-Yafo and Vancouver .

The principles, published below, are supported by the findings of a recent study from Oxford University, which found that projects which cut greenhouse gas emissions as well as stimulating economic growth deliver higher returns on government spending, in the short term and in the longer term, than conventional stimulus spending.

The findings of the study, published in the Oxford Review of Economic Policy, provide academic backing to the calls for a "green recovery" that have been made by leading experts amid the Covid-19 crisis.

The Oxford study compared green stimulus projects with traditional stimulus, such as measures taken after the 2008 global financial crisis, and found green projects create more jobs, deliver higher short-term returns per pound spent by the government, and lead to increased long-term cost savings.

Clean energy infrastructure construction is one example, generating twice as many jobs per pound of government expenditure as fossil fuel projects around the world. Others include expanding broadband so more people can work from home.

The study also supports calls for any bailouts for fossil fuel companies or heavy emitting sectors, such as airlines and car manufacturing, to have conditions attached that would require the companies to reduce their climate impact.

The paper, co-authored by the Nobel prize-winning economist Joseph Stiglitz, and Lord Nicholas Stern, the climate economist, catalogues more than 700 stimulus policies and makes comparisons with the global financial crisis of 2008. More than 230 experts, including senior officials from finance ministries and central banks in 53 countries, responded to a survey on the potential for climate benefits and fiscal recovery measures.

These Principles are aligned with the City of Fremantle's *One Planet Strategy* and *Community Strategic Plan* and are proposed to be used to help guide and inform decision making during the COVID 19 recovery phase in coming months.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER COMMENT

The City of Fremantle has customarily supported advocacy positions related to climate change and environmental protection initiatives on behalf of the community, some previously supported initiatives have included:

At the Ordinary Meeting of Council held on 17 April 2019 Council:

1. Accepted the Fremantle Youth Network's letter to council and support the Networks concerns on the important issue of climate change in the City's continuing advocacy.
2. Acknowledged the latest report of the Intergovernmental Panel on Climate Change (IPCC).
3. Declared that we are in a state of climate and biodiversity emergency that requires urgent action by all levels of government, including by local councils.
4. Acknowledged that the City of Fremantle is likely to be substantially affected by climate impacts, particularly sea level rise, heat waves, drought and floods.
5. Called upon the State and Federal Governments to:
 - a. acknowledge that there is a climate and biodiversity emergency, and
 - b. back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements at 1.5%.
6. Agreed to continue to work with the Fremantle Youth Network in our continuing advocacy on this important issue.

In addition, the Fremantle One Planet Strategy 2015-2020 sets a clear policy objective to not only reduce carbon emissions and address climate change, but to also look after the health and well-being of our community. This can easily be applied in the COVID 19 situation, where the City has undertaken all reasonable steps to protect public health during the pandemic.

The Fremantle One Planet Strategy also includes principles of equity and economic security for all.

The City of Fremantle Strategic Community Plan includes three strategic focus areas: Environmental Responsibility; Economic Development; and Health and Happiness which align to these proposed principles.

Cr Rachel Pemberton moved the motion, including a minor amendment to remove the words '*and adopt*' from part 1 (shown in red strikethrough) and add the words '*from Clean State*' in part 4 (shown in green italics), to read as follows:

ELECTED MEMBER MOTION

Moved: Cr Rachel Pemberton

Seconded: Cr Sam Wainwright

Council:

1. Support ~~and adopt~~ the "Statement of Principles" announced by the Mayors of the C40 Climate Leadership Group, below and use these to inform and guide Fremantle Council decisions in the COVID-19 recovery period:

The COVID-19 pandemic has profoundly impacted the world's cities. It is not just a global health crisis, but a social and economic crisis, the effects of which will be felt for years to come. In many ways it is also an urban phenomenon, with its roots in environmental destruction and humanity's relationship with nature.

As mayors, we are committed to supporting the residents of our cities and protecting their health, based on the guidance of expert advice. As members of C40 Cities, we are sharing what we have learned over the past months, and the knowledge we have gained in responding to other crises - public health, economic and environmental.

It is clear that the harm caused by COVID-19 has not been equitable. The most vulnerable and the most disadvantaged are being hurt the most by both the health and economic impacts of COVID-19. It is also clear that the world was not fully prepared for this crisis, despite lessons learned from SARS, MERS, Ebola and other recent public health and climate emergencies. This is, in part, a consequence of the undermining of international mechanisms and institutions which were built to bring peace and prosperity to all. It is, in part, a consequence of ignoring science-based knowledge.

We, as leaders of major cities across the globe, are clear that our ambition should not be a return to 'normal' – our goal is to build a better, more sustainable, more resilient and fairer society out of the recovery from the COVID-19 crisis. Therefore, our joint strategy to support the recovery of our cities and their residents from COVID-19 will be governed by these principles:

- a. The recovery should not be a return to 'business as usual' – because that is a world on track for 3°C or more of over-heating;
- b. The recovery, above all, must be guided by an adherence to public health and scientific expertise, in order to assure the safety of those who live in our cities;
- c. Excellent public services, public investment and increased community resilience will form the most effective basis for the recovery;
- d. The recovery must address issues of equity that have been laid bare by the impact of the crisis – for example, workers who are now recognised as essential should be celebrated and compensated accordingly and policies must support people living in informal settlements;

- e. The recovery must improve the resilience of our cities and communities. Therefore, investments should be made to protect against future threats – including the climate crisis – and to support those people impacted by climate and health risks;
 - f. Climate action can help accelerate economic recovery and enhance social equity, through the use of new technologies and the creation of new industries and new jobs. These will drive wider benefits for our residents, workers, students, businesses and visitors;
 - g. We commit to doing everything in our power and the power of our city governments to ensure that the recovery from COVID-19 is healthy, equitable and sustainable;
 - h. We commit to using our collective voices and individual actions to ensure that national governments support both cities and the investments needed in cities, to deliver an economic recovery that is healthy, equitable and sustainable;
 - i. We commit to using our collective voices and individual actions to ensure that international and regional institutions invest directly in cities to support a healthy, equitable and sustainable recovery.
- 2. Request that the Mayor and CEO write to State and Federal representatives asking them to adopt these principles in the COVID 19 recovery plan.**
- 3. Request that WALGA consider the principles adopted in the “Statement of Principles” announced by the Mayors of the C40 Climate Leadership Group and adopt a position to put to Local Governments to support a similar COVID 19 recovery plan through action and advocacy.**
- 4. Approve the City of Fremantle to endorse the open letter *from Clean State* below and its call for the 2020-21 WA State Budget, to prioritise jobs and packages consistent with a zero-carbon future.**

Dear Premier Mark McGowan, Treasurer Ben Wyatt, and Minister for Environment Stephen Dawson;

We write to you as you prepare one of the most important State Budgets in recent history. The impact of the coronavirus pandemic on Western Australia is expected to put as many as 140,000 Western Australians out of work and a national recession is almost certain.¹

Around the world, we are seeing governments designing some of the biggest economic stimulus packages seen in peacetime in response to the health and economic impacts from COVID-19.

Can we use this opportunity to solve three crises at once?

We commend your response to the COVID-19 crisis so far.

As we move from the health and economic crisis phase into one of economic stimulus and recovery, we encourage you to address the health, economy, and climate crisis together.

We strongly advocate that any COVID-19 stimulus and recovery package should include measures that can both quickly stimulate job creation and economic recovery and align with our commitment to net-zero by 2050.

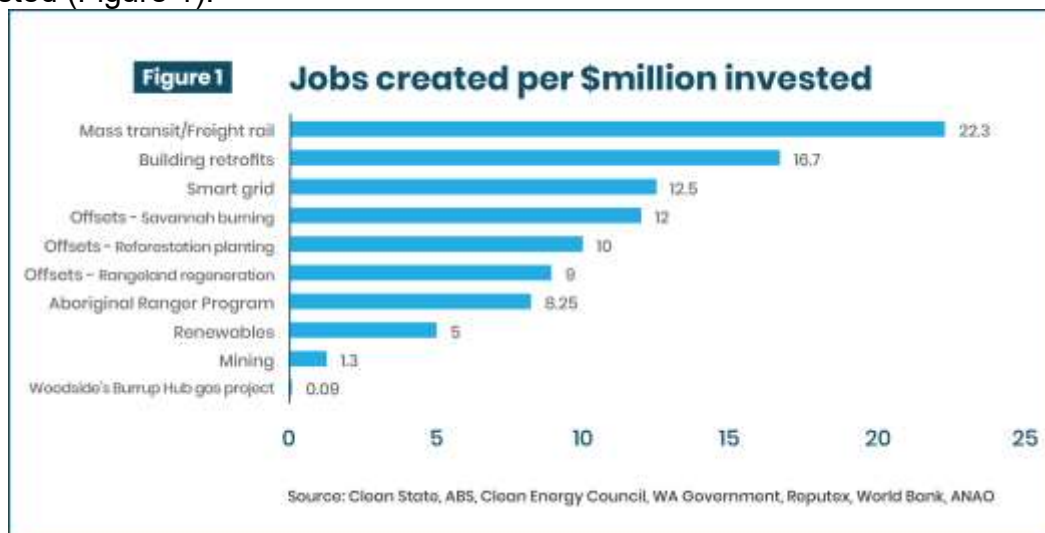
The economic case for a low-carbon stimulus package

Economists and policy experts are making compelling arguments on how responding to coronavirus with low-carbon investments is the best option to help economies recover.^{2 3 4}

The World Resources Institute⁵ is one of many expert bodies advocating for a global 'build back better' response, highlighting opportunities for "shovel-ready," job-creating, high-efficiency, low-carbon infrastructure. We echo this approach.

There is compelling evidence that low carbon stimulus measures will maximize the chance of a strong recovery, including lessons from previous economic stimulus packages.

Research by Clean State demonstrates far more jobs are created in low carbon industries than conventional or fossil fuel-based areas for the same amount invested (Figure 1).



According to the World Resources Institute, in response to the Global Financial Crisis of 2009, South Korea allocated 80% of its stimulus package (\$31 billion) to 'green' measures which created 960,000 jobs and resulted in a much faster rebound than the OECD average, with 2.8% GDP growth reported in just three quarters. Both Korea and the EU have already announced a green post-coronavirus recovery.

More than ever before, we have an opportunity to invest in a sustainable future for WA.

Western Australia is uniquely vulnerable to the impacts of climate change, yet also in one of the best positions in the world to contribute to mitigation and adaptation efforts.

Through taking action on climate change we can deliver thousands of sustainable jobs in clean industries for Western Australia. And the good news is that West Australians already have the skills, expertise, and resources to make it happen.

We urge you to use the 2020/21 Budget response to set a new course.

We can rebuild and renew our economy by prioritizing jobs and packages consistent with a zero-carbon future.

This is our opportunity to stimulate and reboot our economy, accelerate climate action and help vulnerable households as we're rebuilding a more robust & resilient state.

West Australians know that our future lies in clean jobs not polluting industries like fossil gas and the time has come for a jobs recovery plan that takes care of people and the planet.

On behalf of thousands of our members and supporters we urge you to include the following priorities in your 2020-21 Budget and in all longer-term stimulus and recovery plans:

- a. **A 100% renewable electricity target** to reduce household power bills and spur billions in new investment, with interim targets and prioritizing solar schools and small businesses.
- b. **A deep energy efficiency package that targets WA's 40,000 social housing dwellings**, installing rooftop solar, insulation, and energy and water-efficient appliances to drive down utility bills and make homes cooler in summer and warmer in winter.
- c. **Investment in a zero-carbon transport network**, instead of just building more roads. This includes phasing in an electric bus fleet, planning and building Perth's light rail (or trackless tram) network, rolling out electric vehicle infrastructure, and investing in bike paths and trails that will make our towns and cities the best place to live in the world.
- d. **Invest in low carbon technologies, innovation, and infrastructure in Agriculture, RD&E** in regenerative farming practices and improving farmers' access to carbon farming income.
- e. **Urgently invest in rural and regional fire and emergency services** which are currently overstretched and over-relying on volunteers.
- f. **Making our biggest polluters responsible for their pollution** by introducing a requirement to 100% offset the annual carbon emissions of WA's LNG industry, creating 4000 jobs overnight. Offsets must be in WA and have environmental, social and cultural benefits.
- g. **Fully funding health and community services provided to First Nations communities, and prioritizing infrastructure gaps and clean energy in remote communities in any construction-focused stimulus package.** Funding and capacity building in culture, conservation and science, expanding Indigenous Ranger programs, and boosting First Nations-led businesses and participation in adaptation and resilience, including carbon farming.
- h. **A massive boost to conservation efforts** to protect our carbon sinks and a commitment to transition out of native forestry into sustainable plantations and building products.
- i. **Funding for green infrastructure including urban forests through our cities and towns**, to cool our streets and provide habitat for biodiversity.
- j. **A massive investment in our public sector**, boosting resources in health, education, innovation and climate change, and a commitment to decarbonizing public services and becoming a carbon-neutral government by 2022.

If our response uses this once in a lifetime opportunity to tackle the health, economic and climate crisis together, we can kickstart WA's economy with thousands of clean jobs that take care of families and our climate.

PROCEDURAL MOTION

At 8.45 pm the following procedural motion was moved:

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

The item be deferred for a decision to the next appropriate Council meeting.

At 8.55pm the above deferral motion was WITHDRAWN by Cr Su Groome and supported by the seconder Cr Jenny Archibald.

AMENDMENT 1

Moved: Cr Vujcic

Seconded: Nil

Amend the motion to add an additional part 5, to read as follows:

5. Before the Statement of Principles are implemented in any post VOVID-19 economic recovery, we will use the cost benefit and opportunity cost analysis model to determine how local programs and incentives will benefit the ratepayers.

The amendment was not seconded by a member of council, therefore the amendment lapsed.

COUNCIL DECISION ITEM C2005-28

Moved: Cr Rachel Pemberton

Seconded: Cr Sam Wainwright

Council:

- 1. Support the "Statement of Principles" announced by the Mayors of the C40 Climate Leadership Group, below and use these to inform and guide Fremantle Council decisions in the COVID-19 recovery period:**

The COVID-19 pandemic has profoundly impacted the world's cities. It is not just a global health crisis, but a social and economic crisis, the effects of which will be felt for years to come. In many ways it is also an urban phenomenon, with its roots in environmental destruction and humanity's relationship with nature.

As mayors, we are committed to supporting the residents of our cities and protecting their health, based on the guidance of expert advice. As members of C40 Cities, we are sharing what we have learned over the past months, and the

knowledge we have gained in responding to other crises - public health, economic and environmental.

It is clear that the harm caused by COVID-19 has not been equitable. The most vulnerable and the most disadvantaged are being hurt the most by both the health and economic impacts of COVID-19. It is also clear that the world was not fully prepared for this crisis, despite lessons learned from SARS, MERS, Ebola and other recent public health and climate emergencies. This is, in part, a consequence of the undermining of international mechanisms and institutions which were built to bring peace and prosperity to all. It is, in part, a consequence of ignoring science-based knowledge.

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- e. The recovery must improve the resilience of our cities and communities. Therefore, investments should be made to protect against future threats – including the climate crisis – and to support those people impacted by climate and health risks;
- f. Climate action can help accelerate economic recovery and enhance social equity, through the use of new technologies and the creation of new industries and new jobs. These will drive wider benefits for our residents, workers, students, businesses and visitors;
- g. We commit to doing everything in our power and the power of our city governments to ensure that the recovery from COVID-19 is healthy, equitable and sustainable;
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2. Request that the Mayor and CEO write to State and Federal representatives asking them to adopt these principles in the COVID 19 recovery plan.

3. **Request that WALGA consider the principles adopted in the “Statement of Principles” announced by the Mayors of the C40 Climate Leadership Group and adopt a position to put to Local Governments to support a similar COVID 19 recovery plan through action and advocacy.**
4. **Approve the City of Fremantle to endorse the open letter *from Clean State* below and its call for the 2020-21 WA State Budget, to prioritise jobs and packages consistent with a zero-carbon future.**

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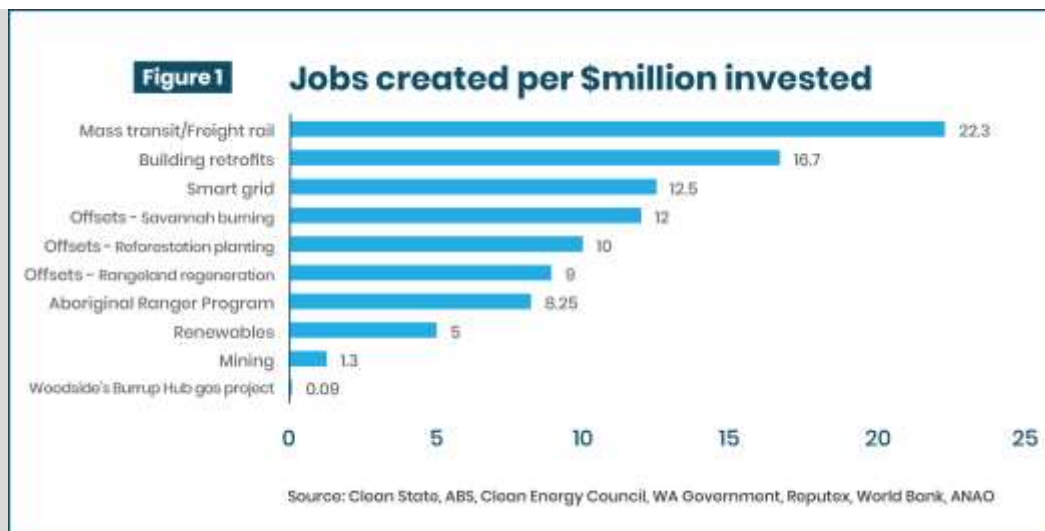
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This is our opportunity to stimulate and reboot our economy, accelerate climate action and help vulnerable households as we're rebuilding a more robust & resilient state.

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- b. **A deep energy efficiency package that targets WA's 40,000 social housing dwellings**, installing rooftop solar, insulation, and energy and water-

- efficient appliances to drive down utility bills and make homes cooler in summer and warmer in winter.
- c. **Investment in a zero-carbon transport network**, instead of just building more roads. This includes phasing in an electric bus fleet, planning and building Perth's light rail (or trackless tram) network, rolling out electric vehicle infrastructure, and investing in bike paths and trails that will make our towns and cities the best place to live in the world.
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 - f. **Making our biggest polluters responsible for their pollution** by introducing a requirement to 100% offset the annual carbon emissions of WA's LNG industry, creating 4000 jobs overnight. Offsets must be in WA and have environmental, social and cultural benefits.
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 - i. **Funding for green infrastructure including urban forests through our cities and towns**, to cool our streets and provide habitat for biodiversity.
 - j. **A massive investment in our public sector**, boosting resources in health, education, innovation and climate change, and a commitment to decarbonizing public services and becoming a carbon-neutral government by 2022.

If our response uses this once in a lifetime opportunity to tackle the health, economic and climate crisis together, we can kickstart WA's economy with thousands of clean jobs that take care of families and our climate.

Carried: 11/2

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome,
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, Cr Geoff Graham

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

PROCEDURAL MOTION

At 9.01 pm the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

That the meeting be moved behind closed doors to consider the confidential item 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

C2005-29 RISK REPORT – MAY 2020 (CONFIDENTIAL ITEM)

Meeting date: 27 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:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

COUNCIL DECISION ITEM C2005-29
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

Council notes the emerging risk items in the risk update report for May 2020.

Carried enbloc: 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 9.03 the following procedural motion was moved:

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

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 9.03 pm.