

# City of Fremantle

## MINUTES

### Ordinary Meeting of Council

Wednesday, 28 October 2009  
6.00 pm

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#### COUNCIL MEMBERS

Mayor, Brad Pettitt  
Cr John Alberti  
Cr Donna Haney  
Cr John Dowson  
Cr Sam Wainwright  
Cr Doug Thompson (Deputy Mayor)  
Cr Georgie Adeane

Cr Josh Wilson  
Cr Tim Grey-Smith  
Cr Dave Coggin  
Cr Bill Massie  
Cr Robert Fittock  
Cr Andrew Sullivan

Beaconsfield Ward  
City Ward  
East Ward  
Hilton Ward  
North Ward  
South Ward

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## ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council  
held in the Council Chambers, Fremantle City Council  
on 28 October 2009 at 6.00 pm.

### DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Mr Brad Pettitt declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

### NYOONGAR ACKNOWLEDGEMENT STATEMENT

"We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar people as the custodians of the greater Fremantle/Walyalup area and that their cultural and heritage beliefs are still important to the living Nyoongar people today."

### IN ATTENDANCE

Brad Pettitt	Mayor
Cr Doug Thompson	Deputy Mayor/North Ward
Cr John Dowson	East Ward
Cr Georgie Adeane	South Ward
Cr John Alberti	Beaconsfield Ward
Cr Robert Fittock	North Ward
Cr Sam Wainwright	Hilton Ward
Cr Tim Grey-Smith	City Ward
Cr Josh Wilson	Beaconsfield Ward
Cr Bill Massie	Hilton Ward
Cr Dave Coggin	East Ward
Cr Andrew Sullivan	South Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Mrs Marisa Spaziani	Director Cultural and Community Services
Mr Philip St John	Director Planning and Development Services
Mr Peter Pikor	Director Technical Services
Mr Paul Garbett	Manager Projects and Policy
Ms Agnieszka Kiera	City Heritage Architect
Mr Ian James	Strategic Urban Designer

*There were approximately 10 members of the public and 2 members of the press in attendance.*

## **APOLOGIES**

Nil

## **LEAVE OF ABSENCE**

Cr Donna Haney is currently on a leave of absence until 10 November 2009.

## **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **PUBLIC QUESTION TIME**

### **Summary of Comment by Patricia de Solo-Phillips**

Spoke in relation to the performing arts in Fremantle and asked Council to consider using one of its properties to create a suitable place for a performing arts centre.

### **Summary of Question by Ian Scott**

Spoke in relation to GBCA ratings and asked if the council have a program in place to provide training to the Council Officers and Councillors on the Planning Services Committee on this.

### **Summary of Response by Director Planning Services, Philip St John**

There is no formal process in place for that training, although as the training becomes available from time to time, our officers and Councillors are offered an opportunity to attend.

### **Summary of Comment by Christopher Boots**

Mr Christopher Boots asked questions in relation to the SMRC however they were not accepted with the CEO advising they were matters that only the SMRC could answer.

### **Summary of Comment by Simon Pirovich**

Spoke in relation to item C0910-13, in favour of the officer's recommendation.

## **DISCLOSURES OF INTEREST BY MEMBERS**

Cr Andrew Sullivan declared a proximity interest in item number C0910-13 as he rents an office adjacent to the proposed development.

**PETITIONS / DEPUTATIONS / PRESENTATIONS**

**Cr John Alberti** - noted that he attended the Justice of the Peace conference on Saturday, 24<sup>th</sup> October 2009 and thanked the Mayor for attending this meeting. He also asked the CEO to pass on a special thank you to David Duncanson, Glen Dougall, Marie La Frenais and Tony Albano for their support and assistance with this function.

**Cr Bill Massie** - noted that he, the CEO and other senior management officers from the City had the privilege of meeting Jeff Barnett, Chief Executive Officer for the Australian Political Exchange Council. He then presented the Mayor with a plaque that was given to the City from the Australian Political Exchange Council.

**Cr Robert Fittock** - noted that he attended the unveiling of the legacy statue in the rose garden on Monument Hill, along with the Mayor and Cr Bill Massie. He then noted that it is a stunning and important monument and recommended that other Councillors and members of public to go and visit this site and see for themselves the significance of this statue of a woman and two children.

**APPLICATIONS FOR LEAVE OF ABSENCE**

**Cr John Dowson** applied for a leave of absence from **14 November 2009 to 28 November 2009**.

**MOVED: Mayor, Brad Pettitt**

**SECONDED: Cr D Thompson**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**CONFIRMATION OF MINUTES**

**MOVED: Mayor, Brad Pettitt**

**That the Minutes of the Ordinary Meeting of Council dated 14 October 2009 and the Special Meeting of Council dated 19 October 2009 be confirmed as a true and accurate record.**

**SECONDED: Cr D Thompson**

**CARRIED: 12/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**ANNOUNCEMENTS BY THE MAYOR**

Nil

**QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS**

**Cr John Dowson** - spoke in relation to the budget that was adopted and of the rates that were increased as part of that adopted budget and asked the CEO when will we see some results on the issues the Council were trying to address with the general look of the town, the cleanliness, graffiti and degraded paint on our own building.

**Summary of Response from Chief Executive Officer, Graeme Mackenzie**

The officers have been putting a program together for this and there is a report coming to the Strategic and General Services Committee in two weeks outlining that program.

**TABLED DOCUMENTS**

Additional Documents

**LATE ITEMS NOTED**

- C0910-14 Hilton Precinct Project Tender for forward works
- C0910-15 Advisory Committee Workshop

**COMMITTEE REPORTS**

**PLANNING SERVICES COMMITTEE**

Nil

**PLANNING SERVICES COMMITTEE**

Nil

**STRATEGIC AND GENERAL SERVICES COMMITTEE**

Nil

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

## REPORTS BY THE MAYOR OR OFFICERS OF COUNCIL

### STATUTORY COUNCIL ITEMS

#### C0910-9 MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2009

<b>DataWorks Reference:</b>	087/002
<b>Disclosure of Interest:</b>	Nil
<b>Previous Item:</b>	C0909-1
<b>Responsible Officer:</b>	Alan Carmichael, Manager Finance & Administration
<b>Actioning Officer:</b>	Alan Carmichael, Manager Finance & Administration
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Statement of Financial Activity by Nature to 30 September 2009
	2. Balance Sheet to 30 September 2009
	3. Payment Report for September 2009
	4. Schedule of Accounts Paid for September 2009
	5. Investment Report for September 2009
	6. Debtors Outstanding as at 30 September 2009

### PURPOSE

To present the monthly financial reports to Council.

### EXECUTIVE SUMMARY

**The information contained in the attached reports is either required by legislation to be tabled or has been requested by Council.**

### BACKGROUND

At the ordinary Council meeting of 22 July 2009, Council resolved to receive the Financial Report under Financial Management Regulation 34 in the nature and type format and set 2.5% with a \$125,000 threshold as the level where variances are to be reported.

Guidelines on Delegated Authority Item 3.2 (Investment of Surplus Cash Funds) require a monthly investment report to be submitted to Council.

### COMMENT

With the "Listing of Accounts Paid", where a creditor is GST registered, the value of the payment is inclusive of GST. NOTE: The Council budget figures are exclusive of GST and figures quoted in Council items are taken as GST exclusive unless otherwise stated.

The Council Budget for 2009/2010 was adopted on 6 August 2009.

On 1 July 2009 the city implemented a new enterprise resource planning (ERP) system from Technology One. The implementation has created various issues which officers are working through, but it has impacted on the detail being produced in some reports at 30 September 2009. These are as follows:-.

- Statement of Financial Activity by Nature to 31 August 2009. The actual figures for September 2009 have been impacted by ERP implementation issues which have understated expenditure. The major variation arises from payroll which did not go live on 1 July 2009 and continued to be paid from the old system. The wages payroll is now being entered to TechOne, but the salary payroll is still being paid from the old system. Until the salary payroll is paid live from Technology One and pays since 1 July 2009 entered into Technology One, the actual figures will be understated.
- Balance Sheet to 31 August 2009. The unaudited figures to 30 June 2009 represent where we are at with finalisation of the financial statements for 30 June 2009, but figures to 30 September 2009 are influenced by the implementation of the ERP system and interim arrangements put in place for payroll.
- Comments on Variances to 31 August 2009. No report has been provided because at this stage the budgets have not been phased (scaled) for the financial year plus with the reporting of actual data distorted by ERP implementation a variance report would not provide meaningful information.
- Debtors Outstanding at 30 September 2009. As part of the ERP conversion only sundry debtor outstanding balances at 30 June 2009 have been brought across therefore the aging of the debts for reporting purposes will all start fresh from 1 July 2009. With rates, transaction history has been converted over.

## **CONCLUSION**

That the monthly financial information be received.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The implementation of the budget has economic outcomes; therefore the monthly financial reporting should alert Council to any potential positive or negative impacts to those outcomes.

### **Environmental**

The implementation of the budget has environmental outcomes; therefore the monthly financial reporting should alert Council to any potential positive or negative impacts to those outcomes.

### **Social**

The implementation of the budget has social outcomes; therefore the monthly financial reporting should alert Council to any potential positive or negative impacts to those outcomes.

### **BUDGET IMPLICATIONS**

The item has no direct budget implications, but the reporting of variances will highlight budget issues that might need to be addressed at a later date or affect the final position at 30 June 2010.

### **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Financial Management Regulation 34 under section 6.4 of the Local Government Act 1995 (Financial Report by Nature and Explanation of Variances).  
Financial Management Regulation 13 under section 6.10 of the Local Government Act 1995 (Listing of Accounts Paid).

### **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil.

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

Simple Majority Required

### **COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**That the Monthly Financial Report for September 2009 be received.**

**SECONDED: Cr D Thompson**

**CARRIED: 12/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan	

Cr Doug Thompson	
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## COUNCIL ITEMS

### C0910-10 RETURNED AND SERVICES LEAGUE WA - WARDEN NOMINATIONS

<b>DataWorks Reference:</b>	030/027
<b>Disclosure of Interest:</b>	Nil
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	David Duncanson, Manager Economic Development and Marketing
<b>Actioning Officer:</b>	Marie La Frenais, Events Management Coordinator
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Memorandum of Understanding

## PURPOSE

To seek Council endorsement of the Monument Hill Memorial Reserve Warden nominations, as outlined in the 2006 - 2011 (revised in 2007) Memorandum of Understanding between Returned & Services League WA and The City of Fremantle.

## EXECUTIVE SUMMARY

**The City of Fremantle received notification from the RSL WA Branch of the nomination for Monument Hill Memorial Reserve Warden positions. Council endorsement of these nominations is required, as per the 2006-2011 Memorandum of Understanding. It is recommended that Council endorse the Warden nominations.**

## BACKGROUND

A Memorandum of Understanding between the City of Fremantle and RSL WA Branch was signed in Oct 2007 to establish a partnership between the two parties to ensure that expected standards and protocol in relation to memorial ceremonies and events are met.

Clause 4 of the Memorandum of Understanding states that *“The RSL shall nominate annually one Warden, one Deputy Wardens and up to eight Sub Wardens to carry out duties in the various ceremonies and events that take place on Monument Hill Memorial Reserve and Fremantle surrounds. Council will consider the nominations, endorse the appointments or advise the RSL of reasons for non acceptance of any nomination... The CITY is able to nominate persons for these positions as they see fit”*

These RSL nominees have been selected by the RSL in recognition of their service and active involvement in the various ceremonies and events that take place on Monument Hill Memorial Reserve and Fremantle Surrounds.

The position of Warden is selected due to rank and experience in the services. The Deputy Warden Nominee has been selected in recognition of his previous involvement

with Monument Hill Memorial Reserve and the ceremonies and events held there, with particular involvement in the success of Anzac Day in Fremantle.

In accordance with this Clause, the RSL WA Branch have put forward nominations for Wardens and requested endorsement of the suggested nominees.

The following are the individuals nominated as Wardens of Monument Hill Memorial Reserve Wardens by the WA RSL;

- Warden**                      Commodore Bob Trotter RAN (Rtd)
- Deputy Warden**        Regimental Sergeant Major Joe Ring (WA University Regiment)
- Sub-Wardens**            Leslie Butt (Fremantle RSL)

Upon receipt of the RSL nominations, Events Management wrote to the current Monument Hill Memorial Reserve Wardens on 5 October 2009 to advise them of the RSL nominations and seek their approval to once again hold their previous year's positions. The Associations have confirmed that they support last year's nominees for a further term. Those nominees are:

**Mr Chris Grisewood** for the position of Deputy Warden.

**Mr Michael Seats** for Sub-Warden

**Mr John Keating** for Sub-Warden

**Mr Victor Humphries** for Sub-Warden

## **COMMENT**

As the Wardens play an important role in the coordination and execution of the Memorial Services and activities, particularly those associated with City of Fremantle's ANZAC Day and Remembrance Day events, the nominees for Warden positions are required to support the relationship between the RSL, the City of Fremantle and various ex service organisations in order to ensure the delivery of successful events for the community.

It should be noted that the State RSL does not support the nomination of Mr Chris Grisewood holding any Warden position. However, Mr Grisewood is helpful to staff in managing the Monument and accordingly a compromise arrangement was put in place last year, and it is proposed to continue that arrangement again this year.

Since there has been one nomination from the RSL for the Deputy Warden position (Regimental Sergeant Major Joe Ring) and three nominations for Mr Chris Grisewood from Monument Hill Memorial Reserve stakeholders, it is again suggested that there be two Deputy Wardens with differing responsibility. Regimental Sergeant Major Joe Ring will be Deputy Warden of ceremonial events and Mr Chris Grisewood will be Deputy Warden for the Monument Hill Conservation and Management Plan.

## **CONCLUSION**

The Monument Hill Memorial Reserve Wardens assist the City of Fremantle to ensure that events held at the Monument Hill Reserve and Fremantle surrounds are carried out successfully and adhere to relevant protocol.

The enhanced communication and cooperation, which the MOU encourages between the RSL WA Branch and the City of Fremantle, will enable these events to continue to develop. The appointed Wardens are an integral part of this communication process.

This positive communication process will continue with the appointment of individuals who are active members of the ex services community and have had successful working relationships with both the State RSL and the City of Fremantle.

## **STRATEGIC AND POLICY IMPLICATIONS**

### **1.2 History and Heritage**

Fremantle cherishes and conserves its cultural and built heritage, recognising its fundamental importance to the City's social and economic health and prosperity - Support and promote programs and events that celebrate Fremantle's history and cultural heritage - Anzac Day.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Nil

### **Environmental**

Nil

### **Social**

The Nominees put forward by the RSL are individuals who have been involved in a positive way with the ceremonies and events at Monument Hill Memorial Reserve. The relationship built through the MOU with the State RSL and the City of Fremantle has been integral in reinstating the Anzac Day March to Fremantle and is vital to the continued success of the event.

## **BUDGET IMPLICATIONS**

Nil

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Nil

**PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**Cr J Dowson MOVED to defer the item to the next appropriate Ordinary Meeting of Council pending consultation with the RSL concerning an agreed list of wardens and agreed wording of the MOU regarding its operation.**

**SECONDED: Cr B Massie**

**LOST: 4/8**

<b>For</b>	<b>Against</b>
Cr John Dowson Cr Andrew Sullivan Cr Georgie Adeane Cr Bill Massie	Mayor, Brad Pettitt Cr John Alberti Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson

As the motion to defer this item was LOST Mayor, Brad Pettitt moved the officer's recommendation as follows:

**COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**It is recommended that in accordance with the Memorandum of Understanding between the RSLWA Branch and the City of Fremantle, Council endorse the following Monument Hill Memorial Reserve Warden Nominations;**

<b>Warden</b>	<b>Commodore Bob Trotter RAN (Rtd)</b>
<b>Deputy Warden</b>	<b>Regimental Sergeant Major Joe Ring (WA University Regiment). It is recommended that Regimental Sergeant Major Joe Ring be Deputy Warden of ceremonial events.</b>
	<b>Chris Grisewood (Ex-Service Alliance Monument Hill). It is recommended that Mr Chris Grisewood be Deputy Warden for the Monument Hill Conservation and Management Plan.</b>
<b>Sub-Wardens</b>	<b>Leslie Butt (Fremantle RSL) Michael Seats (Allied Merchant Seaman's Association) John Keating (Royal Navy Submariners Association) Victor Humphries (RAN Association)</b>

**SECONDED: Cr D Thompson**

**CARRIED: 9/3**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr John Alberti Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	Cr Georgie Adeane Cr John Dowson Cr Bill Massie

**C0910-11 PIONEER PARK RESERVE HERITAGE INTERPRETATION PLAN -  
FOR ADOPTION**

**DataWorks Reference:** 097/004  
**Disclosure of Interest:** nil  
**Previous Item:** 097/004  
**Responsible Officer:** Phil St John, Director Planning Services  
**Actioning Officer:** Agnieszka Kiera, City Heritage Architect  
**Decision Making Authority:** Council  
**Agenda Attachments:** Pioneer Park Reserve-Heritage Interpretation Plan

**PURPOSE**

For Council to receive the finalized Pioneer Park Reserve Heritage Interpretation Plan (the plan) and to consider its adoption as basis for seeking external funds, production of the detailed designs and implementation of the recommended works as a component of the Phillimore Street Integrated Precinct Masterplan.

**EXECUTIVE SUMMARY**

The Pioneer Park Heritage Interpretation Plan represents the sequential step in implementation of the Council's own adopted program for upgrading of the reserve, which to date has involved archaeological investigation, production of archaeological conservation plan and preparation of the heritage interpretation plan, all with financial assistance of Lotterywest.

In addition the ongoing implementation of the Pioneer Park Reserve's program represents the fulfilment of Council's broader commitment and obligation identified under the Phillimore Street Integrated Precinct Masterplan 2004 adopted by the City of Fremantle, Fremantle Ports and Public Transport Authority. The overall objective of the joint adoption of the masterplan was to ensure that each stakeholder plans and performs the recommended upgrade in their respective area of jurisdiction in a coordinated and informed manner so when upgrade of this significant area connecting West End and Victoria Quay is completed, the overall effect is that of a functionally integrated, visually cohesive, better connected and harmonious whole and a tangible improvement of public amenity throughout the entire precinct.

The Heritage Interpretation Plan has been enthusiastically received by the community as shown by the supportive comments received during the public consultation period. All relevant comments received during community consultation period and adopted by Council have been incorporated in the final version of the plan and it is now in order to be adopted by Council as basis for seeking external funds, Council's own budget planning and preparation of detailed designs for staged implementation of the proposed interpretation and upgrading works for the entire reserve.

## **BACKGROUND**

The Council adopted Phillimore Street Conservation Plan at its 17 November 2003 meeting (Item SP0311-48 refers) to “provide basis for seeking external funds under the relevant heritage funding programs and to guide future conservation, interpretation and upgrading of the Phillimore Street precinct”. At its 22 November 2004 meeting Council endorsed the Phillimore Street Masterplan (item SP0411-86 refers) as the City's strategic direction and set of principles to guide strategic planning for upgrading of the area.

Following the successful exploratory archaeological digs in 2007 – 2008, Council commissioned and received the prepared Archaeological Conservation Plan for the reserve.

Council also received and accepted the Lotterywest grant of \$15,000 for Pioneer Reserve Heritage Interpretation Plan under its 2007/08 conservation grants program. Subsequently Mulloway Studio + Paul Kloeden have been commissioned to prepare the plan.

At its 27 August 2008 meeting (item C0808-3 refers) Council resolved, among other things, to adopt the full program for completion of the planned upgrading of the Pioneer Park Reserve as follows:

- 2008/09 – exploratory archeological digs and preparation of heritage interpretation plan
- 2009/10 – review of adopted conceptual plan and preparation of design development plans, community consultation + submissions for funding.
- 2010/11 – preparation of working drawings and implementation of the adopted plans

Subsequently Council commissioned the archaeologist, Jack Mc Ilroy, to conduct the archaeological investigation of the reserve and preparation of the archaeological conservation plan to inform and inspire future planning for upgrading of the reserve, which indeed significantly influenced the heritage interpretation plan.

At its 22 April 2009 meeting (item PSC0904-75 refers) Council resolved to release the draft Pioneer Park Heritage Interpretation Plan for a 28 day consultation period and to report on the submissions. 10 submissions have been received as the result of public consultation addressing a wide range of issues. Most submissions are very supportive of the plan and also offered constructive suggestions and recommendations for further improvement.

At its 27 May 2009 meeting (item SGS0905-5 refers) Council adopted the following priorities in order to seek external funding for the capital conservation projects:

1. Old Port Project, Arthur Head
2. Pioneer Park Project
3. Fremantle History Museum and Arts Centre
4. Fremantle Markets Conservation Works Project

Council further resolved to authorise the CEO to seek external funding for any or all of the projects.

At its meeting of 8 July 2009 (item SGS0907-3 refers) the Strategic and General Services Committee resolved under the delegated authority of Council to receive and

note the comments received during the 28 days period of public consultation and requested that:

- a) draft plan be reviewed in light of the comments received, and;
- b) the issues listed in the comments' summary table be resolved in the final plan in accordance with the recommendations shown in the officers' report.

The committee also requested that final report be submitted to Council for consideration and adoption and that in the final report specific attention be given to the issue of aboriginal consultation and its implications for interpretation.

## **COMMENT**

Under the Phillimore Street Integrated Precinct Masterplan the jurisdiction for Pioneer Park Reserve and therefore responsibility for implementation of the recommended interpretative and upgrading works on the reserve falls on the City of Fremantle. In this respect Council has fulfilled its obligation in a consistent manner since the adoption of the masterplan and with the financial assistance of Lotterywest undertook and completed the archaeological investigation of the reserve, production of the archaeological conservation plan, and now finalisation of the heritage interpretation plan.

The most significant recommendations flowing from the community consultation on the plan can be summarized as follows:

- o for the reserve to become the archaeological park, one of Fremantle's 'must see' attractions at the major entry point to the city via public transport influenced by the following two significant factors: firstly the reserve's location in close proximity to Railway Station, bus exchange, Victoria Quay and the city's commercial centre, and secondly, the richness of its archaeological remains.
- o It should also remain a green space to provide respite for passive recreation as far as practicable, and:
- o The western area of the park should be considerably improved as it is currently most underutilized, and;
- o The heritage interpretation should include Aboriginal significance of the reserve.

In response to the public comment the plan has been amended to create three distinctive areas within the reserve:

1. a green space to the north – its primary purpose is to upgrade the landscaping and retain its prominence and use as a green respite and a grassy area for passive recreation, at the same time permitting unobstructed views from and towards the west end and the port across the park.
2. an active recreational/event space to the west – the plan proposes to address the random array of service structures, unattractive landscaping, long periods of shade and exposure to the prevailing winds by creating the slightly sunken, 'flat' platform and providing the infrastructure for a range of not formalized community events of casual recreational activity, such as a playing court, timber seating platform and improved lighting. The proposed arrangement of the seating around the activity area would thus improve public amenity, provide screening from the prevailing winds, introduce intimacy to this currently highly exposed area with

improved landscaping and add interest with glimpses of the archeological remains.

3. archaeological space – although the glimpses of archaeological ruins are to be scattered throughout the park, the major focus and purpose for creating a dedicated archaeological park involves conservation and revealing of the bulk of the most significant 1844s remains represented by Mrs Tibett's cottage, cobbled courtyard and well, and Theaksons's boarding house. The plan also proposes that it will be combined with upgrading of the entrance to Puppets Theatre and construction of a kiosk-café which would, among other things, provide free wi-fi hotspot with access to the dedicated browser page containing information about the park and Fremantle.
4. The plan also makes recommendations about the Aboriginal interpretation of the park's pre-settlement history and stories and recommends that this be prepared and consulted with the appropriate community.

The archaeological conservation plan prepared by Jack Mc Ilroy in 2008 has concluded that Pioneer Park is an exceptional archaeological reserve of extensive building remains dating from 1844 onwards. This has been fully utilised in the interpretation plan as a great opportunity unparalleled in a major Australian city to conserve, reveal and display those archaeological remains in the upgraded park to benefit visitors, local community and school children through the imaginatively developed, educational and cohesive design for heritage interpretation and upgrade of the entire park.

Finally the plan includes costing of all proposed works and establishes priorities for the implementation to assist Council with seeking external funding and its own budget planning for the recommended, staged implementation of the prioritised works. In this respect the plan suggests that stage one should involve preparation of the detailed plan and implementation of archaeological park (area 3), followed by the green space (area 1) and recreational area/upgrading of the Puppet Theatre's entry (area 2)

## **CONCLUSION**

The finalised Pioneer Park Reserve Heritage Interpretation Plan forms part of the of the broader Phillimore Street Integrated Precinct Masterplan adopted in 2004 by all major stakeholders, namely the City of Fremantle, Fremantle Ports and Public Transport Authority to guide staged implementation of the plan in a coordinated and informed manner. The finalised Heritage Interpretation Plan represents the sequential step in implementation of the Council's own adopted program for upgrading of the reserve.

All relevant constructive suggestions flowing from the community consultation and adopted by Council have now been incorporated in the final version of the plan and it is in order to be adopted by Council as basis for seeking external funds, Council's own budget planning and preparation of the detailed designs for staged implementation of the proposed interpretation and upgrading works for the entire reserve.

## **STRATEGIC AND POLICY IMPLICATIONS**

The draft conservation plan complies with both, Council's plans for Pioneer Park Reserve and Phillimore Street Integrated Precinct Masterplan.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Economic investment in the planned upgrade of Pioneer Park (and Phillimore Street Integrated Precinct) is consistent with the City's economic strategy and is likely to induce interest and viability of the West End. This in turn will produce spill off effect for the central area businesses associated with the reserve's proximity to Fremantle's major public transport hub and the city centre due to its highly exposed location in a walking distance to all other major tourist attractions of Fremantle.

### **Environmental**

The item is concerned with environmental protection of Pioneer Park (Phillimore Street Precinct) as a significant component of the city's non renewable heritage resources.

### **Social**

Community's consultation on both, Phillimore Street Integrated Precinct Masterplan and Pioneer Park Reserve Heritage Interpretation Plan has demonstrated people's strong attachment to this part of the West End due to its association with the city's history, evolving urban form and identity of its residents including aboriginal community. This support also demonstrates personal attachment of many, whose descendants/relatives were directly involved with the former uses of Pioneer Park, particularly as Uglieland, to raise funds in support the Australian war efforts.

## **BUDGET IMPLICATIONS**

There are no budget implications associated with this item.

Any future developments related to the planned upgrade of Pioneer Park will be subject of the normal budgetary process of the Council.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Nil

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Both Phillimore Street Integrated Precinct Masterplan which is the overall guiding document for this project and Pioneer Park Reserve Heritage Interpretation Plan have been extensively consulted in 2006 and 2009 respectively and both have received overwhelming support of the community.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**That Council receives and adopts Pioneer Park Reserve Heritage Interpretation Plan 2009 as basis for seeking external funds, Council's own budget planning and preparation of the detailed designs for staged implementation of the proposed heritage interpretation and upgrading works.**

**SECONDED: Cr D Thompson**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**C0910-12 PROPOSED SCHEME AMENDMENT NO. 22 TO LOCAL PLANNING  
SCHEME NO. 4 - SUSTAINABLE BUILDING DESIGN  
REQUIREMENTS - FINAL ADOPTION**

**DataWorks Reference:** 218/026  
**Disclosure of Interest:** Nil  
**Responsible Officer:** Manager Planning Projects  
**Actioning Officer:** Senior Strategic Planning Officer  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC0901-14, PSC0903-56 & PSC0905-92  
**Attachments:** 1 - Copy of submission from Kelsall Binet Architects  
2 & 3 – Copies of submissions from Green Building Council

**EXECUTIVE SUMMARY**

The purpose of this report is to present for Council's consideration and final adoption scheme amendment No. 22 - Sustainable Building Design Requirements.

The draft policy has been advertised for public comment, and 2 submissions have been received. The matter was also discussed at the meeting of the Heritage and Special Places Advisory Committee on 6 October 2009. The submissions support the aims of the scheme amendment but express concerns with regard to the potential impact of sustainable building design requirements upon heritage conservation and streetscape, and the implications of making application of the Green Star rating tool mandatory rather than voluntary.

Following consideration of the submissions it is recommended that the scheme amendment be adopted with some modifications in response to submissions, and that the Minister for Planning be requested to grant final consent.

**BACKGROUND**

On 27 May 2009 Council resolved to initiate an amendment to LPS4 to incorporate statutory sustainable building design requirements for certain types of development, with the aim of strengthening the City of Fremantle's commitment to delivering sustainable places and urban form. This resolution followed earlier resolutions by Council supporting the principle of including such requirements within LPS4. Refer to previous items PSC0901-14, PSC0903-56 and PSC0905-92 for further details.

**CONSULTATION**

Pursuant to regulation 25(2) of the Town Planning Regulations 1967 and following the referral from the Environmental Protection Authority, the proposed Scheme amendment was advertised for comment from 1 August until 14 September 2009, with advertisements being placed in the Fremantle Herald and West Australian newspapers. Letters were also sent to relevant stakeholders including relevant professional institutes and development industry associations, with copies of the amendment documents made

available for viewing on the City's website and at the Service and Information Counter at the Town Hall Centre.

Regulation 18(1) of the Town Planning Regulations 1967 requires the Council to consider any submissions received during its determination of the Scheme amendment.

Two submissions were received – one from a local architectural practice and one from the WA State Manager of the Green Building Council Australia (GBCA). Copies are attached as Attachments 1 and 2. In addition, an earlier letter from the national Chief Executive of the GBCA commenting on the proposed wording of the Scheme amendment, received prior to the formal public comment period, is attached as Attachment 3.

In summary, the submission from the local architectural practice makes the following points:

- Supports the City's commitment to becoming a "leader in sustainability management."
- The proposed scheme amendment does not acknowledge that the City's Heritage List does not include all the buildings in the City that are of cultural heritage significance.
- There is potential for design requirements to achieve sustainability requirements to conflict with heritage policies, and consequently have a negative effect upon culturally significant precincts and their streetscapes.

The matter was also discussed at the meeting of the Heritage and Special Places Advisory Committee on 6 October 2009 in the light of the issues raised by the submitter. The Advisory Committee resolved to recommend to Council that the scheme amendment provisions are supported subject to the following amendments:

- The proposed provisions under clause 5.7.3 (relating to Council's discretionary power to waive sustainable design provisions in relation to development affecting a building on the Heritage List) should be amended to also include development in Heritage Areas, and;
- A follow up policy should be prepared explaining the discretionary scheme provision in greater detail to assist Council in exercising its discretion based on reconciliation of sustainability and heritage conservation principles.

The submissions from the Green Building Council Australia (GBCA) express appreciation of the City's support for use of the Green Star rating tool, but reiterate comments made on previous occasions that the GBCA would prefer the tool to be used on a voluntary basis with the City offering incentives to encourage its use rather than making it a mandatory part of the planning regime.

However the GBCA also suggest some relatively minor modifications to the wording of parts of the Scheme amendment text in the event that the City decides to proceed with the amendment. These primarily concern inclusion of a requirement for applications to be supported by a written statement from the GBCA stating that the proposed development is eligible to be assessed using a relevant rating tool.

## PLANNING COMMENT

The proposed scheme amendment was sent to a wide range of stakeholders for comment as part of the advertising process. The issues raised in the submissions received and the comments of the Heritage and Special Places Advisory Committee are addressed below.

The GBCA's preference for the Green Star tool to be used on a voluntary basis is acknowledged, and was the subject of discussions between officers of the City and the GBCA at an earlier stage in the preparation of the Scheme amendment. Notwithstanding the GBCA's preference, it is considered that reliance on a voluntary approach would not achieve certainty and consistency in the delivery of higher standards of sustainable building design through the planning process. At the stage of initiating the Scheme amendment, the wording of the amendment was broadened to refer to Green Star *or an equivalent nationally recognised rating tool*, in order to provide the option of an alternative to use of the Green Star tool. It is not recommended that any further action be taken in response to this part of the GBCA's submission.

However, it is recommended that some rewording of clause 9.4.1 of the amendment as suggested by the GBCA be adopted. This would (a) clarify that a professional accredited by the GBCA (or equivalent nationally recognised body) should form part of the design team for a development proposal; and (b) introduce a requirement for the statutory declaration to be submitted by an applicant in support of an application to include confirmation that a statement has been obtained from the GBCA (or equivalent nationally recognised body) confirming that the proposed development is eligible to be assessed using a relevant rating tool.

With regard to the submission from a local architect and the comments of the Heritage and Special Places Advisory Committee, the proposed Scheme amendment as advertised already makes provision for Council to exercise discretion to waive the requirement to achieve a 4 Star Green Star rating in the case of development affecting a building on the Heritage List, if Council considers that adherence to this requirement would detrimentally impact on the heritage values of the building. Officers consider that if this provision was amended to also apply to Heritage Areas (as referred to in clause 7.2 of LPS4) as suggested by the Heritage and Special Places Advisory Committee this modification would address the issue regarding streetscape impact raised in submissions. Consequently it is recommended that a modification to the wording of clause 5.7.3 of the Scheme Amendment text be made as follows (additional wording in italics):

'Council may exercise discretion to waive the requirements of clause 5.7.1 in the case of development where either or both of the following circumstances apply:

- a) refurbishment of a building included on the Heritage List under clause 7.1 *or in a Heritage Area under clause 7.2* where, in the opinion of the Council, adherence to the requirements of clause 5.7.1 would detrimentally impact on the heritage values of the building *or area.*
- b) (wording unchanged)

The Advisory Committee's recommendation regarding preparation of a local planning policy to assist Council in exercising its discretion in the above circumstances can be

followed up to coincide with the timing of Gazettal of the scheme amendment (assuming Council supports the recommendation of officers to adopt the amendment with the modifications referred to above, and the Minister for Planning grants final approval).

On a related matter, Council adopted in 2000 local planning policy DBH 12 – ‘Energy Efficient Building Design’. This policy provides advice on the principles of energy efficient design in relation to commercial and residential buildings, but since its adoption a number of other statutory and policy requirements relating to energy efficient and climate sensitive design have come into force. These include: requirements under the Building Code of Australia for new houses to achieve a 5 Star energy efficiency rating; Design for Climate requirements under the Residential Design Codes; and, for development at the higher density coding in Residential zones with a ‘split’ R20/R25 density coding under the City’s Local Planning Scheme No. 4, a requirement to comply with the provisions of Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule (a policy adopted by Council in 2007). These provisions are more up-to-date and more enforceable than policy DBH 12 and, together with the provisions for commercial and multi-residential development contained in the scheme amendment the subject of this report, are considered to address the issue of sustainable building design more effectively than policy DBH 12. Therefore it is recommended that policy DBH 12 be revoked under the powers in clause 2.5.1 (b) of LPS4.

## **CONCLUSION**

The proposed scheme amendment will ensure that prescribed types of development within the City of Fremantle will achieve a minimum of 4 Star Green Star rating therefore securing more sustainable designs and management of new buildings. It is recommended that Council resolve to adopt the proposed scheme amendment with the minor modifications to address matters raised in submissions as referred to in the Planning Comments section above.

## **OFFICER'S RECOMMENDATION**

That Council:

1. Note the submissions received as detailed in the Officer’s report;
2. Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2)(a) of the Town Planning Regulations 1967 resolve to adopt, with modifications as shown in italics, Amendment No. 22 to the City of Fremantle Local Planning Scheme No. 4 as set out below:
  - a) Amend Clause 1.6.1 (w) to provide equal emphasis on water sensitive design and energy efficiency as follows:

1.6.1 (w) promote the use of water sensitive design principles and energy efficiency within building design
  - b) The addition of a new clause 5.7 and subsequent sub clauses as follows:

5.7 Sustainable Building Design Requirements

- 5.7.1 Subject to clauses 5.7.2 and 5.7.3, all development involving the construction of new buildings or refurbishment and/or additions to existing buildings shall be designed and constructed in such a manner as to achieve a rating of not less than 4 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool or an equivalent nationally recognised rating tool.
- 5.7.2 The requirements of clause 5.7.1 do not apply to any of the following types of development:
- a) single houses and grouped dwellings;
  - b) buildings for any type of industrial use as defined in Schedule 1 – Land Use Definitions;
  - c) any development with a Gross Lettable Area (GLA) of less than 1000 m<sup>2</sup> GLA;
  - d) refurbishments of existing buildings over 1000m<sup>2</sup> GLA not involving substantial structural or internal alternations and all refurbishments to buildings under 1000m<sup>2</sup>
- 5.7.3 Council may exercise discretion to waive the requirements of clause 5.7.1 in the case of development where either or both of the following circumstances apply:
- a) refurbishment of a building included on the Heritage List under clause 7.1 *or in a Heritage Area under clause 7.2* where, in the opinion of the Council, adherence to the requirements of clause 5.7.1 would detrimentally impact on the heritage values of the building *or area*.
  - b) where no suitable sustainability rating tool has yet been developed for assessment of the type of development proposed.
- 5.7.4 Within 12 months of issue of a certificate of classification for the development the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development *has achieved* a Green Star rating of at least 4 Star *Green Star*, or equivalent certification under another nationally recognised rating tool.
- c) The renumbering of existing clauses 5.7 to 5.14 to become 5.8 to 5.15.
  - d) The deletion of sub-clause 5.4.5 in its entirety.
  - e) The addition of a new clause 9.4 as follows:
    - 9.4 Additional Material for Sustainable Building Design requirements
    - 9.4.1 Where an application for planning approval is made to commence or carry out development as referred to in clause 5.7.1, unless the

Council waives any particular requirement the application shall be accompanied by a statutory declaration signed by the applicant and/or owner stating:

- a) *a professional accredited by the Green Building Council of Australia (a Green Star Accredited Professional) or an equivalent nationally recognised body formed part of the design team and contributed to the overall design of the proposal;*
  - b) *a written statement has been obtained from the Green Building Council of Australia or an equivalent nationally recognised body stating that the development proposed in the application is eligible to be assessed using the relevant Green Building Council of Australia rating tool, or an equivalent certification under another nationally recognised rating tool; and*
  - c) acknowledging that the applicant and/or owner is aware of the requirements of clauses 5.7.1 and 5.7.4.
- f) The renumbering of existing clause 9.4 (and sub clauses) to become 9.5.
- g) Amend clause 10.5.1 – Term of Planning Approval to read as follows:
- 10.5.1 Where the local government grants planning approval for the development of land –
- a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval (in the case an approval for development to which the provisions of clause 5.7.1 apply the period specified will be 4 years), after the date of determination; and
  - b) the approval lapses if the development has not substantially commenced before the expiration of that period.
3. Authorise the Mayor and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation; and
  4. Request the Minister for Planning to grant final consent to Amendment No. 22.
  5. Revoke local planning policy DBH 12 ‘Energy Efficient Building Design’ in accordance with the provisions of clause 2.5.1 (b) of Local Planning Scheme No. 4.

Cr D Thompson moved an amendment to the Officer's Recommendation to include the wording 'create a significant permanent' to clause 5.7.3 (a) to read as follows;

- a) refurbishment of a building included on the Heritage List under clause 7.1 or in a Heritage Area under clause 7.2 where, in the opinion of the Council, adherence to the requirements of clause 5.7.1 would *create a significant permanent* detrimental impact on the heritage values of the building or area.

**SECONDED: Mayor, Brad Pettitt**

**CARRIED: 11/1**

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	Cr John Dowson

Cr D Thompson moved a minor amendment to the amendment above to delete the word ' permanent' to clause 5.7.3 (a).

**SECONDED: Mayor, Brad Pettitt**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

Cr Andrew Sullivan moved a minor amendment to clause 5 of the recommendation to include the words *'after the gazettal of this scheme amendment 22'* to read as follows;

5. Revoke local planning policy DBH 12 'Energy Efficient Building Design' in accordance with the provisions of clause 2.5.1 (b) of Local Planning Scheme No. 4. *after the gazettal of this scheme amendment 22.*

**SECONDED:** Cr S Wainwright

**CARRIED:** 12/0

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

Mayor, Brad Pettitt moved the recommendation as amended

### COUNCIL DECISION

**That Council:**

1. Note the submissions received as detailed in the Officer's report;
2. Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2)(a) of the Town Planning Regulations 1967 resolve to adopt, with modifications as shown in italics, Amendment No. 22 to the City of Fremantle Local Planning Scheme No. 4 as set out below:
  - a) Amend Clause 1.6.1 (w) to provide equal emphasis on water sensitive design and energy efficiency as follows:
    - 1.6.1 (w) promote the use of water sensitive design principles and energy efficiency within building design
  - b) The addition of a new clause 5.7 and subsequent sub clauses as follows:
    - 5.7 Sustainable Building Design Requirements

5.7.1 Subject to clauses 5.7.2 and 5.7.3, all development involving the construction of new buildings or refurbishment and/or additions to existing buildings shall be designed and constructed in such a manner as to achieve a rating of not less than 4 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool or an equivalent nationally recognised rating tool.

5.7.2 The requirements of clause 5.7.1 do not apply to any of the following types of development:

- a) single houses and grouped dwellings;
- b) buildings for any type of industrial use as defined in Schedule 1 – Land Use Definitions;
- c) any development with a Gross Lettable Area (GLA) of less than 1000 m<sup>2</sup> GLA;
- d) refurbishments of existing buildings over 1000m<sup>2</sup> GLA not involving substantial structural or internal alternations and all refurbishments to buildings under 1000m<sup>2</sup>

5.7.3 Council may exercise discretion to waive the requirements of clause 5.7.1 in the case of development where either or both of the following circumstances apply:

- a) refurbishment of a building included on the Heritage List under clause 7.1 *or in a Heritage Area under clause 7.2* where, in the opinion of the Council, adherence to the requirements of clause 5.7.1 would *create a significant detrimental impact on the heritage values of the building or area.*
- b) where no suitable sustainability rating tool has yet been developed for assessment of the type of development proposed.

5.7.4 Within 12 months of issue of a certificate of classification for the development the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development *has achieved* a Green Star rating of at least 4 Star *Green Star*, or equivalent certification under another nationally recognised rating tool.

- c) The renumbering of existing clauses 5.7 to 5.14 to become 5.8 to 5.15.
- d) The deletion of sub-clause 5.4.5 in its entirety.
- e) The addition of a new clause 9.4 as follows:

**9.4 Additional Material for Sustainable Building Design requirements**

**9.4.1** Where an application for planning approval is made to commence or carry out development as referred to in clause 5.7.1, unless the Council waives any particular requirement the application shall be accompanied by a statutory declaration signed by the applicant and/or owner stating:

- a) *a professional accredited by the Green Building Council of Australia (a Green Star Accredited Professional) or an equivalent nationally recognised body formed part of the design team and contributed to the overall design of the proposal;*
- b) *a written statement has been obtained from the Green Building Council of Australia or an equivalent nationally recognised body stating that the development proposed in the application is eligible to be assessed using the relevant Green Building Council of Australia rating tool, or an equivalent certification under another nationally recognised rating tool; and*
- c) acknowledging that the applicant and/or owner is aware of the requirements of clauses 5.7.1 and 5.7.4.

f) The renumbering of existing clause 9.4 (and sub clauses) to become 9.5.

g) Amend clause 10.5.1 – Term of Planning Approval to read as follows:

**10.5.1** Where the local government grants planning approval for the development of land –

- a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval (in the case an approval for development to which the provisions of clause 5.7.1 apply the period specified will be 4 years), after the date of determination; and
- b) the approval lapses if the development has not substantially commenced before the expiration of that period.

**3.** Authorise the Mayor and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation; and

4. Request the Minister for Planning to grant final consent to Amendment No. 22.
5. Revoke local planning policy DBH 12 'Energy Efficient Building Design' in accordance with the provisions of clause 2.5.1 (b) of Local Planning Scheme No. 4. *after the gazettal of this scheme amendment 22.*

**SECONDED: Cr D Thompson**

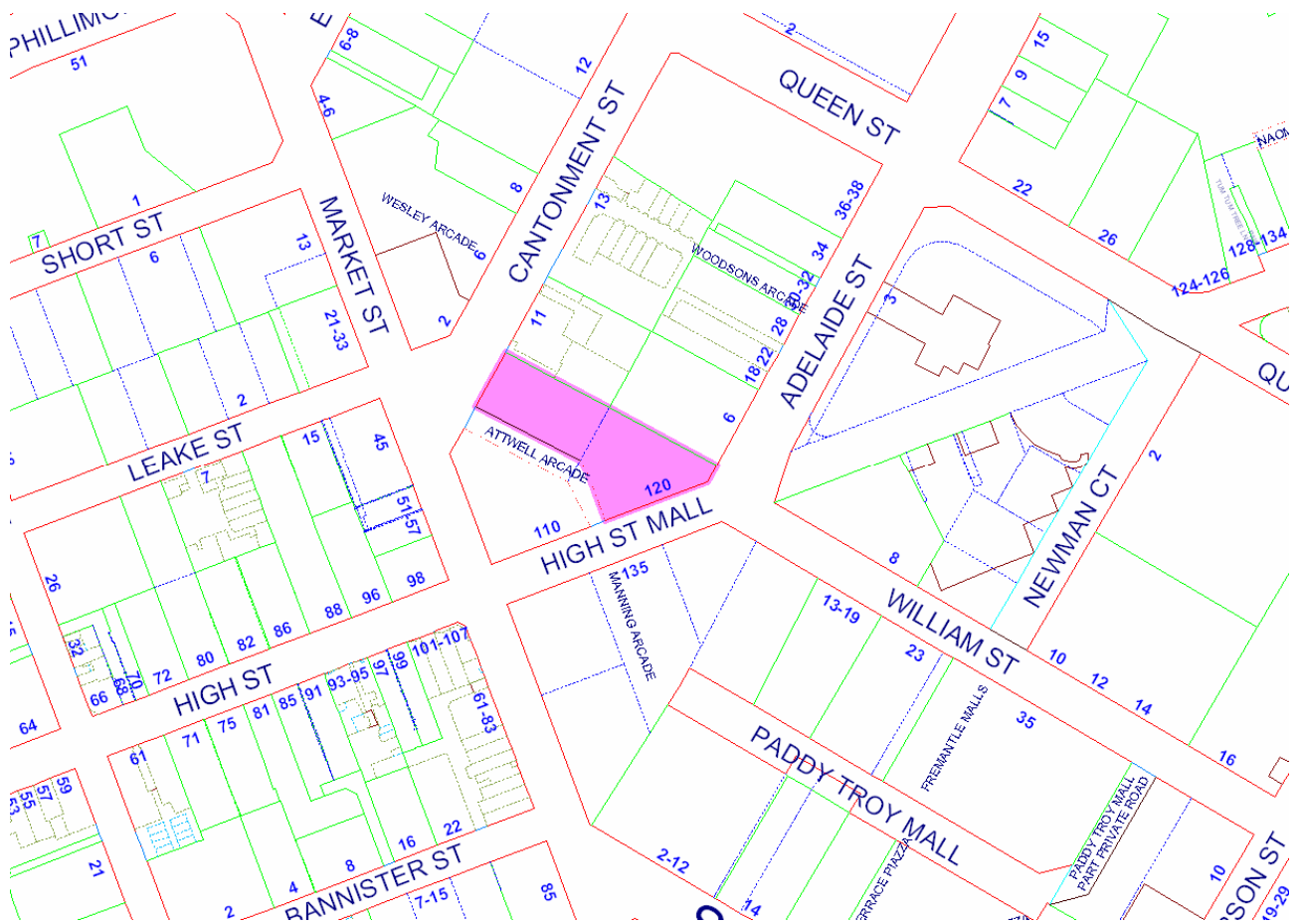
**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

At 7.22 pm Cr Andrew Sullivan declared a proximity interest in item number C0910-13 and was absent during discussion and voting of this item.

**C0910-13      HIGH STREET NO. 120 (LOT 124) FREMANTLE - INTERNAL AND EXTERNAL ALTERATIONS TO SHOP AND SIGNAGE - (BC DA0577/09)**

**DataWorks Reference:**            059/002  
**Disclosure of Interest:**        Nil  
**Responsible Officer:**          Manager Development Services  
**Actioning Officer:**            Planning Officer  
**Decision Making Level:**        Council  
**Previous Item Number/s:**      PSC0910-183 (DA267/09)  
**Attachment 1:**                  Development Plans  
**Attachment 2:**                  Heritage Assessment  
**Attachment 3:**                  Heritage & Special Places Committee minutes  
**Date Received:**                22 October 2009  
**Owner Name:**                  Atwell Family Agency  
**Submitted by:**                 work.shop.dine  
**Scheme:**                         City Centre  
**Heritage Listing:**              Level 2 – Atwell Buildings  
**Existing Landuse:**              Shop  
**Use Class:**                      Shop  
**Use Permissibility:**            P



**EXECUTIVE SUMMARY**

The application is presented before the Planning Services Committee as the subject site is listed on the City’s Municipal Heritage Inventory as a management category Level 2.

Planning Approval was granted on 13 October 2009 for Unauthorised and Proposed Internal and External Alterations to Shop and Signage at the subject site (refer DA267/09 & PSC0910-183). However condition 2 of the Approval required further development details to be submitted to the City for Approval regarding internal works and condition 5 deleted all shopfront works from the Approval.

The applicant is now seeking Planning Approval for Internal and External Alterations to an Existing Shop and Signage at No. 120 (Lot 124) High Street, Fremantle. The applicant is also seeking Planning Approval in relation to condition 2 of the previous development application pertaining to interpretive works associated with the original staircase and construction methods for the internal wall cladding.

The revised Shopfront alterations are considered a significant improvement from the previous proposal and are regarded as appropriate and sympathetic to the heritage and cultural significance of the building. Additionally the submitted details regarding the interpretive works and wall cladding are considered to address condition 2 of the previous Approval.

Accordingly it is recommended that Council:

- 1) **Grant Planning Approval for the Internal and External Alterations to the Shop and Signage, subject to appropriate conditions, and**
- 2) **Advise the applicant that the submitted plans satisfy condition 2 of the previous Approval granted on 13 October 2009.**

## **BACKGROUND**

The subject site is located on the northern side of the High Street Mall. The property addressed as No.120 High Street fronts both the High Street Mall and Atwell Arcade. The High Street Mall shop front was most recently occupied by Angus and Robertson bookstores however has recently been vacated.

The site is zoned City Centre and is located within Sub Area 1 – West End of the City Centre Local Planning Area under LPS4. The property is listed on the City's Municipal Heritage Inventory as a management category level 2. The property is also located within the West End Heritage Area under LPS4 and is listed on the Register of the National Estate. The façade of the building is classified by the National Trust.

Planning Approval was granted on 1 December 2008 for alterations to the Shop Front, as detailed on the plans dated 20 October 2008 and 12 November 2008 (DA558/08). The approved development is noted to include:

- division of the site into three tenancies, which included
  - o the removal of an internal wall and door near the internal north eastern wall, and,
  - o installation of two dividing partitioning walls to facilitate the three tenancies,
- extensive alterations to the existing shop front to facilitate three separate entrances,
  - o two double doors and one single door entrances,
  - o new frameless glazing for the windows and doors,
  - o timber mullion moulding to glazing,
  - o tiled plinths and shop front,
  - o mosaic tile to floor of entrance.

Works pertaining to this Approval have not commenced.

Conditional Planning Approval was granted on 13 October 2009 for Unauthorised and Proposed Internal and External Alterations to Shop and Signage at the site (refer DA267/09 & PSC0910-183). The relevant conditions of approval were:

2. *Prior to commencement of works the applicant shall submit for approval be the Chief Executive Officer, City of Fremantle, detailed development plans showing:*
  - a. *The proposed restoration and interpretive works associated with the original staircase, and*
  - b. *The construction methods for the proposed internal wall cladding.*
5. *This approval does not include external shopfront works.*

Furthermore an advice note was included which stated:

*(ii) The applicant be requested to submit a further revised application for shopfront alterations to be further redesigned to be reflective of the original 1890s shopfronts and harmonised with the whole façade; this should include more detail and three dimensional to avoid flatness, division of panes should be more reflective of traditional shopfronts, use of original material (timber, copper) instead of aluminium.'*

## DETAILS

The applicant is seeking Planning Approval for internal and external alterations to Shop and signage at No. 120 High Street, Fremantle. The application has also been submitted to address the conditions imposed as part of the previous determination (DA267/09, PSC0910-183).

The proposed internal alterations that relate to Condition 2 of the previous approval consist of the following:

- Details of installation of internal stud walls
  - o Bottom plate nailed to timber floor with 75mm nails,
  - o Top plate nailed to timber floor joists with 75mm nails,
  - o Stud walls fixed to top and bottom plates with additional 'spacers' provided at intervals up wall,
  - o No intermediate fixings to original building masonry walls.
- Details relating to interpretation of original staircase
  - o Footprint of original staircase delineated by 10mm x 3mm brass division strip fully recessed into existing ground and upper flooring to distinguish footprint from surrounding floor,
  - o New plasterboard ceiling infill within pressed tin ceiling,
  - o Ceiling infill recessed 50mm above ceiling and bounded by quarter round beading stained with distinct dark stain finish, and
  - o 25mm surround timber barge board stained with distinct dark stain finish to match ground floor stair footprint.

The proposed external alterations consist of the following:

- Installation of new single door width entrance to High Street Mall at eastern side of shop front to facilitate upper floor tenancy,
  - o Entrance recessed 800mm,
  - o Single width timber framed glass door,
  - o Timber framed glass window above door,
  - o Tiling to sill height (300mm above ground level),
  - o Existing columns and recess to be rendered and painted to match colour scheme of Atwell Building (white),
- Remove imitation marble cladding from shop front piers,
- Tiled "upstands" and columns up to 300mm above ground (level of sill),
- Rendered and painted to match colour scheme of Atwell Building (white) above tiling,
- Installation of two sets of timber framed glass stack doors – 4 panels wide each,

- The entrance line to the shop to be recessed 800mm,
- Modifications to 3<sup>rd</sup> column (as viewed from left to right) to facilitate stack doors,
  - Removal of non-original brick to expose steel support column, and
- Installation of new windows facing High Street Mall with timber framing.

The proposed signage consists of the following:

- Three under awning sign boxes centred in front of doorways, and
- “City Beach” logo on front wall between entrances.

The main differences between the currently proposed shopfront alterations and those previously refused by Council are:

- Timber framing of stack doors – replacing powder coated aluminium,
- Painting to match Atwell Buildings (white) – rather than burnt orange, and
- White upstand tiling – rather than brown.

## STATUTORY AND POLICY ASSESSMENT

### Local Planning Scheme No. 4

Clause 8.1 of LPS4 states that all development on land zoned and reserved under the Scheme requires the prior approval of the Council. Note 2 elaborates that development includes the *‘erection, placement and display of any advertisements.’*

Clause 8.2 states that development does not require the Planning Approval of Council *‘where the carrying out of any building or works affect only the interior of the building and does not affect the external appearance of the building, except where the building is included on the Heritage List under clause 7.1 of the Scheme.’*

The subject property is included on the Heritage List and therefore the proposed internal works require the Planning Approval of Council, as well as the works that affect the external appearance of the building such as the replacement shop front and signage.

Clause 5.10.1 of LPS4 states:

*‘All advertising signs shall be –*

- (a) attached to the walls or façade of a building or structure so as not to protrude above the height of the wall to the building or the structure,*
- (b) limited to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses, up to a maximum of six (6) advertisements to each sign where there are more than six (6) units, strata titled units or businesses within the development,*
- (c) erected on the property to which they relate.’*

### Council Policies

The following City policies are applicable to the current development application:

- *L.P.P1.6 Preparing Heritage Assessments,*
- *D.B.H6 Signs and Hoardings Policy,* and

- *D.G.F14 Fremantle West End Conservation Policy.*

## **HERITAGE**

### **Heritage Assessment**

The City's local planning policy, *LPP1.6 Preparing Heritage Assessments*, requires the preparation of a heritage assessment for development proposals at a place listed as a management category level 2 on the MHI. However as a heritage assessment was prepared for the previous application in August 2009, and in accordance with the policy, the observations and analysis of this assessment were used for the purpose of assessing the current application. The full heritage assessment is included as Attachment 2.

Of particular relevance to the current application are the following comments:

4. *New wall cladding – acceptable conditional upon the wall beneath being made good prior to installation and the method of installation causing no further damage to wall beneath.*
  
12. *New shop front – applicant could be encouraged to consider a modern interpretation of the original shop front configuration, i.e. re entrant openings. The window proportions and horizontal sill and mullion heights are acceptable, however the entry stack doors are not considered acceptable. (Could consider stack doors that reflect the horizontal lines of original shop fronts – suggest the horizontal lines reflect the sill, head and mullion heights of the windows as well as considering the possibility of recessing the entry doors. A better outcome for the shop front doors should be pursued.*

The assessment further notes that the proposed shop front would dominate the frontage and impact negatively on the streetscape.

It must be stressed that the above comments refer to the originally submitted plans as part of the previous development application. The plans that were determined by Council on 13 October 2009 had been modified extensively from the original proposal. The current application has further modified the proposed shopfront works to address the concerns of Council and the heritage assessment. Nevertheless the overall comments of the heritage assessment should be considered in relation to the current proposal.

### **City of Fremantle Heritage and Special Places Committee**

The previous application (DA267/09) was presented before the City's Heritage and Special Places Committee (H&SPC) on 2 September 2009. The current proposal has not been presented to the H&SPC however the comments and recommendations from the previous meeting are considered relevant to the current application. The minutes and recommendation from the 2 September 2009 meeting are included as Attachment 3. The Committee resolved as follows:

*'The committee resolved to recommend to Council that the proposed development is not supported in its current form and the applicant be asked to further amend the proposal as follows:*

- 1. The pressed metal ceiling be reconstructed to match original and that it remains visible within the space by ensuring that any air conditioning, lighting or fittings be affixed in such a way as to expose the ceiling and to cause minimal damage.*
- 2. That the remnants of the former staircase is retained and used for heritage interpretation in situ with an imprint of the staircase on the first floor that would be visible from the ground floor.*
- 3. That the internal original elements of the building are left exposed e.g. the walls are not clad or covered with merchandise.*
- 4. The shopfronts be further redesigned to be reflective of the original 1890s shopfronts and harmonised with the whole facade; this should include more detail and three dimensional to avoid flatness, division of panes should be more reflective of traditional shopfronts, use of original materials (timber, copper) instead of aluminium.'*

## **CONSULTATION**

### **Community**

The application was not required to be advertised in accordance with Clause 9.4 of the LPS4 and LPP1.3 *Public Notification of Planning Proposals* policy.

## **PLANNING COMMENT**

### External Alterations to Shop Front

As previously stated, the main differences between the currently proposed shopfront alterations and those previously refused by Council are:

- Timber framing of stack doors – replacing powder coated aluminium,
- Painting to match Atwell Buildings (white) – rather than burnt orange, and
- White upstand tiling – rather than brown.

The revised shopfront proposal is considered to present a more sympathetic and compatible appearance with the Atwell Buildings and High Street Mall. The use of timber for the door and window framing better reflects the traditional shopfronts of the 1890s. Furthermore the timber framing helps to provide clearer division of the shopfront glazing. Additionally the consistent sill and tile heights and matching horizontal elements of the windows and doors present a unified and fitting appearance to the High Street Mall.

Whilst the previous proposal included similar recessed entrances, the revised plans clearly show the positive impact the recessing has on the appearance of the shop – in particular the enhancement of the three dimensional elements.

The heritage assessment regards the proposed stack doors as unacceptable however it raises the prospect that modifications to the doors to reflect the horizontal lines of the original shop fronts could improve the appearance, as would the recessing of the entrance. The revised development plans have recessed the entrance doors 800mm and have altered the horizontal elements of the doors to match the window frames. These

alterations are considered to sufficiently address the concerns raised in the heritage assessment.

The previously proposed shopfront alterations were deleted from the Planning Approval largely due to the proposed shopfront not reflecting the original 1890s style shopfront. It should be noted that the current shopfront has been extensively altered from its original appearance. Currently the shopfront consists of two large roller doors and imitation marble cladding. The applicant has modified the original proposal extensively to address the concerns raised in the heritage assessment of the proposal. The revised proposal is considered an appropriate compromise that is sympathetic to the heritage significance of the building whilst providing for the modern demands of a retail store.

It is the City's view that, on balance, the current proposal, is a significant improvement from the previously proposed shopfront and the existing shopfront elevation. On balance the proposed external alterations are considered to address the reasons why the previous shopfront works were deleted from the approval.

### Interpretive Staircase Works

The proposed interpretive works relating to the removed staircase consist of delineating the footprint of the staircase with brass strips in the timber flooring and providing a recess in the pressed metal ceiling. Furthermore the development plans state:

*'The remnants of the former staircase are to be retained and used for heritage interpretation in situ with an imprint of the staircase that is visible from the ground floor. The pressed metal ceiling will not continue through this "imprint zone". A flush plasterboard panel will be constructed in the ceiling at this imprint at a different level to the pressed metal. The plasterboard will be painted in a contrasting heritage colour to the remainder of the pressed metal. The imprint of where the stairs were at floor level will be highlighted by way of a contrasting floor stain and discreet perimeter outline.'*

The proposed interpretive works are considered acceptable and consistent with the resolution of the H&SPC. These works are seen to provide a clear indication of the former staircase whilst retaining the functionality of the shop. The proposal is considered to satisfy part (a) of condition 2 of the previous Planning Approval.

### Internal Wall Cladding

The revised development proposal seeks to clad the internal walls of the tenancy with "stud walls". The stud walls will be installed with top and bottom plates nailed to the timber floor and supports. The stud walls will not be fixed to the original internal wall and will provide 'breathing space' for the original walls.

The revised development plans also state:

*'The internal original elements (in particular the materials that comprise the construction of the original walls) are to be retained but not left exposed. They are to be preserved by way of constructing new cladding and linings for the merchandising purposes of the retail shopfit, over the original materials, without damaging them. They will remain intact for access to future generations, should the use of the building change to one of a less*

*commercial nature than retailing. No fixings or adhesions of the new cladding will be made to the original wall construction which are sought to be preserved. On removal of this new fitout at some future time, the existing wall construction, linings and cladding of the original building can then be revealed again, unchanged from their present condition.'*

It is the City's view that, on balance, the proposed internal wall cladding is acceptable. As noted by the applicant, the wall cladding will protect the original fabric of the walls from potential minor damage associated with the retail use of the building. Furthermore the cladding can be easily removed without permanently damaging the original fabric. The proposed installation method for the internal stud walls is considered to satisfy part (b) of condition 2 of the previous Planning Approval.

### Signage

The proposed signage consists of:

- Three under awning sign boxes – two for the City Beach tenancy and one for the first floor tenancy,
- One vertical sign mounted between the two main tenancy entrances displaying "City Beach Surf Australia" – measures 2.2m high and 0.8m wide.

The proposed under awning signs and "City Beach Surf Australia" vertical sign are considered appropriate to the location and function of the place. The proposed signage displays the name of the business and is attached to the building where the business takes place. The sign is considered to contribute to the urban environment as the sign's function is to convey information to the public.

The heritage assessment considers the signage to dominate the façade and recommends that the signage be reduced in size and quantity to reduce this aesthetic impact. However it should be noted that the original application proposed an additional two large image displays on the front façade. These have been removed from the revised proposal. It is the officers' view that the removal of the image displays from the proposal will result in a more sympathetic and acceptable form of advertising. The impact on the significance of the place would be lessened whilst still retaining clear signage for the purpose of advertising the business. The under awning sign boxes and vertical "City Beach Surf Australia" sign are considered consistent with the objectives of the local planning policy, *D.B.H6 Signs and Hoardings Policy*.

### *D.G.F14 Fremantle West End Conservation Area Policy*

The proposed development, in its revised form, is considered to satisfy the relevant requirements of the City's *Fremantle West End Conservation Policy*. The development seeks to alter a shopfront that has been extensively modified in the past. The proposed alterations are considered a compatible modification with the significance of the place and will not detract from the significance of the West End precinct.

### **CONCLUSION**

The proposed installation of the internal stud walls and interpretation of the original staircase are considered to satisfy parts (a) and (b) of condition 2 of the previous Approval.

The proposed external alterations to the Shop are considered appropriate and sympathetic to the heritage and cultural significance of the building. The proposed shopfront is considered a significant improvement from the previous proposal and the existing shopfront and is regarded as sympathetic to the building whilst providing for the retail expectations of a modern business.

Overall the revised application is recommended for Approval, subject to conditions.

**COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**A. That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the Internal and External Alterations to Shop and Signage No. 120 (Lot 124) High Street, Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans dated 22 October 2009. It does not relate to any other development on this lot.**
- 2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.**
- 3. The signage hereby permitted shall not contain any flashing or moving light at any time.**

**B. That Council advise the applicant that the details pertaining to the interpretive works associated with the original staircase and construction methods for the internal wall cladding, as detailed on plans dated 22 October 2009, are considered to satisfy parts (a) and (b) of condition 2 of the Planning Approval granted on 13 October 2009 for the Unauthorised and Proposed Internal and External Alterations to Shop and Signage at No. 120 (Lot 124) High Street, Fremantle (DA267/09).**

**SECONDED: Cr D Thompson**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright	

Cr Bill Massie Cr Dave Coggin Cr Doug Thompson	
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Cr Andrew Sullivan returned at 7.27 pm

During the discussion of item C0910-14, the following item C0910-15 was brought forward to be dealt with before the meeting was closed for confidential discussion on item C0910-14.

#### **C0910-15      ADVISORY COMMITTEE WORKSHOP**

**DataWorks Reference:**            039/035  
**Disclosure of Interest:**        Nil  
**Previous Item:**                    C0910-10  
**Responsible Officer:**          Glen Dougall, Director Corporate Services  
**Actioning Officer:**            Glen Dougall, Director Corporate Services  
**Decision Making Authority:**   Council  
**Agenda Attachments:**        Nil.

#### **PURPOSE**

To defer appointment of community members to advisory committees subject to holding a workshop for elected members in November.

#### **EXECUTIVE SUMMARY**

**Under the provision of the Local Government Act 1995, membership of committees expire at each ordinary election. As a consequence all advisory committee appointments are vacant.**

**The City has advertised for community nominations to re-fill the advisory committees prior to the election with nominations closing last Friday, 23<sup>rd</sup> October.**

**Nominations for the committees advertised have seen some with few or no nominations received and it is recommended that Council defer making any appointments until after a workshop to review or re-assess the purpose of some or all advisory committees.**

#### **BACKGROUND**

Advisory committees have been used in Fremantle for some time to assist in providing information to Council when making decisions. In the past they have been made up of a mix of elected members and community members who have satisfied the right set of skills and attributes.

The current list of advisory committees are;

- Heritage and Special Places,
- Urban Development,
- Arts, Culture and Events,
- Nyoongar,
- Sports and Recreation,

- Parks and Open Spaces, and
- Economic Development and Marketing.

## **COMMENT**

In accordance with the requirement to re-appoint these advisory committees an advertisement was placed in the two local papers and on council's website seeking nominations for such.

Whilst nominations were received for some of the committees, others received only two or no nominations. As a result of this officers are seeking input from council as to the purpose or terms of reference for these committees and recommend that a workshop is held to discuss this issue, prior to making the community appointments. This workshop could be held in short time during November to ensure that any appointments that need to be made could be made as soon as possible.

## **CONCLUSION**

A workshop of elected members be held in November to review and re-assess the purpose and terms of reference for advisory committees.

## **STRATEGIC AND POLICY IMPLICATIONS**

1.5 – Community Participation – Fremantle people are well informed and able to participate in all aspects of their community.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Nil.

### **Environmental**

Nil

### **Social**

Advisory Committees add value to the decision making process of Council. Involving Community Members and key stakeholders in this process is critical in ensuring successful planning for the future to ensure all views are adequately represented.

## **BUDGET IMPLICATIONS**

Nil

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Section 5.8 of the Local Government Act 1995 provides that "*a local government may establish committees of three or more to assist the Council and to exercise the powers*

*and discharge the duties of the local government that can be delegated to committees".*  
A committee of Council may comprise of;

1. Elected members only,
2. Elected members and staff,
3. Elected members, staff and other persons,
4. Elected members and other persons,
5. Staff and other persons, or
6. Other persons only.

All committee appointments must be made by absolute majority. Council members are entitled to be a member of at least one committee. If during the appointment of a committee that has an Elected Member as a member the Mayor informs of the wish to be a member of the committee, the Local Government is to appoint the Mayor to be a member of the committee. The City of Fremantle does not have staff included in membership of any committee, but where committee memberships do include staff the Act allows the Chief Executive Officer or their representative to be appointed where the Chief Executive Officer requests this to occur.

For the purposes of this section of the Act, a taskforce or working group is considered the same as a committee of Council.

Section 5.100 (1) of the Local Government Act states "a person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting". Section 5.101 (1) states "a committee member who is an employee is not to be paid a fee for attending any committee meeting".

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**That Council hold a workshop in November 2009 to discuss the review and re-assessment of the purpose and/or terms of reference for advisory committees for the City of Fremantle.**

**SECONDED: Cr R Fittock**

**CARRIED: 12/0**

<b>For</b>	<b>Against</b>
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Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	
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**C0910-14 HILTON PRECINCT PROJECT TENDER FOR FORWARD WORKS**

**DataWorks Reference:** 135/001, 053/006  
**Disclosure of Interest:** Nil  
**Previous Item:** 135/001  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Phil Gale, Manager Infrastructure Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment 1: Confidential  
Attachment 2: Email from Prostruct  
Attachment 3: Tender recommendation from Bernard Seeber Architects

**PURPOSE**

The purpose of this report is to accept the tender for the first stage works of the Hilton Community Precinct redevelopment project. Stage two of the works will be tendered separately in late November 2009.

**EXECUTIVE SUMMARY**

**The Hilton Community Precinct Redevelopment has been given a major funding allocation by the Federal Government.**

**The package of works to undertake the project has been divided into two components. The first forward works package is designed to fulfil two functions. Firstly it has enabled a scope of works to be developed in time to meet the November start date and secondly the forward works will clear the site of all contaminants and prepare the way for the major works to proceed.**

**The tender process for the forward works is now complete and this report seeks approval to appoint the recommended contractor so that works can commence in the November.**

**It is Recommended that the tender submitted by Prostruct for Stage one (Forward Works) for the Hilton Precinct Project be accepted.**

**BACKGROUND**

Since the appointment of the design consultancies in July of 2009 the design and documentation process has been progressing to the extent that the tender for the forward works (part one of the project) was advertised on Wednesday 30<sup>th</sup> of September. The tender was open for a period of three weeks closing on Wednesday 21st October.

A site meeting to view the works was convened and all four submitting tenderers were present to survey the proposed works.

Four conforming tenders were received which have now been assessed by the consulting architects. The schedule of works with associated costs are attached. Comments upon the assessment from the Architects are as follows:

The lowest priced tenderer, Prostruct, is known to the Architects and was asked to confirm the price submitted. This has now been so confirmed. The tenderers references have also been contacted and have responded in a positive manner.

## **COMMENT**

The appointment of the contractor to undertake stage one of the project will honour our time frame commitments to the Commonwealth in that we will start the project in November.

Stage one includes preliminary site works and removal of all contaminants such as asbestos materials. This will be undertaken by certified contractors and will see one of the City of Fremantle's asbestos sites removed from the asbestos register.

During these operations the site will be closed completely to the public.

## **CONCLUSION**

Nil

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Strategy 3.6 (A Beautiful and Accessible Place - Facilities and Infrastructure).

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The Hilton Community Precinct Redevelopment will inject significant capital into the local economy.

### **Environmental**

The works to be undertaken via the renewal of the facilities at the Hilton Centre will significantly improve the operating efficiency of the buildings by providing quality systems such as new HVAC and electrical components that will be the most energy efficient available. The removal of significant contaminants from the site and the acoustic works to the Progress Hall will also provide enhanced environmental conditions.

### **Social**

The renewal of the facilities at the Hilton Centre will significantly improve the social facilities that are available within the local and wider community.

**BUDGET IMPLICATIONS**

The funding for the project of \$4,352 800.00 forms part of the 2009/2010 approved budget.

**LEGISLATIVE AND LEGAL CONSIDERATIONS**

The requirements of the Local Government Act with regard to tendering activities have been followed.

**PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**At 7.33 pm Cr Andrew Sullivan moved that the discussion on item number C0910-14 be closed to members of the public in accordance with Section 5.23(2) (e) of the Local Government Act.**

**RESOLUTION FOR CONFIDENTIALITY**

**MOVED: Cr Andrew Sullivan**

**That the discussion on item C0910-14 be closed to members of the public in accordance with Section 5.23(2) (e) of the Local Government Act.1995.**

**SECONDED: Cr Dave Coggin**

**CARRIED: 12/0**

For	Against
Mayor, Peter Tagliaferri Cr John Alberti Cr John Dowson Cr Alice King Cr Les Lauder Cr Shirley Mackay Cr Brad Pettitt Cr Jon Strachan Cr Doug Thompson Cr Georgie Adeane Cr Bill Massie Cr Robert Fittock Cr Donna Haney	

As this item was deemed confidential the Mayor Brad Pettett brought forward item number C0910-15 to be dealt with before the meeting was closed for confidential discussion on item C0910-14.

This item resumed at 7.35pm

At 7.35pm Mayor, Brad Pettitt requested the public to vacate the chamber to allow discussion on item C0910-14, which was deemed to be confidential.

### COUNCIL DECISION

**MOVED:** Mayor, Brad Pettitt

That the tender from Prostruct for provision of buildings services to undertake stage one (forward works) of the Hilton Precinct redevelopment project be accepted for the price of \$264,896.50 inc GST.

**SECONDED:** Cr D Thompson

**CARRIED:** 12/0

For	Against
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

At 7.51pm Mayor, Brad Pettitt moved to reopen the meeting to the public.

**SECONDED: Cr J Alberti**

**CARRIED: 12/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Georgie Adeane Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**CONFIDENTIAL MATTERS**

Nil

**CLOSURE OF MEETING**

**THE MAYOR, B PETTITT DECLARED THE MEETING CLOSED AT 7.51 PM.**

## SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

The City values citizen participation and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective participation requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

<b>How consultative processes work at the City of Fremantle</b>	
<b>The City's decision makers</b>	1 The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
<b>Various participation opportunities</b>	2 The City provides opportunities for participation in the decision-making process by citizens via its Advisory Committees and Task Forces, its Community Precinct System, and targeted consultation processes in relation to specific issues or decisions.
<b>Objective processes also used</b>	3 The City also seeks to understand the needs and views of the community via scientific and objective processes such as its annual Community Survey.
<b>All decisions are made by Council or the CEO</b>	4 These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
<b>Precinct focus is primarily local, but also city-wide</b>	5 The Community Precinct System establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
<b>All input is of equal value</b>	6 No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
<b>Decisions will not necessarily reflect the majority view received</b>	7 Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters

<b>How consultative processes work at the City of Fremantle</b>	
	of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.
<b>Decisions made for the overall good of Fremantle</b>	8 The Local Government Act requires decision-makers to make decisions in the interests of “the good Government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
<b>Diversity of view on most issues</b>	9 The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
<b>City officers must be impartial</b>	10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City Officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
<b>City officers must follow procedures</b>	11 The City’s consultative processes must be clear, transparent, efficient and timely. City officers must ensure that policies and procedures are fully complied with so that citizens are not deprived of their rights to be heard.
<b>Consultation processes have cut-off dates that will be adhered to.</b>	12 As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, consultative processes need to have defined and rigorously observed cut-off dates, after which date officers will not include ‘late’ input in their analysis. In such circumstances, the existence of ‘late’ input will be made known to decision-makers. In most cases where citizen input is involved, the Council is the decision-maker and this affords citizens the opportunity to make input after the cut-off date via

How consultative processes work at the City of Fremantle	
	personal representations to individual Elected Members and via presentations to Committee and Council Meetings.
<b>Citizens need to check for any changes to decision making arrangements made</b>	1 The City will take initial responsibility, via 3 'Consultation Process notifications', for making . citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b> , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
<b>Citizens are entitled to know how their input has been assessed</b>	1 In reporting to decision-makers, City officers will in 4 all cases produce a Schedule of Input received . that summarises comment and recommends whether it should be taken on board, with reasons.
<b>Reasons for decisions must be transparent</b>	1 Decision-makers must provide the reasons for 5 their decisions. .
<b>Decisions posted on <a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b>	1 Decisions of the City need to be transparent and 6 easily accessed. For reasons of cost, citizens . making input on an issue will not be individually notified of the outcome, but can access the decision at <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b> or at the City Library or Service and Information counter.

### Issues that Council May Treat as Confidential

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
  - a) all council meetings; and
  - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
  - a) a matter affecting an employee or employees;
  - b) the personal affairs of any person;
  - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - 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;
  - e) a matter that if disclosed, would reveal –
    - i) a trade secret;
    - ii) information that has a commercial value to a person; or
    - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
  - f) a matter that if disclosed, could be reasonably expected to -
    - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - ii) endanger the security of the local government's property; or
    - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
  - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
  - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.