
NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on Tuesday, 21 August 2018 in the Council Chamber, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Approved

Cr A Watkins

4. DISCLOSURES OF INTEREST

4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

5.1 Responses to previous questions from members of the public taken on notice
Nil.

5.2 Public Question Time

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Meeting of Council (17 July 2018)

8.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 17 July 2018 be confirmed as a true and correct record of proceedings.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

11. REPORTS AND RECOMMENDATIONS OF COMMITTEES

11.1 Public Art Panel Minutes – 16 July 2018

File ref	A/ART1
Prepared by	Karen Dore Economic & Community Development Officer
Supervised by	Peter Kocian, Executive Manager Corporate & Community Services
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Minutes of Public Art Panel Meeting, 16 July 2018

Purpose

To endorse the Panel's recommendation for the appointment of the Panel Chairperson.

Executive Summary

In accordance with Policy 4.1.5 Public Art Panel, *"the Chairperson is an elected Member of Council and appointed by Council"*.

Background

At the Special Council Meeting held on 24 October 2017 Mayor O'Neill and Cr Harrington were appointed as the elected member representatives to this Panel. Council advertised for nominations from persons with public art expertise and on 17 April 2018 appointed Tony Jones, Carmel O'Neill, Barry Scotland and Olga Cironis as members.

Under the terms of the Public Art Panel Policy (4.1.6) the Chairperson of this Panel must be an elected member of Council and appointed by Council.

Consultation

Public Art Panel Members

Statutory Environment

Nil

Policy Implications

Public Art Panel Policy (4.1.5)

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Comment

The Panel members unanimously voted for Cr Jenny Harrington to be appointed as the Panel Chairperson.

11.1 PANEL RECOMMENDATION

That Cr Jenny Harrington be appointed as the Chairperson of the Town of East Fremantle Public Art Panel.

MINUTES OF PUBLIC ART PANEL MEETING
MONDAY, 16 JULY 2018



1. DECLARATION OF OPENING OF MEETING

The meeting was declared open at 5.32pm.

2. APPOINTMENT OF A PRESIDING MEMBER

Note: in accordance with Policy 4.1.5 Public Art Panel *“the Chairperson is an elected Member of Council and appointed by Council”*.

PANEL RECOMMENDATION

Moved Mayor O’Neill, seconded Mr Tony Jones

That Cr Jenny Harrington be appointed as the Chairperson of the Town of East Fremantle Public Art Panel.

(CARRIED UNANIMOUSLY)

3. RECORD OF ATTENDANCE

3.1 Attendance

Mayor Jim O’Neill

Cr Jenny Harrington

Ms Olga Cironis

Mr Tony Jones

Ms Carmel O’Neill

Mr Barry Scotland

Mr Gary Tuffin

Chief Executive Officer (CEO)

Mrs Christine Catchpole

Town Planner (TP)

Ms Karen Dore

Economic & Community Development Officer (ECDO)

3.2 Apologies

Nil

4. BUSINESS

The CEO gave a brief background of the Public Art Strategy, the Public Art Panel and the related policies.

4.1 Discussion Paper – Food for Thought

There was general discussion regarding the ideas for consideration, with the following being a summary of outcomes;

1. **Adhesive Aluminium Installation** – this concept was not supported for the following reasons;
 - a. Not really a suitable minimalistic landscape within the Town (too many trees!)
 - b. Not really a ‘new’ and innovative idea
 - c. Preference would be to support an ‘artist in residence’ program
2. **Annual Art Awards** – supported, research to be undertaken and a brief prepared for further consideration.
3. **Art On Loan** – project is underway, supported by Panel, suggestion that there could be an invitation to all artists to submit items on loan.
4. **Banner Poles** – supported, research to be undertaken and a brief prepared for further consideration.
5. **Bus Shelters** – supported, research to be undertaken and a brief prepared for further

consideration.

6. **East Fremantle & Museum of Perth “houstory” Collaboration** – project noted, however, it was felt that this would not come under the remit of the Public Art Panel.
7. **George Street Festival Community Piece** – supported, suggestion being that the resulting work have a limited exhibition time. Supported that the theme of the work be ‘river’. Suggestion that an artist might be approached for other recycled / upcycled artwork.
8. **George Street Festival Exhibition of Local Artists Works** – supported, suggested that for this first year the focus be established with local artists leading into emerging local artists next year.
9. **George Street Heritage Installation** – discussed that this kind of installation (plywood window and door coverings) can become quite expensive and, again, it has been done recently somewhere else. Support given to research being undertaken and a brief prepared for further consideration with regards to other external window installations (see Items 16 and 19).
10. **George Street Festival ‘live’ Mural** – supported, research to be undertaken and a brief prepared for further consideration. Noting, that in future the Panel would prefer that there be a public request for the submission of proposals for future murals / artworks.
11. **George Street Tunnel Installation** – supported, research to be undertaken (including liaison with Main Roads WA) and a brief prepared for further consideration.
12. **Heritage Trail** – project noted and the Panel are supportive of the opportunity for locations to be suggested for public art pieces.
13. **Junior Youth Community Art Project** – refer to Item 7 (George Street Festival Community Art Piece).
14. **Murals** – “Instawall” style mural supported for replacement of the existing deteriorating mural. Proposals to be called for (suggestion that this be undertaken via “Form”) and presented at the next meeting. It is anticipated that a reasonable budget for this mural would be \$5,000.
15. **Open Air Gallery / Trail** – the painted figurines (such as cows and dolphins) was generally not supported, however, a more artistic project inviting artists to submit related pieces to create an open air gallery or trail was not dismissed entirely.
16. **Richmond Quarter Site Interventions** – it was suggested that generally these types of installations work best where there is more foot traffic, rather than being placed in a destination driven location. It was also noted that these kinds of installations can become complicated meaning that it’s very important to have a well-written Memorandum of Understanding in place with clear terms regarding the length of stay and installation / removal responsibilities. Of course, insurance is of utmost importance too. There were mixed views on whether external viewing only was of benefit to the owner of the space. Research to be undertaken (including the possibility of pop-up shops in spaces) and a brief prepared for further consideration.
17. **Streetscaping** – concept noted, however, it was felt that this would not directly come under the remit of the Public Art Panel on the understanding that those Officer’s undertaking streetscape planning were aware of the Public Art Strategy.
18. **Tessellation Style Street Project** – refer to Item 16.
19. **Toilet Block/s** – supported, noting that the Glasson Park installation is underway and that the Public Art Strategy will be referred to when the ‘wrap’ is considered. With regards to Zephyrs ‘wall’ research to be undertaken and a brief prepared for further consideration. The Panel requested to see the examples of art work (graphics) that have been provided by the potential toilet supplier.
20. **Town Hall Installation Project** – this project refers to the **Town Collection**, which is considered a separate entity to **Public Art**. A copy of the Project Plan was handed out to Panel members for their information. The consultant’s “Acquisition Proposal Report” is expected to be completed by the end of August 2018. This report will be provided to the Panel for review and to provide a recommendation for Council’s formal

consideration.

21. **Video Displays** – to be referred to as **Building Projections**. Supported, research to be undertaken (including liaison with Main Roads WA where applicable) and a brief prepared for further consideration.
22. **NEW Art Walk / Open Studio Day** – to be considered as a future Town event, possibly in conjunction with another local event or celebration.

4.2 Next Meeting

The Policy states that meetings will be “held as required”. It was agreed that initially the group would meet on a monthly / bi-monthly basis in order to establish the group. Therefore the next meeting is to be held on **Monday 20 August, 2018, 5.30pm** at the Town Hall.

4.3 Actions

The Panel requested that the following actions be undertaken by the ECDO:

1. Prepare hard copy folders for each Committee member with relevant documents, including a list of existing artworks;
2. Investigate whether donated artworks are eligible for tax deductions (for artist);
3. East Fremantle’s George Street Festival Exhibition, current plan (including list of local artists) to be circulated to Panel members for comment; and
4. Provide examples of the art/graphics for the new public toilet.

5. CLOSURE OF MEETING

The meeting closed at 7.08pm.

11.2 Town Planning Committee Meeting (7 August 2018)

File ref	C/MTP1
Prepared by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning Committee Minutes

Purpose

To submit the minutes and delegated decisions of the Town Planning Committee for receipt by Council.

Executive Summary

The Committee, at its meeting on 7 August 2018, exercised its delegation in all six statutory matters before it.

As the Committee has no delegation to determine strategic matters, the following items are considered separately within this Council agenda:

- 12.1.1 Comment/Submission – Green Paper – Modernising the Western Australian Planning System
- 12.1.2 Endorsement of Draft Town of East Fremantle Housing Capacity Study
- 12.1.3 Basic Amendment No 16 to Local Planning Scheme No 3 – To rectify typographical errors in the Scheme Text.

There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

Consultation

Town Planning Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Comment

The unconfirmed minutes of the Town Planning Committee meeting are now presented to Council to be received.

11.2 COMMITTEE RECOMMENDATION

That the unconfirmed Minutes of the Town Planning Committee Meeting held on 7 August 2018 be received.

TOWN OF
EAST FREMANTLE



MINUTES

Town Planning Committee

Tuesday, 7 August 2018 at 6.31pm

Disclaimer

The purpose of this Committee meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst the Committee has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Committee decision. No person should rely on the decisions made by the Committee until formal advice of the Committee decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of the Committee, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Committee meeting.

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**MINUTES OF TOWN PLANNING MEETING
TUESDAY 7 AUGUST 2018**



MINUTES OF THE ORDINARY MEETING OF THE TOWN PLANNING COMMITTEE HELD AT THE EAST FREMANTLE TOWN HALL, 135 CANNING HIGHWAY, EAST FREMANTLE ON TUESDAY 6 MARCH 2018.

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

Presiding member opened the meeting at 6.31pm and welcomed members of the gallery.

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past and present."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Cr C Collinson	<i>Presiding Member</i>
Mayor O'Neill	
Cr M McPhail	
Cr D Nardi	
Cr T Natale	
Cr A White	
Cr J Harrington	

The following staff were in attendance:

Mr A Malone	Executive Manager Regulatory Services
Ms G Cooper	Minute Secretary
Mr L Smith	Planning Support Officer

3.2 Apologies

Nil.

3.3 Leave of Absence

Nil.

4. MEMORANDUM OF OUTSTANDING BUSINESS

Nil.

5. DISCLOSURES OF INTEREST

5.1 Financial

Nil.

5.2 Proximity

Nil.

5.3 Impartiality

Nil.

6. PUBLIC QUESTION TIME

6.1 Responses to previous questions from members of the public taken on notice

Nil.

6.2 Public Question Time

Nil.

7. PRESENTATIONS/DEPUTATIONS

7.1 Presentations

Nil.

7.2 Deputations

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Town Planning and Building Committee (5 June 2018)

8.1 OFFICER RECOMMENDATION

Cr Nardi moved, seconded Cr Natale

That the minutes of the Town Planning and Building Committee meeting held on Tuesday 5 June 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

10. REPORTS OF COMMITTEES

10.1 Community Design Advisory Committee

Prepared by: Andrew Malone Executive Manager Regulatory Services

Supervised by: Gary Tuffin, Chief Executive Officer

Authority/Discretion: Town Planning & Building Committee

Attachments to be tabled: 1. Minutes of the Community Design Advisory Committee meeting held on 30 July 2018.

PURPOSE

To submit the minutes of the Community Design Advisory Committee meeting held in July for receipt by the Town Planning Committee.

EXECUTIVE SUMMARY

The Committee, at its meeting held on 30 July 2018, provided comment on planning applications listed for consideration at the August Town Planning Committee meeting and other applications to be considered in the future. Comments relating to applications have been replicated and addressed in the individual reports.

There is no further action other than to receive the minutes.

10.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP010818

Cr Harrington moved, seconded Cr M McPhail

That the Minutes of the Community Design Advisory Committee meeting held on 30 July 2018 be received.

(CARRIED UNANIMOUSLY)

Cr Nardi moved, seconded Cr M McPhail

That the order of business be changed to allow members of the gallery to speak to specific planning applications.

(CARRIED UNANIMOUSLY)

11. REPORTS OF OFFICERS (COMMITTEE DELEGATION)

11.1 King Street, No. 37 (Lot 439) – Construction of Ancillary Dwelling, Garage, Carport and Patio

Applicant	K Acton
Owner	R Lord
File ref	P/KIN37; P043/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location plan 2. Place Record Form 3. Photograph 4. Plans date stamped received 22 May 2018

Purpose

This report considers a development approval application for the construction of an ancillary dwelling, garage, carport and patio at No. 37 King Street, East Fremantle.

Executive Summary

The subject lot is located on King Street at the George Street end of the street block. The subject site is a lot of 508m² and contains a heritage listed dwelling (c1906 – Category C – Federation Bungalow) with vehicle access to the rear of the lot. The ancillary dwelling is proposed to be constructed at the very rear of the lot with an attached garage and single carport positioned in front of the garage. The application also includes the construction of a patio attached to the rear of the existing dwelling.

The following issues are relevant to the determination of this application:

- Lot boundary setbacks – nil to each side boundary; and
- Roof pitch – permitted 28 - 36°; proposed 25°.

It is considered the variations proposed will not have a significant impact on the amenity of the adjacent lots and the application can therefore be supported subject to conditions relating to parapet walls, roof reflectivity, enclosure of the patio and the use of the ancillary dwelling.

Background

Zoning: Residential R20
Site area: 508m²

Consultation

Advertising

The application was advertised to the surrounding land owners from 30 May to 15 June 2018. One (1) submission was received which included the following comments. The Officer response is provided immediately following the submitter's comments:

"Whilst we have no over-riding objection to what 37 King Street is trying to achieve we do have some questions with regard to some of the details of the development.

- 1. There appears to be an awful lot of building and not very much garden - does this development fall within the rules of % block developed/built on?*

50% open space required; 53% open space indicated.

- 2. In connection with point 1 above - the Ancillary seems very large - is this building within size regulations?*

Plot ratio (excluding garage) is 53.96m²; permitted 70m².

- 3. The plans show a parapet wall on the northern boundary - is there a set back from the boundary? Is there a requirement for a set back from the boundary?*

The Council can exercise discretion and permit a wall to be built up to a boundary notwithstanding the R-Code setback requirement of 1.0 metre in this instance. Conditions on the finish of the wall on the neighbour's side are usually imposed.

- 4. If the parapet is to be erected on the boundary (within the rules of development in the Town) we would request that the development applicant have a professional survey completed and supplied to all neighbouring properties - the fence lines of these old properties are notoriously 'wrong' and we would not like to see a substantial structure built on an incorrect boundary.*

The site survey is the responsibility of the applicant. Should neighbours disagree in regard to the location of the dividing fence/wall/structure it is a civil matter to be resolved between the concerned land owners. The adjoining land owners can undertake their own site survey should they believe it necessary.

- 5. The drawings supplied are very unclear as to the side elevations and we would request some clarification so that we can determine if there are windows facing into our property.*

Side boundary elevations are provided. There are no windows directly facing side boundaries.

- 6. The drawing supplied are very unclear as to the building materials being used other than Colorbond roof - we would request details of the colour of the Colorbond and the details of the other building materials and finishes (particularly in respect to the side elevations).*

A condition of approval will be recommended which requests details of materials, colours and finishes to be submitted, to the satisfaction of the Chief Executive Officer at Building Permit application stage.

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7. *We also require some clarification on how any potential development on the boundary will affect the stability of the dividing fence between our properties. The current fence is currently in need of general repair and retaining walls being installed to adequately hold the fence - we fear that any alteration to the current fence would undermine the integrity of the remaining fence as it stands today."*

The issue of the dividing fence is a matter to be resolved between the adjoining landowners in accordance with the Dividing Fences Act.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC requesting their comments and the Members did not provide a response in respect to this application.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Residential Design Codes of WA

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory - 'C' Category

Fremantle Port Buffer Zone - Area 2

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 *Facilitate sustainable growth with housing options to meet future community needs.*

3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*

3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 *Conserve, maintain and enhance the Town's open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

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4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Site Inspection

July 2018

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	No change to existing	A
Lot Boundary Setback (ancillary, garage & carport)	Rear - 1.5m Side (north) - 1.0m Side (south) - 1.0m	Rear 1.6m Side (north) - nil Side (south) - nil	A D D
Plot Ratio	70m ²	54m ²	A
Open Space	50%	53%	A
Outdoor Living	30m ²	~80m ²	A
Car Parking	1 2 bays required for existing dwelling	2 (garage and carport) Space for 2 vehicles available in driveway	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	≤25%	≤25%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	A
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch (patio 8° and ancillary dwelling 25°)	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A

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3.7.18.3 Garages and Carports	A
3.7.15-20 Precinct Requirements	A

Building Height (R-Codes)	Required	Proposed	Status
Wall height (R-Codes)	6.0m	2.77m	A
Ridge height (R-Codes)	9.0m	4.7m	A

The application proposes the construction of an ancillary dwelling at the rear of an original cottage on King Street. The ancillary dwelling will comprise a combined family/meals/sitting area, bedroom, bathroom/laundry, storeroom and a garage under the main roof of the ancillary dwelling. The carport is positioned in front of the dwelling. The garage and carport are for use by the occupiers of the primary dwelling.

A patio of approximately 40m² is also proposed which will be attached to the rear of the existing dwelling and will cover an existing outdoor area. There are two variations to the R-Codes and the Residential Design Guidelines and these are discussed below.

Lot boundary setbacks

Nil lot boundary setbacks are proposed and the adjoining owners have not objected to the nil setbacks. The questions raised in relation to the nil setback and parapet walls are addressed through conditions of planning approval or are not considered relevant planning issues in respect to this application.

The Design Principles of the R-Codes in respect to the reduced lot boundary setbacks are considered satisfied, in that the ancillary dwelling does not unnecessarily contribute to building bulk on the adjoining lots, provides for adequate sun and ventilation to open spaces and the adjoining property. Overshadowing is within the acceptable limits for the R20 coding at less than 25% of the adjoining lot to the south. A condition regarding the finish of the parapet walls is, however, considered necessary to maintain the amenity of the adjoining sites.

Roof pitch

The minor variation in the roof pitch (28° - 36° permitted; 25° proposed) is insignificant as it will have no impact on building bulk or appearance of the dwelling as designed and therefore is considered to have negligible impact on neighbour amenity and the streetscape. Due to the roofing materials proposed the roof reflectivity condition is considered necessary.

Heritage

The dwelling is categorised as category 'C' in the Municipal Inventory. The proposal is considered to acknowledge the heritage value of the property because the existing dwelling maintains a strong presence on the site and the new building will sit as a distinct structure to the rear of the site with little to no visibility from the street. Details of colours, materials and finishes will be requested at Building Permit application stage to ensure the Town is satisfied with the construction materials in respect to overall development of the site.

Conclusion

It is considered the variations to the R-Codes and the Residential Design Guidelines as proposed will not have a significant impact on the amenity of the subject lot or adjoining sites and the application can therefore be supported subject to conditions relating to roof reflectivity, parapet walls, enclosure of the carport and use of the ancillary dwelling.

- Mr Mark Lord (owner) spoke in support of the officers recommendation

11.1 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020818

Cr White moved, seconded Cr Nardi

That Council grant development approval and exercise its discretion in regard to the following:

- (i) Clause 5.3.1 – Lot Boundary Setbacks of the Residential Design Codes of WA to permit lot boundary setbacks (north and south) less than 1.0 metre for the ancillary dwelling/garage and less than 1.0 metre for the carport (southern boundary); and
- (ii) Clause 3.7.8.3 – Roof Pitch of the Residential Design Guidelines 2016 to allow a roof pitch of less than 28° for the ancillary dwelling, garage, carport and patio,

for construction of an ancillary dwelling, garage, carport and patio at No. 37 (Lot 439) King Street, East Fremantle, in accordance with the plans date stamped received 22 May 2018, subject to the following conditions:

- (1) The ancillary dwelling is not to be used for the purpose of a home occupation, short term accommodation or bed and breakfast accommodation without further Council approval (*see Footnote (i) below*).
- (2) No enclosure of the carport on any side.
- (3) No installation of a garage door on the carport.
- (4) No enclosure of the patio on any side.
- (5) No clothes drying facilities/structures or bin enclosure to be visible from the street.
- (6) The ancillary dwelling is not to be constructed on a foundation pad or podium that exceeds 500mm above natural ground level.
- (7) The details of colour, materials and finishes to be used in construction of the ancillary dwelling, garage and carport to be to the satisfaction of the Chief Executive Officer and to be submitted at Building Permit application stage.
- (8) If requested by Council within the first two years following installation, the metal roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (9) The proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (10) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (11) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention
- (12) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (13) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.

- (14) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (15) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) *In regard to condition 1, if use of the ancillary dwelling for any other purpose other than an ancillary dwelling is proposed a development approval application is to be submitted for Council's consideration.*
- (ii) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iv) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (v) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (vi) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vii) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.4 Bedford Street, No. 17 (Lot 631 & 633) – Alterations and Additions to Dwelling

Applicant	De Pledge Design
Owner	G and T Kerr
File ref	P/BED17; P037/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Plans date stamped received 16 May 2018

Purpose

This report considers a development application for alterations and additions to the rear of the existing heritage listed dwelling at No. 17 (Lot 631 and 633) Bedford Street, East Fremantle.

Executive Summary

The application proposes demolition of previous rear additions to the dwelling and further internal alterations, as well as new additions to the rear of the property. The following issues are relevant to the determination of this application:

- Lot boundary setbacks: reduced setbacks to the northern and southern lot boundaries;
- Site works: excavation within 1.0 metre of the lot boundary greater than 500mm in depth;
- Retaining walls: greater than 500mm and less than 1.0 metre from the southern lot boundary; and
- Visual privacy: raised outdoor deck and kitchen, living, and dining areas less than 7.5m and 6.0m from the northern and southern lot boundaries respectively.

It is considered there will be minimal impact on the amenity of the adjoining lots and the heritage elements of the site and as such the additions and alterations can be supported subject to standard conditions of development approval being imposed.

Background

Consultation

Advertising

The application was advertised from 30 May to 15 June 2018. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC. Comments were not received.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS No. 3)

Residential Design Codes of WA

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Municipal Heritage Inventory - 'B' Category

Fremantle Port Buffer Zone - Area 3

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Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 Conserve, maintain and enhance the Town's open spaces.

4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Site Inspection

July 2018

Comment

LPS 3 Zoning: Residential R20

Site area: 662m²

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

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Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	As existing	A
Lot Boundary Setback	Northern – 4.8m	3.1m – 6.1m	D
	Southern – 5.7m	1.2m	D
Open Space	50%	57.13%	A
Outdoor Living	30m ²	~130m	A
Car Parking	1	As existing	A
Site Works	Less than 500mm	686mm (south)	D
Retaining Walls	Greater than 500mm and closer than 1m from lot boundary	686mm (south) with a nil setback	D
Overshadowing	25%	22.7%	A
Drainage	On-site	On-site	A
Visual Privacy	Raised outdoor living area: 7.5m	6.176m	D
	Kitchen: 6.0m	3.1m	D
	Dining/Living: 6.0m	5.5m	D

Local Planning Policy Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	D
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages, Carports and Outbuildings	N/A
3.7.15-20 Precinct Requirements	A

Building Height Requirement	Required	Proposed	Status
Building Height (wall) (R-Codes)	6.0m	4.8 – 6.0 (max)	A
Building Height (roof) (R-Codes)	9.0m	4.8 – 6.0 (max)	A

It is proposed to construct rear additions and alterations to replace previous additions to the rear of the property. An undercroft area will provide a games room, laundry and storage areas. Above the undercroft the rear of the dwelling will be extended to provide a side entry, kitchen, dining, living and alfresco area. The additions will not be easily viewed from the street and the undercroft area is below the finished floor level of the house and the ground levels at the boundary. Residential dwellings adjoin the site to the north and south and the lot to the rear is a commercial car parking area.

There are a number of variations to the R- Codes and the Residential Design Guidelines that are mostly due to the slope of the land away from the road, construction of the undercroft and additional wall length on each side of the house. These matters are discussed below.

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Lot boundary setbacks

The proposed setback ranges from 3.4m to 6.1m on the northern boundary and the required setback is 4.8m. Similarly, on the southern side the required setback is 5.7m and the proposed setback is 1.2m. Setbacks are greater than that proposed due to the side elevations following the alignment of the existing walls and the land sloping to the rear, resulting in an average wall height greater than that normally required for single storey additions. However, the reduced setbacks are considered to have no impact on the amenity of the adjoining lots. The bulk and scale of the addition is reduced as it is below the floor level of the existing dwelling (undercroft section) and the alfresco area will be relocated to a position on the site that is further from the residential lot boundary. Essentially the new additions will not occupy a floor area that is much greater than the part of the house that is being demolished.

Whilst the 'Deemed to Comply' setback provisions are not achieved the 'Design Principles' of the R-Codes are considered satisfied, in that the building does not unnecessarily contribute to building bulk on the adjoining lots, provides for adequate sun and ventilation to open spaces and the adjoining property. Overshadowing is within the acceptable limits for the R20 coding at ~22% of the adjoining lot to the south.

Site works and retaining walls

The proposed excavation is in excess of that permitted under the 'Deemed to Comply' provisions of the R-Codes. The southern side of the site will be excavated to a ground level greater than 500mm to allow for construction of the undercroft. The existing ground level will remain as is, along the northern boundary. A retaining wall (686mm in height) will be built on the southern boundary for a length of approximately 3.5m to retain an area that will form a side access way and stairs.

Therefore this element requires assessment under the 'Design Principles' of the R-Codes which state as follows.

- P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.*

The excavation and retaining walls proposed are supported as the height limit applying to the dwelling is not exceeded and the excavation of the site allows the addition to the house to be of a comparable height to the single storey residences in the street. Also, all finished levels will respect existing levels at the lot boundaries and as viewed from the street.

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The proposed addition does not comply with the 'Deemed to Comply' provisions of the R-Codes for the alfresco (raised outdoor deck) area and kitchen/entry area on the northern boundary and the dining/living area on the southern boundary which are all setback less than the required visual privacy setbacks of 7.5m and 6m respectively. The 'Design Provisions' of 5.4.1 allows for:

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P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

It is considered the proposed design will comply with the Design Principles of Element 5.4.1 Visual Privacy of the R-Codes despite the setback distances prescribed by the R-Codes not being met because of the existing site circumstances on the adjoining lots. The overlooking will be to the roof of an outbuilding on the southern boundary and the outlook to the northern boundary is primarily over the rear of a commercial property. Privacy and overlooking issues are therefore not considered to be a matter of concern. Furthermore, the removal of the existing alfresco area and its repositioning further from the lot boundary is considered to increase amenity and privacy. Screening is therefore not considered required to be imposed as a condition of planning approval.

Roof pitch

The non-compliance with the roof pitch (i.e. ~2° flat roof) is not considered to be an issue in regard to the heritage listing of the property. The flat roof minimises the impact of the bulk of the building and reduces its visual prominence. The site will be partly excavated thereby lowering the overall height of the addition. Minimising the overall height of the extension will result in the finished height of the dwelling sitting more comfortably between the adjoining residential buildings.

Conclusion

Given the comments above the application is recommended for approval. The alterations and additions to the existing heritage dwelling are not considered to detrimentally impact the amenity of the adjoining properties or the heritage values of the Precinct.

- Mr Brent De Pledge (*applicant*) spoke in support of the officer's recommendation and indicated the applicant would consider Council's Wood Encouragement Policy when considering materials for the building works.

11.4 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP030818

Cr M McPhail moved, seconded Cr Harrington

That Council grant development approval and exercise its discretion in regard to the following :

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of less than 4.8 metres from the northern boundary and 5.7 metres on the southern boundary;**
- (ii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to permit excavation behind a street setback line and within 1 metre of a lot boundary that is greater than 0.5 metres below natural ground level at the boundary;**
- (iii) Clause 5.3.8 - Retaining Walls of the Residential Design Codes of WA to permit a retaining wall greater than 0.5 metres in height and less than 1.0 metre from the boundary;**
- (iv) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback of less than 7.5 metres for the raised outdoor area and 6.0 metres for the kitchen, dining and living areas from the northern and southern lot boundaries; and**
- (v) Clause 3.7.8.3 - Roof Form and Pitch of the Residential Design Guidelines 2016 to permit a roof pitch and form of less than 28°,**

for alterations and additions to the existing dwelling at No. 17 (Lot 631 and 633) Bedford Street, East Fremantle, in accordance with the plans date stamped received on 16 May 2018, subject to the following conditions:

- (1) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (2) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (3) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this development approval unless otherwise amended by Council.
- (4) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (5) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (6) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(vi) Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.5 Woodhouse Road No. 1C (Lot 18) – Demolition and Construction of Three Level Dwelling

Applicant	Altus Planning
File ref	L N Godwin
Prepared by	Christine Catchpole, Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Documents tabled	Nil
Meeting date	7 August 2018
Attachments	<ol style="list-style-type: none"> 1. Location Plan 2. Photographs 3. Amended plans date stamped received 3 July 2018

Purpose

This report considers a development approval application for demolition of the existing two storey residence and construction of a three level dwelling at 1C Woodhouse Road, East Fremantle.

Executive Summary

The application involves the demolition of a two storey residence with access from Woodhouse Road and its proposed replacement with a three level dwelling with access from Preston Point Road and Woodhouse Road to separate garages. The dwelling would comprise complete living quarters on both the ground and first floor levels. The basement level (accessed from Preston Point Road) comprises a three car garage, reversing bay, gymnasium, bathroom, cellar, store/workshop and lift.

The following issues are relevant to the determination of this application:

- Building height - over height in the west to north west section of the site
- Views - loss of part of the existing views for adjoining and nearby land owners
- Secondary street setback
- Lot boundary setbacks
- Site works
- Retaining walls
- Visual privacy setbacks
- Front fencing
- Surveillance of the street
- Number of crossovers to the lot
- Garage width as a percentage of lot frontage

The variations can be supported with conditions of approval to ensure amenity of the site and area is maintained. Discussions with the applicant/owner and the adjoining land owners most impacted by the proposal have resulted in amended plans which have addressed some of the matters raised in submissions to the satisfaction of the Town. The adjoining land owner who was invited to comment on the amended plans has not objected to the proposal but has made comment in respect to the finish of a parapet wall and roofing materials. It is therefore considered non-compliance with development standards, including building height can be supported as reduction in the height, scale and bulk of the building be have been sufficiently addressed in this circumstance. Conditions of development approval in regard to front fencing, sight lines, surveillance of the street, crossover width, access and egress from the site, external fixtures, parapet walls, pool pump equipment and verge landscaping are recommended.

Background

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The existing dwelling, constructed in the 1980s, is to be demolished.

Consultation

Advertising

The proposed application was initially advertised to surrounding land owners from 9 to 29 March 2018. Two (2) submissions were received both objecting to the proposal. The submissions are summarised below in italics. The applicant's response follows.

Submission 1

The overall height of the proposal represents a significant departure from local planning framework without demonstrating a sound basis for doing so. The impacts from the variation are cumulative and ultimately result in an unacceptable loss of quality river views and amenity.

The proposal is incapable of addressing the applicable design principles without modification.

The proposal's disregard for height requirements contributes to a loss of visual amenity, specifically views of significance.

The proposal directly obscures access to river views from both the ground and second floors. Whilst it would be unreasonable to expect ground floor river views to be unobstructed, the variation is modelled to completely obscure river views.

The R-Codes require proposed variations to building height to "create no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves." The diagrams prepared as part of this objection demonstrate that there is a substantial impact on access to views of significance, which would otherwise be retained by a compliant dwelling design.

The proposal's lack of adherence to the prescribed planning framework fails to meet the planning framework's intent and design principles. It results in an avoidable impact on views of significance and general visual amenity.

The reduced southern boundary setback increases the impact of building bulk on adjoining properties. The development is inconsistent with built form expectations for the area and applicable density code and as outlined in the local planning framework. Whilst a deemed-to-comply design could create a similar impact, the effect of this variation is cumulative with the proposal's north western most height variation.

Request a roof colour is used which reduces reflectivity.

1. *The proposed development bulk and height is inconsistent with the relevant planning framework. The proposal has failed to demonstrate it is responsive to the site context, specifically the topography and neighbouring dwellings. The application is not supported as proposed.*
2. *Should the Development Application be approved without modification for the submitted design, it would constitute a decision which significantly departs from the planning framework without the applicant demonstrating, through design, a sound basis for doing so.*
3. *The opportunity to meet to discuss modifications to the proposal in a collaborative manner is welcomed.*

Applicant response

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Height

The height requirement pursuant to Acceptable Development Provision A1.4 of clause 3.7.17.4.1.3 under LPP2.1.1 is 6.5m to the top of the external wall (concealed roof).

The proposed development proposes a maximum wall height of 7.913m at the north-western corner of the western elevation. Notwithstanding this, it is submitted that the proposed dwelling is compatible with the bulk and scale of development seen within the surrounding locality in accordance with the performance criteria under clause 3.7.17.4.1.3 of LPP2.1.1, especially having consideration to the developments at Nos. 74A, 76A & 76B Preston Point Road.

The site also has a significant downward slope from east to west towards the Swan River. This, as well as the views of the neighbouring property at 1B Woodhouse Road, was a significant consideration in the design of the proposed dwelling. The eastern end of the site was restricted to single storey to retain the predominately north-west and south-west views of the neighbouring property, whilst the western end was increased to three storeys.

As one would expect with a contemporary redevelopment, the proposed development is of a larger scale than what is currently existing, however, the overall height of the new dwelling, as shown on the diagram below, is only marginally higher than what exists on-site at the moment.

As identified above, it is also noted that the major openings of the neighbouring dwelling to the east are actually orientated north-west and south-west and not directly west over the subject site (refer to images below). It is submitted that the future views of the river will remain as the neighbouring dwelling (1B Woodhouse Rd) does not face true west and accordingly, direct views are not impeded.

Based on the above, it is considered that the proposed maximum wall height of 7.913m can be supported having regard to the performance criteria under clause 3.7.17.4.1.3 of LPP2.1.1 and noting that the proposed development will not be impeding any direct views of the neighbouring property at 1B Woodhouse Road.

Southern Setback

The setback to the southern boundary is compliant as outlined in the planning justification lodged as part of the application.

As the wall height for the ground floor is 3.257m and the upper floor is 3.0m, the proposed setback of 2.0m complies pursuant to Table 2b of the R-Codes. Furthermore, the minor projection at the eastern end of the upper floor has no major openings and is approximately 8.3m in length. This is also considered to comply with Table 2a of the R-Codes.

Roof Reflectivity

This can be taken into consideration and dealt with at building stage.

Rear Setback

It is acknowledged that there is no specific rear setback to the eastern boundary in lieu of the 1m setback required in accordance with Table 2a of the R-Codes. The boundary wall is therefore assessed against the relevant 'Design Principles' of clause 5.1.3 of the R-Codes.

Given the variance in the natural ground level (NGL) from 1B Woodhouse Road and the subject land, it is submitted that the garage wall will not protrude above the fence line of the neighbouring property to the east and therefore would not adversely impact the neighbouring properties view or amenity. Furthermore, the proposed boundary wall will not impact on any direct sun light to major openings or

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habitable rooms at the adjoining residence. Based on the above it is considered that the variation to the setback can be allowed in accordance with the design principles.

Submission 2

1. *Concerns regarding the increased height of the development compared to the current.*
2. *Additional height as currently planned will obstruct views in a northerly direction.*
3. *Impacts on parking availability on Preston Point Road if development goes ahead in its current form.*

Applicant response

Point 1.

It is understood that the above submission is from a property four lots south of the subject land and is also setback approximately 70m from Preston Point Road.

The height requirement pursuant to Acceptable Development Provision A1.4 of clause 3.7.17.4.1.3 under LPP2.1.1 is 6.5m to the top of the external wall (concealed roof).

The proposed development proposes a maximum wall height of 7.913m at the north-western corner of the western elevation. Notwithstanding this, it is submitted that the proposed dwelling is compatible with the bulk and scale of development seen within the surrounding locality in accordance with the performance criteria under clause 3.7.17.4.1.3 of LPP2.1.1, especially having consideration to the developments at Nos. 74A, 76A & 76B Preston Point Road.

As one would expect with a contemporary redevelopment, the proposed development is of a larger scale than what is currently existing, however, the overall height of the new dwelling, as shown on the diagram below, is only marginally higher than what exists on-site at the moment.

Based on the above, it is considered that the proposed maximum wall height of 7.913m can be supported having regard to the performance criteria under clause 3.7.17.4.1.3 of LPP2.1.1.

Point 2.

It is not considered that the proposed development will substantially impede on the views of No. 74A Preston Point Road much more than the existing dwelling. Furthermore, given the difference in natural ground level between the subject land and No. 74A Preston Point Road provided by the sloping land, it is considered any obstruction of northern views would be negligible.

Point 3.

It is submitted that the proposed development will not have any undue impact on the parking availability along Preston Point Road. The proposed dwelling offers sufficient garage space for any visitors, with additional parking available on the driveways if required.

Additional consultation

The applicant initially indicated further thought would be given to the issues identified in the submissions and an attempt would be made to discuss the issues with the adjoining owner most impacted at 1B Woodhouse Road. Due to the personal circumstances of these land owners the meeting did not eventuate for several months. The outcome of the meeting between the two owners was conveyed to the Town in an email dated 1 June 2018 from the adjoining land owner at 1B Woodhouse Road and stated as follows:

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"We recognise the design scheme you seek whilst non-compliant with the planning framework with respect to building height, it ultimately preserves access to other views, it is for this reason we are able to support your proposal and withdraw the standing objection subject to two minor changes.

- 1) The roof colour be modified to be finished in 'Colourbond Shale Grey' to reduce reflectivity and glare.*
- 2) The external finish of the on boundary wall as it faces 1B Woodhouse, and is not adjoined by a retaining wall is to be finished in a Basic 'bag wash render' and painted in 'Colourbond Monument' or similar charcoal colour.*

Please confirm in writing to all addressed in this communication that you can accommodate these minor features in the design. Your approval will result in our conditional support of your proposal standing currently with the Town of East Fremantle."

Notwithstanding, the above comments the Town still has significant concerns with the non-compliance with building height, the amount of fill on a portion of the site and the overall scale and bulk of the dwelling.

Amended plans

As a result of submissions and Officer concerns, primarily with the height and scale of the proposal, but also with vehicle safety and access from Preston Point Road, the applicant submitted amended plans. The amended plans did not satisfactorily address the scale and height of the building so the Officer's report recommended approval of the application subject to the overall height of the building being reduced and the western section of the Level 1 clerestory windows being deleted. This would have had the effect of reducing the height and bulk of the building from all perspectives and decreasing the view obstruction for the owners of 1B Woodhouse Road. The Officer's report, however, was withdrawn from the Town Planning Committee agenda at the applicant's request so that discussions regarding amendments to the plans could occur.

Further amended plans (the subject of this report - date stamped received 4 July 2018) were then submitted which indicated a reduction in the overall building height of all levels of the dwelling by 250mm and the repositioning of the building closer to the eastern boundary of the site. These plans were advertised to the adjoining land owner at 1B Woodhouse Road from 5 to 20 July 2018. The land owner has responded and has not indicated any objection to the amended plans subject to Council imposing conditions which would reduce reflectivity of the roofing materials and ensure a particular finish to the parapet wall on the eastern boundary.

The submission by the land owner several lots further south on Preston Point Road in respect to the original plans (Submission 2 above) concerned losing views to the north toward the river. These views were over the rooftops of dwellings to the north. It is considered the reduction in the overall height of the building will result in less obstruction to those views from that property.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC meeting of Monday 5 February 2018. The only comment made by the Committee queried the need to demolish the existing dwelling.

Statutory Environment

Planning and Development Act 2005

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Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Western Power – Restriction Zone – high voltage overhead power lines

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Financial Implications

Nil.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 Conserve, maintain and enhance the Town's open spaces.

4.1.1 Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.

4.1.2 Plan for improved streetscapes parks and reserves.

4.2 Enhance environmental values and sustainable natural resource use.

4.2.1 Reduce waste through sustainable waste management practices.

4.3 Acknowledge the change in our climate and understand the impact of those changes.

4.3.1 Improve systems and infrastructure standards to assist with mitigating climate change impacts.

Site Inspection

May 2018

Comment

LPS 3 Zoning: Residential R17.5

Note: the lot adjoins LPS No. 3 Local Scheme Reserve – Open Space

Site area: 1,037m²

Statutory Assessment

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The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	7.756m (min) Setbacks vary between levels (achieves R-Code requirements)	A
Secondary Street Setback (Woodhouse Rd is a gazetted road)	1.5m	1.3m (min)	D
Lot Boundary Setback	North – 1.5m North – 3.0m South – 2.4m East – 1.0m (garage) East – 1.5m (dwelling)	North - 1.3m North – 1.3m South – 2.2m East – Nil (garage) East – 4.3m - 8.1m (dwelling)	D
Open Space	50%	51.1% (applicant's calculations)	A
Outdoor Living	36 ² m	≥36m ²	A
Car Parking	2	5	A
Site Works	Excavation or fill behind a street setback line: <ul style="list-style-type: none"> • Within 3m of front boundary • limited by compliance with building height limits and setbacks • within 1.0m of lot boundary 	Greater than 500mm ~2.5m – 2.8m fill and ~4.0m excavation	D
Retaining Walls	Retaining walls set back from lot boundaries in accordance with Table 1 – 1.0 Retaining walls up to or within 1.0 metre of a lot boundary for landscaping - <0.5m high	Nil and greater than 0.5m	D
Visual privacy setback floor level >500mm above NGL)	7.5m <ul style="list-style-type: none"> • (balcony – south boundary) • (balcony – north boundary) 4.5m (master bedroom)	6.9m 5.1m 4.4m	D
Overshadowing	25%	14.48%	A
Drainage	On-site	On-site	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	D
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	D
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	D

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3.7.11 Front Fences	D
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	D
3.7.18.3 Garages, Carports and Outbuildings (Preston Point Road frontage)	D
3.7.15-20 Precinct Requirements	D

Building Height Requirement	Required	Proposed	Status
Building Height (RDG) (top of an external wall concealed roof)	6.5m	<ul style="list-style-type: none"> ▪ Central roof section: 6.15m (E); 6.95m (middle); 7.4m(W) ▪ Preston Point Rd – 6.35m - 7.42m ▪ Eastern (parapet wall on boundary) – 4.3m ▪ Eastern – 4.3m ▪ Northern – 4.3m – 7.42m ▪ Southern – 4.3m – 6.9m 	D (Non-compliant sections of the dwelling)

The applicant is seeking Council discretion with regard to a number of provisions of the R-Codes and the Town's Residential Design Guidelines. These matters are discussed below.

Street Front Setback – Secondary Street – Woodhouse Road

The western end of Woodhouse Road is a gazetted road that abuts a Local Scheme Reserve for Open Space. This part of the road reserve is not constructed. As it is classified as a road reserve it is assessed, in this case, as a secondary street frontage. The non-compliance is marginal (required 1.5m; proposed 1.3m minimum) and can be supported as the dwelling is setback a greater distance for the central section of the northern elevation (i.e. 8.6m). This lessens the visual impact and bulk of the building on the open space (bushland) reserve to the north. However, the scale and bulk of the building is considered to be detrimental to the area without appropriate conditions. Assessment of the setback is considered relevant in regard to the wider area amenity and the impact of the dwelling on the bushland and streetscape. If this frontage is assessed under the lot boundary setbacks the dwelling is non-compliant for some wall sections and this is discussed in the next section of the report.

Lot boundary setbacks

The lot boundary setbacks of the dwelling are not fully compliant with the R-Codes as outlined in the above table. Assessment of the setbacks is complicated due the varying non-compliant height of the walls on a sloping site and the length of the walls with various indented sections either with, or without major openings. When sections of the walls are assessed separately the setback requirements are generally achieved. Where there is non-compliance it is because the setback required for the full length of the wall is not achieved. The impact on the amenity of the adjoining owners to the south from the point of building bulk or overlooking/privacy matters is not significant, however, in regard to the presentation to the street (Preston Point Road), the building will present as a significant building with scale and bulk. However, it should be kept in mind that in this location the setback of a dwelling can impact on a view corridor. In this case a slight reduction in the setback for a building that is over height can obstruct a view of significance and in this case the section of non-compliance is in an area where the dwelling is over height so it could be argued that it will result in an impact on views.

The following is a summary of the applicant's argument in support of reduced lot boundary setbacks:

Southern boundary

The required setback in accordance with the R-Codes is 2.4 metres and the setback provided is 2.2 metres. The setback must then be assessed against the 'Design principles' under clause 5.1.3 of the R-Codes. It is considered that the revised setback meets the relevant 'Design principles' as follows:

- There will be no over-looking to the neighbour's property to the south due to the obscure

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glazing on the windows and/or the window height being above 1.6 metres.

- The building bulk is considered to be in line with similar developments within the locality.
- The raised level of the lot reduces the scale and bulk of the building.
- Due to the narrowness of the adjoining lot to the south and the east-west orientation, it is submitted that regardless of the size of the development at the subject site the neighbouring property will be subjected to some overshadowing.

Northern boundary

The alfresco area that abuts the TV room to the west and which is also located on the ground floor is to be set back in accordance with the R-Codes as it is an outdoor living area. An unenclosed outdoor active habitable space must be setback 7.5 metres from the lot boundary. Notwithstanding this, as the bushland north of the subject site is not residential it is not considered that this setback is relevant. Furthermore, screening to a height of 1.6 metres is provided, limiting overlooking to the reserved land to the north. The remainder of the balcony on the ground floor is setback 5.1 metres from the northern boundary and is also considered acceptable given that there is no residential land abutting the site to the north. These reduced setbacks again add to the scale of the building.

The games room and ensuite on the first floor of the northern elevation requires a setback of 3.0 metres making the setback at 1.3 metres non-compliant. The pool area and surrounds is similarly setback 1.3 metres from the northern boundary with the eastern half being screened to a height of 1.6 metres by the boundary fence. Notwithstanding that the setback to the games room and ensuite and the pool area does not comply with the required setbacks under the R-Codes, it is reiterated that the northern adjoining land is bushland. It is therefore considered that the reduced setback on the northern boundary will not have any adverse impact on the amenity of the area or the adjoining land to the north. However, it could have an impact on views if the building is constructed over height.

Eastern boundary

The garage is proposed to be constructed up to the lot boundary rather than set back 1.0 metre as required under the R-Codes. This is not considered an issue for the adjoining land owner as the height of the garage wall will not impact views from the property to the east and is below their line of sight. It is noted that whilst the setback is not significant it does add to the overall impact of scale and bulk. It is considered important that the finish of the wall is to a high standard, as viewed from the abutting site, so a condition in regard to parapet walls is recommended to be applied. This will address the matter raised in the submission. All other sections of the dwelling along this eastern boundary will comply with the required setbacks under the R-Codes.

Site works and retaining walls

Site works

The relevant 'Deemed to Comply' provision of the R-Codes is Clause 5.3.7 C7.2 which states as follows:

"C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements."

Both excavation and fill on the lot are required to facilitate construction of a three level dwelling. In the eastern section of the site, the fill is in excess of the 'Deemed to Comply' provisions, that is, greater than 500mm above natural ground level. The ground level is proposed to be increased by slightly less than 3.0 metres. This will raise the level at the rear of the lot enabling easier access to the proposed first level entry and the Woodhouse Road garage and overcoming the steep main entry access to the property. This

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is now considered acceptable in that the overall height of the building as it extends over the western and north western section of the lot has been reduced in height.

This level of fill is considered to satisfy the 'Design Principles' of the R-Code. The R-Codes state as follows in respect to the 'Design Principles'.

- "P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street."*

The non-compliance with maximum fill through the eastern third of the site contributes to the portion of the building that is over height at the western end. However, the height of the building has now been reduced, so to a certain degree, the negative impact on the amenity of the property to the east is reduced. This combined with excavation on the lot (i.e. to ~4m), required to construct a large basement garage, amenities and the ground floor, also reduces the height of the dwelling through the central and western section of the site. The 'Design Principles' of the R-Codes are therefore considered satisfied in that levels at the boundary of the site and the adjoining properties are not substantially changed, having already been established through the development of those sloping sites.

Retaining walls

Proposed retaining walls on this site do not comply with the R-Code requirements as outlined in the above table. Various retaining walls across the site are closer than 1.0 metre to the lot boundary and greater than 0.5 metres in height so land can be retained for side access pathways, stairs and outdoor entertaining areas. This is considered to meet the 'Design Principles' of the R-Codes in that the walls are for the purpose of benefitting the residents and do not detrimentally impact on adjoining properties. However, they do increase the overall bulk as experienced from the Woodhouse Road reserve.

The non-compliance with retaining walls is therefore considered to meet the 'Design Principles' of the R-Codes in that the finished levels will respect the natural ground level at the boundaries of the site and as viewed from the street and is therefore supported.

Overall building height – concealed roof

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.17.4.1.3 states that:

Where views are an important part of the amenity of the area and neighbours' existing views are to be affected the maximum building heights are as follows:

- 8.1 metres to the top of a pitched roof; and*
- 6.5 metres to the top of an external wall (concealed roof);*
- 5.6m to the top of an external wall; and where the following apply:*
 - (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
 - (ii) the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
 - (iii) subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

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The amended plans do not fully comply with the height limit as demonstrated in the above table, however, overall the height of the dwelling has been reduced by 250mm (from that indicated in previous revisions of the plans). The building will also be positioned further back on the lot toward the eastern boundary, increasing the setback from Preston Point Road by slightly more than 1.0 metre so that it is fully compliant with the street front setback. The result being that a smaller portion of the building will exceed the 6.5 metre height limit plane than initially proposed. The amended plans also indicate a less impeded viewing corridor to the river over the rooftop of the dwelling (Drawing No. 7). This should assist in maintaining some views of the water from neighbouring properties. The amended plans are therefore considered to be more in keeping with the intent of the Residential Development Guidelines in that the bulk and scale of the building is more of a compatible form and should not reduce amenity where views from those lots are an important part of that amenity.

In respect to non-compliance with the 'Acceptable development provisions' and the 'Performance criteria' the following points are made:

Bulk and Scale of Dwelling

The proposed dwelling does not sit entirely within the 'building envelope' as determined by the R-Codes and the Residential Design Guidelines. That is, the street and lot boundary setbacks do not fully comply, however ~51% open space is achieved (50% required) and following submission of amended plans, a greater proportion of the dwelling complies with the height limit;

Loss of Views

Clause 3.7.17.4.1.3 states that *where views are an important part of the amenity of the area and neighbours' existing views are to be affected, amongst other things, the following matters are to be considered:*

- (i) the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
- (ii) the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
- (iii) subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The amended plans are considered to satisfy Points (i) and (ii) in this instance. Whilst the dwelling is unquestionably a very large residence, comprising what is effectively two fully self-contained separate dwellings on each level and a basement, the revised design can be supported. It has addressed the concerns of the adjoining land owner and given the specific site circumstances, the scale and bulk of the development has been reduced. The floor space of the dwelling, positioned to the rear and in the central portion of the site, is the most likely section to impact views being closer to the 1B Woodhouse Road residence. This portion of the dwelling is within the height limit plane.

As noted there have been two submissions, from adjacent and nearby land owners, commenting on loss of an aspect of their view. The views impacted are westward and north westward to the river and ocean. It is estimated from the elevations and the overlay of the existing dwelling with the proposed dwelling, that views will be impacted. The Residential Design Guidelines 'Acceptable Development Provisions' take views into account in the overall assessment of the application as stated above in Clause 3.7.17.4.1.3.

Each application needs to be assessed on its merits and in respect to the current residential development policy. The provision in the Residential Design Guidelines which addresses the issue of views specifically states that where views are to be affected then the issue of building height is a consideration. Compliance with the heights is required but an additional 'Acceptable development provision' is that the development

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proposal must demonstrate design, bulk and scale that responds to adjacent development and the established character of the area. The scale and bulk of this development will be greater than that of surrounding dwellings, however, the reduction in the height of the building and the repositioning of the building toward the rear of the lot has lessened its bulk and scale impact on Preston Point Road and the adjoining open space reserve. The impact on views of the adjoining owners at 1B Woodhouse Road has been reduced to a point where the adjoining owner has not raised objection.

In conclusion, the applicant has made an attempt to address the issues related to non-compliance with the R-Codes and the Residential Design Guidelines, including reducing the non-compliance with building height and the obstruction of views noted by the adjoining owners. The non-compliance with building height is therefore supported.

Visual privacy

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- 4.5 metres in the case of bedrooms and studies;
- 6.0 metres in the case of habitable rooms, other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The proposed development does not comply with the 'Deemed to Comply' provisions of the R-Codes, however, the 'Design Provisions' of 5.4.1 allows for:

- P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices.*
- P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The two balcony sections and master bedroom non-compliance as noted in the table above is marginal in terms of distance. Due to the location of the balcony and the bedroom window in relation to the position of the dwelling to the south which is toward the rear of that lot, any overlooking of the nearest residential dwelling would be over the setback area and road verge. The remainder of the balcony on the ground floor is setback 5.1m from the northern boundary and is also considered acceptable given that there is no residential land abutting the site to the north.

The visual privacy issue related to the section of the first level balcony that extended past the western wall of the main bedroom has been removed as part of the balcony. The applicant has explained the ledge will remain as part of the development, however, the balustrade will stop in line with the northern wall of the main bedroom, eliminating any view from the balcony over the neighbouring property to the south. The ledge will need to remain as it forms part of the ceiling of the main bedroom on the ground floor. As such the variations from the R-Code provision is in both cases is considered acceptable.

Front fencing

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Compliance with front fencing as per the Residential Design Guidelines is considered important in respect to both street frontages from a streetscape perspective and surveillance of the street. It is noted the front fences to both street frontages do not strictly comply with the Residential Design Guidelines.

Preston Point Road

The site slopes upwards away from the front boundary and is raised a number of metres above the footpath level. It is important that a front fence not appear to add to building bulk and screen the entry to the dwelling by creating a large blank wall across the width of the site. The plans do not clearly indicate the intention with regard to front fencing so it is therefore recommended a condition of planning approval be imposed which stipulates that fencing must be in compliance with the Residential Design Guidelines for the Preston Point Road frontage. If it does not comply a further development application for front fencing will be required.

Woodhouse Road

Fencing on the Woodhouse Road frontage is indicated as a high solid front wall (~1.8 metres high) with permeable sliding gate. This solid wall continues along the length of the northern boundary and at points is greater than 3.0 metres in height. It is considered this wall should also remain open to the street frontage so that the proposal complies with clause 5.2.3 of the R-Codes in respect to street surveillance. It is therefore recommended that a condition of development approval be imposed which requires that the first 18.0 metres of fencing comply with the front fences provision of the Residential Design Guidelines. This will ensure the frontage of the house is visible from the street. The scale and height of this blank brick wall is substantial for almost the full length of the lot. As it abuts an area of public open space and a walkway connecting Woodhouse Road to Preston Point Road it may be subject to vandalism and graffiti. It is therefore recommended that a condition of approval which requires an anti-graffiti treatment be applied so that the wall is easily cleaned if required and does not become an eyesore which is visible from a public place.

Garage width

The width of the garage as it fronts Preston Point Road is 12.5 metres, which equates to 50.8% of the width of the lot frontage. This is not compliant with the Residential Design Guidelines which requires that the garage width not exceed 30% of the lot frontage. Timber feature panelling has been proposed for part of the garage wall fronting the street and the garage door and this treatment improves the appearance of the garage and basement level as it is viewed from the Preston Point Road. The additional width in this circumstance is considered supportable as the balcony and windows above the garage level reduce the visual dominance of the large garage and blank façade. There are also other openings and an entry to the dwelling on this level which also detract from the width of the garage. The non-compliance with the garage width provision is therefore supportable.

Number of crossovers

The proposed development is proposing two crossovers, one being to Woodhouse Road and the other to Preston Point Road. Notwithstanding the provision of the Residential Design Guidelines which restricts lots to one crossover, two crossovers to the lot are supported on the basis that the crossovers are from two roads and two frontages and on the proviso that both do not exceed the width requirement of the Guidelines.

The width of the crossover to Preston Point Road has been reduced to 5.0 metres in amended plans, however, the width of the crossover on Woodhouse Road is indicated as being greater than 5.0 metres and this will also be required to be reduced to 5.0 metres to comply with Council Policy. This is stipulated as a recommended condition of development approval.

Sight lines, street trees and verge vegetation

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In order to provide sight lines to Australian Standards for the crossover to Preston Point Road the Operations Manager has advised that the entire verge will need to be cleared of vegetation above a height of 750mm. In effect this will result in loss of a large tree and other significant shrubs. The applicant is therefore required to replace the vegetation and as such a landscaping plan for the verge will be required to be submitted. The amendments to the plans to address the concerns about the grade of the crossover from the road to the boundary and the line of sight as you exit onto Preston Point Road were addressed in amendments to the plans but at the cost of the mature vegetation that currently exists on the verge needing to be removed. To substitute the existing vegetation with low growing shrubs is not acceptable to the Town. A financial contribution to the Town's tree planting program to provide for 3 x 150L trees to be planted within our Parks and Reserves is therefore recommended. This will be imposed as a condition of planning approval.

Conclusion

Preston Point Road and the Richmond Hill Precinct comprises dwellings of various scales and built forms. Many are two storey and comprise large family homes. Properties in the area are characterised by the dwellings oriented to obtain river, port and ocean views. The proposed dwelling does not comply with a number of provisions of the R-Codes and the Residential Design Guidelines. The variations are supportable following the submission of amended plans which indicate the proposed dwelling will be reduced in height and repositioned further to the rear of the lot. This results in a building which has less visual impact on Preston Point Road and on the views from surrounding properties. Furthermore, the most impacted land owner in respect to views and building bulk has not raised objection to the amended proposal. Other concerns expressed in the adjoining land owners' submissions and by the Town's Officers have been addressed through conditions of development approval.

Development conditions in respect to front fencing, sight lines, surveillance of the street, crossover width, access and egress from the site, external fixtures, parapet walls, pool pump equipment and verge landscaping are recommended to ensure the proposal complies with the requirements of the R-Codes and the Residential Design Guidelines.

- Mr Joe Algeri (*applicant*) spoke in support of the officer's recommendation and thanked Mr Malone and Ms Catchpole for their work.

The Officer's Recommendation was supported with a minor typographical error to Condition (14), amending to read '*8 metres of fencing*'.

11.5 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP040818

Cr M McPhail moved, seconded Cr Natale

That Council grant development approval and exercise discretion in regard to the following:

- (i) Clause 5.1.2 – Street Setback of the Residential Design Codes of WA to permit a secondary street setback of less than 1.5 metres;**
- (ii) Clause 5.1.3 – Lot Boundary Setback of the Residential Design Codes of WA to permit a lot boundary setback of less than 1.0 metre for the eastern boundary and 2.4 metres for the southern lot boundary;**
- (iii) Clause 5.3.7 – Site Works of the Residential Design Codes of WA to allow excavation and fill greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary;**
- (iv) Clause 5.3.8 – Retaining Walls of the Residential Design Codes of WA to permit a retaining wall greater than 0.5 metres in height less than 1.0 metre from the lot boundaries;**

- (v) Clause 5.4.1 – Visual Privacy of the Residential Design Codes of WA to permit a visual privacy setback of less than 7.5 metres and 4.5 metres respectively for balconies and the master bedroom from the northern and southern side boundaries;
- (vi) Clause 3.7.14 Footpaths and Crossovers of the Residential Design Guidelines 2016 to allow more than one crossover per lot;
- (vii) Clause 3.7.15.3.2 – Garages, Carports and Outbuildings of the Residential Design Guidelines to allow the width of the garage to exceed 30% of the lot frontage; and
- (viii) Clause 3.7.17.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines to allow the top of an external wall (concealed roof) to exceed 6.5 metres in height,

for the construction of a three level dwelling at No. 1C (Lot 18) Woodhouse Road, East Fremantle, in accordance with the plans date stamped received on 3 July 2018, subject to the following conditions:

- (1) The 'Relative Levels' (RL) indicated for the dwelling on the plans date stamped received 3 July 2018 to be indicated on the Building Permit application plans.
- (2) The roof colour of the dwelling to be modified to be finished in 'Colourbond – Shale Grey' to reduce reflectivity and glare to the satisfaction of the Chief Executive Officer. The details to be indicated on the Building Permit application plans.
- (3) The external finish of any boundary wall facing 1B Woodhouse Road, not adjoined by a retaining wall, is to be finished in a basic 'bag wash render' and painted in 'Colourbond – Monument' or similar colour, to the satisfaction of the Chief Executive Officer. The details to be indicated on the Building Permit application plans.
- (4) No external fixtures, fittings, masts, satellite dishes, telecommunication devices, solar collectors, solar hot water systems or appliances, roof terraces, shade structures, vegetation or the like to be installed on the roof of the dwelling or garage without further Council approval.
- (5) Obscure glazing being installed for openings on the southern elevation as indicated on the plans date stamped received 3 July 2018.
- (6) All vehicles being able to exit the garages and crossovers on Preston Point Road and Woodhouse Road in a forward direction. This is to be demonstrated to the satisfaction of the Chief Executive Officer on the plans submitted with the Building Permit application.
- (7) Sight lines at the vehicle entry to the lot on Preston Point Road and Woodhouse Road being provided to Australian Standards and indicated on the Building Permit application plans to the satisfaction of the Chief Executive Officer.
- (8) The crossover width not to exceed 5.0 metres for all crossovers to the lot and to be in accordance with Council's crossover policy as set out in the Residential Design Guidelines 2016 (as amended) for the Preston Point Road and Woodhouse Road frontages.
- (9) The construction of the crossover and driveway to Preston Point Road at a gradient which is to the satisfaction of the Town's Operations Manager and indicated on plans submitted with the Building Permit application.
- (10) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (11) A landscaping plan for the road reserve verge on Preston Point Road to be approved by the Chief Executive Officer prior to the submission of a Building Permit application.
- (12) A street tree(s) and/or other vegetation and/or a monetary contribution in lieu of the street trees (i.e. a financial contribution to the Town's tree planting program to provide for 3 x 150L trees to be planted within the Town's Parks and Reserves) as determined by the Operations

- Manager and to be provided by the applicant at the applicant's cost (refer to footnote (i) below) prior to the issue of a Building Permit application.
- (13) All fencing within the street setback area on the Preston Point Road frontage to be in compliance with the front fence provisions of the Residential Design Guidelines 2016. The details to be to the satisfaction of the Chief Executive Officer and indicated on the Building Permit application plans.
 - (14) The first 8 metres of fencing from the eastern boundary on the Woodhouse Road frontage to be in compliance with the front fence provisions of the Residential Design Guidelines 2016. The details of the fencing to be to the satisfaction of the Chief Executive Officer and indicated on the Building Permit application plans.
 - (15) Anti-graffiti treatment to be applied to the northern side of the boundary wall on the northern elevation to the satisfaction of the Chief Executive Officer. Relevant Officers of the Town to be contacted prior to the treatment being applied to the wall to provide details of when the treatment is to be applied on-site.
 - (16) The development approval is for a single residential dwelling only and the dwelling is not to be used for the purposes of a home occupation, ancillary dwelling, short term or bed and breakfast accommodation.
 - (17) Pool filter and pump equipment is not to be located on the eastern boundary of the lot and is to be located a minimum distance of 1.0 metre away from all other boundaries as determined by Council and all pool equipment shall comply with noise abatement regulations.
 - (18) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
 - (19) The proposed works are not to be commenced until Council has received an application for a Demolition Permit and a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
 - (20) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
 - (21) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
 - (22) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
 - (23) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
 - (24) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) *In regard to condition 12 (purchase of street trees) the applicant is to contact the Town's Operations Manager prior to the submission of a building permit application for instruction in regard to payment for the purchase of street trees. It should be noted the manner in which the vegetation to be removed from the Preston Point Road verge is to be replaced or compensated for is at the discretion of the Operations Manager.*
- (ii) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iv) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (v) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (vi) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vii) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise".*

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.6 Preston Point Road, No. 65C (Lot 9) – Construction of Three Level Dwelling on Vacant Lot

Applicant	Arktek Design
Landowner	K Keyhan
File ref	P/PPT65C; P012/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Voting requirements	Simple Majority
Meeting date	7 August 2018
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Photographs 3. Plans dated 30 July 2018

Purpose

This report considers an application for development approval for the construction of a three level dwelling at No. 65C (Lot 9) Preston Point Road, East Fremantle.

Executive Summary

The application involves the construction of a three level dwelling on vacant land. The site is a rear battle-axe lot which is one of four lots subdivided at a density of R30. This lot is located in the north western corner of the parent lot and is 292m².

Access to a double garage is at the end of the battle-axe driveway. The first two levels of the dwelling will comprise fully self-contained living quarters on each level. The third level comprises a rooftop loft (single room) and open air rooftop terrace.

The following issues are relevant to the determination of this application:

- Lot boundary Setbacks: reduced setbacks proposed to all boundaries with the exception of the western boundary;
- Visual Privacy: reduced visual privacy setbacks;
- Site works: fill exceeds 500mm;
- Building Height, Form, Scale and Bulk: exceeds building height limits;
- Views; and
- Vehicular access – driveways shall be no closer than 0.5 metres from a side lot boundary.

It is considered the non-compliance with the visual privacy setbacks cannot be supported and conditions requiring compliance with these setbacks is considered necessary to address the concerns of adjoining land owners. Other variations are considered supportable subject to conditions of development approval in regard to building height, sight lines, external fixtures, parapet walls and other general amenity issues.

Background

Zoning: Residential 30
Land area: 292m²

Previous Decisions of Council and/or History of an Issue or Site

December 2015: Council granted planning approval for a new two storey dwelling at 65D Preston Point Road. This lot is immediately adjacent to the subject site and has planning and building approval for a three level dwelling which includes a roof terrace. Development of the

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two remaining vacant lots in this subdivision has not commenced, however, planning approval has been granted.

Consultation

Advertising

The application was initially advertised to surrounding land owners from 22 February to 9 March 2018. Eight (8) submissions were received all objecting to the proposal mainly on the basis of the dwelling exceeding the building height limit (impact of scale and bulk on surrounding properties and obstructing views). Privacy and overlooking were also noted as areas of concern.

Following discussion of the issues raised in the submissions with the applicant and owner amended plans were submitted and a second round of advertising was undertaken from 11 to 25 June 2018. Four (4) submissions were received and are noted below. The response from the applicant is noted in italics following each submission.

Submission 1

It has been noted the building height has been lowered to the regulated 8.1 metres height limit and also note that a portion of the roof apex remains above this limit.

With a sloping site it is difficult to have the entire roof under the height limit. The point of the height limit is to reduce possibility of views being blocked by new development. It is our opinion that no views will be blocked by the small percentage of roof that is currently over height.

We still have reservations as to the social impact of the roof terrace and the possibility of the installation of temporary/permanent structures.

There cannot be any installation of structures on the terrace without planning approval. The proposed design is for a couple with one child and their elderly parents. There are a lot of properties in the local area with elevated outdoor terraces large enough to host large numbers of people, with these spaces i.e. terraces at 36 Riverside Road and a new development at 33 Riverside Road – all have potential to host parties, but this does not mean this will happen, complaining about the social impact of a new outdoor area is speculation.

Submission 2

We strongly object to the plans as proposed. It is an over development of the site that fails to meet principles of proper planning and the LPS.

Prior to this proposal going to CDAC etc. we consider it is critical that we are informed by a detailed report setting out the variations being sought – we will take planning/legal advice and revert in a format that can become part of the process.

The design is seeking variations on setbacks, height, overlooking and overshadowing, possibly site coverage.

A significant imposition on our amenity. The use of our swimming pool and deck will be compromised by having 3 levels of direct overlooking.

- (1) We are a little confused by the plans, it seems a 3 bedroom house on the ground floor and a 3 bedroom house on the upper floor. –

The design is a single 5-bedroom home with a study for the client and his elderly parents whom he is the primary carer. While the complainant may have other views depending on their interpretation of the plans, it would be crucial for the planning committee to consider the needs of the family that owns the block as well.

- (2) 2 houses on 1 lot – does this concept comply with the zoning of the site. –

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It is not 2 houses please refer to above point 1.

- (3) The west facing elevation is all glass with very little articulation, far too bulky. –

The complainant is complaining about elements for the built structure that he will not be able to view from his property.

- (4) When the living and dining room sliding doors are open (on either level) the space will be like a covered terrace – requiring a 7.5m setback.

Opening doors to an internal space does not change the use of the space. There is also no possibility of overlooking from these spaces due to the topography of the land. With a screen over the wall on the boundary which is already 2.1m high and the property at Riverside Road being 5m lower than 65C and D Preston Point Road, it is physically impossible for a person to look down into the pool and deck at Riverside Road. The point of the setbacks in the R-Codes is to prevent overlooking into another property's outdoor living areas and other habitable spaces. Where this is not physically possible there is no need to enforce minimum setbacks if there is no adverse impact on adjoining properties.

- (5) The roof terrace seeks variations for overlooking on all sides – a very large space, we do not support the variations.

There are no overlooking issues, the terrace has been setback where necessary to avoid overlooking at 36 and 37 Riverside Road. This setback obscures any possible visual lines to both properties.

Submission 3

- (1) The overall building presentation and visual appearance is inconsistent with the area and other properties adjacent and will lower the appeal and value of the locality.

This is a matter of opinion. There will be three buildings on the site at 65 Preston Point Road and all will be different in their own right. Apart from 63 Preston Point Road all developments in the immediate locality are different in their visual appearance. How is the appeal of an area valued?

- (2) From the plans it appears that the loft will exceed the height of roof apex of the adjacent 65D by 3 metres, the central pergola by some 2 metres and the solid wall by 1.6 metres. It should be clearly noted that the roof apex of 65D is already significantly in excess of maximum building heights.

While the roof of the loft is higher than 65D Preston Point Road the roof terrace is at the same height. The 1.6 high solid wall is acting as a privacy screen between the two houses and is the same height as the proposed privacy screen at 65D. Based on the floor level of the neighbouring properties the increased height of 65C will not impact any views from the neighbouring properties.

- (3) These over height structures will severely negatively affect the views and viewing channels of our and several other dwellings in the 63 Preston Point Road strata development.

Properties at 63 Preston Point will not be impacted by the development at 65C as they do not have viewing channels to the river over 65C. They views to the river are directly over the sewer easement at 65D also over 34, 35 and 36 Riverside Road.

- (4) Multiple views from the eastern side of Preston Point Road and Fraser Street will also be negatively impacted as their viewing channels are blocked.

65C Preston Point Road has a finished floor level of 13.786 while 65A is at 16.680 which is 2.894m higher than 65C. 65A will still enjoy views over 65C and between 65 and 67 Preston Point. All properties on Fraser Street are also higher than 65 with view channels over Gourley Park for properties north of Fraser Street and between 63 Preston Point Road and 65D Preston Point Road for properties south of Fraser Street.

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- (5) The use of shade structures, trees and outdoor furniture and appliances will further increase the height of the eastern section of the dwelling and all deployment or use of such items should be forbidden.

It is our understanding that the use of such structures in an area with height sensitivities would require prior planning approval, as this is not the case at this point we cannot comment on what the complainant views as possibilities of future non-compliance with planning policy. We believe the Town has the right to request any such items be removed if installed without approval.

- (6) The use of lighting on the rooftop terrace will shine directly into our main bedroom at night from above the level of 65D and our property will be directly impacted by any noise from the residents using the roof top terrace.

The roof terrace at 65C does not exceed the roof level at 65D. The orientation of the two properties will make it hard for lights to affect the living spaces at number 65D. Noise can come from any property along the road. The roof terrace does not increase the possibility of noise from social gatherings.

We would request that the East Fremantle Town Planning Committee reject this planning application and that a requirement be placed such that no structure or temporary item should have a height greater than the current over height apex of the roof of the dwelling approved for 65D.

This would be an assumption that the owners of 65D are the only owners in East Fremantle that have the right and privilege of being able to develop their property as they wish and they can enforce their property as the benchmark for all developments. The Planning Committee has a responsibility to all residents including the owners of 65C Preston Point Road.

Also that restrictions on noise and light be placed on any rooftop terrace approved.

Noise and light restrictions would be fundamental to quiet enjoyment of neighbouring properties. This should be imposed on both 65B, C and D. If not already imposed on the other 2 properties we request the Planners revisit the approval to those properties and exercise their right to amend the approval.

As can be seen from the photo (not included) the tree and its planter box has increased significantly the height and visual impact of this three level dwelling (estimate – 4 metres). This has had significant impact on adjacent neighbours. Furthermore, during a storm the tree toppled over and came very close to falling over the edge onto the neighbour's drive and cars. This is a potential safety issue. As adjacent neighbours we would strongly request that the East Fremantle Council take steps to ensure this cannot happen at 65C Preston Point Road.

We note that the photo is not of a property in East Fremantle. Planning approval would be required and the Town would have the power to request the tree be removed if not approved.

Submission 4 – (repeat of Submission 3 above)

Officer Response

The Officer's response to the submissions is addressed in detail in the 'Comment' section of the report. In summary the height of the dwelling as proposed is supported, however, the applicant had been advised that the visual privacy issues must be addressed through amendments to the plans indicating compliance with the R-Codes.

Following discussions with the Town in respect to compliance the applicant submitted amended plans. The amended plans whilst addressing the visual privacy setbacks are still not in full compliance so

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conditions of planning approval are recommended to be imposed to ensure that the setbacks are compliant at Building Permit application stage.

Community Design Advisory Committee (CDAC)

This application was not referred to the CDAC. The site is a battle-axe lot which is ~40 metres from the street.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS 3)

Policy Implications

Residential Design Guidelines 2016

Fremantle Port Buffer Zone – Area 3

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 *Facilitate sustainable growth with housing options to meet future community needs.*

3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*

3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 *Conserve, maintain and enhance the Town's open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

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Site Inspection

July 2018

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the relevant assessment criteria is provided in the following tables.

Legend (refer to tables below)	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	4.0m	N/A	N/A
Lot Boundary Setback	South: 1.5 (GF) 3.0m (UF)	South: nil – 1.2m (GF & UF)	D
	North: 1.5m (GF) 6.1m (UF)	North: 1.1 – 2.0m (GF & UF)	D
	West: 1.8m (GF) 3.0m (UF)	West: 5.995m – 6.7m (GF & UF)	A
	East: 1.5m (GF) 3.0m (UF)	East: 1.25m (GF & UF)	D
Open Space	45%	≥45%	A
Outdoor Living	30m ²	44m ²	A
Car Parking	2	2	A
Site Works	Less than 500mm	~up to 1,028mm – fill	D
Retaining Walls	Greater than 500mm and closer than 1m from lot boundary	Not indicated on plans	N/A
Overshadowing	35%	≤35%	A
Drainage	On-site	On-site	A
Visual Privacy	Roof top deck: 7.5m	Roof top deck: 7.2m – 8.5m	D
	Balcony (north): 7.5m	Balcony (north): 1.1m	D
	Dining/living: 6.0m	Dining/living: 5.917m – 6.45m	D
	Study/Gym: 4.5m	Study/Gym: 2.0m	D
	Master bed: 4.5m	Master bed: 1.1m	D
	Bedroom 5: 4.5m	Bedroom 5: 1.1m	D

Local Planning Policy Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	N/A
3.7.3 Development of Existing Buildings	N/A
3.7.4 Site Works	D
3.7.5 Demolition	N/A
3.7.6 Construction of New Buildings	A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	N/A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	A
3.7.14 Footpaths and Crossovers	N/A
3.7.18.3 Garages, Carports and Outbuildings	A

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3.7.15-20 Precinct Requirements	D
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Building Height Requirement	Required	Proposed	Status
Building Height (wall) (RDG)	5.6m	West: 6.6m North: 6.4m South: 7.1m East: 6.0m	D
Building Height (top of external wall) (RDG)	6.5m	North: 6.4m South: 7.1m	D
Building Height (roof) (RDG)	8.1m	West: 6.8m North: 9.0m South: 8.5m East: 8.1m	A D D A

Lot boundary setbacks

The lot boundary setbacks of the dwelling do not comply in respect to all lot boundaries with the exception of the western boundary. It is not unexpected that on a lot ~10 metres wide and 292m² in area that non-compliant setbacks will be proposed. Redevelopment of small narrow lots with large houses designed to maximise views results in walls which require greater setbacks from the side boundaries even where there are no major openings. This is the case with this application. The lot area makes it difficult to minimise bulk through lot boundary setbacks. Most major openings face north or west along the boundary where the building has a minimal setback. The details of the variations and conditions imposed are discussed below.

Eastern boundary

The non-compliance with the setback to the access driveway as outlined in the table above can be supported as there is minimal impact on the amenity of the surrounding sites. Adjoining land owners have not objected to the reduced setback with respect to the dwelling itself. A reversing area is indicated behind the garage so cars are able to exist onto Preston Point Road in a forward direction. This setback has been designed to align with the other dwelling on the remaining rear lot in this subdivision.

Southern boundary

The setback from the southern boundary does not meet the R-Code requirements. Essentially a nil setback is proposed for the full length of the wall. The adjoining owner has been consulted in relation to the reduced side setback and has not objected. The southern elevation will be constructed up to the lot boundary. This has minimal impact on the dwelling to be constructed to the south (at 65D) as the northern elevation of that dwelling is also constructed up to the boundary, with only small service courtyards adjacent to each other. A condition is recommended to ensure vehicles exit the site in a forward direction.

Northern boundary

There is a slight setback from this boundary, however, it is still non-compliant. The adjoining owners have not objected to the setback. If the ~6 metre wide access driveway on the adjoining lot is included in the distance between the two dwellings then the setback distance required under the R-Codes is satisfied, so the reduced setback is supported. It is considered adequate separation is provided between the dwellings.

Notwithstanding the non-compliance with the setback distances, in this circumstance the reduced setbacks of the R30 coded site are supported. The scale of the dwelling in proportion to the lot size is similar to the other lots developed at R30 in the area and the dwellings constructed on the two rear lots

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will be over 40 metres from the road and behind another two dwellings, so the impact and visual dominance of these dwellings on Preston Point Road is minimised because of their limited visibility.

With regard to the overall setback variations the 'Design Principles' of the R-Codes are considered satisfied in that the building does not unnecessarily contribute to building bulk on the adjoining lot (given the adjoining development to the south is built to the lot boundary and the development to the north is separated by a ~6 metre wide access driveway. Adequate sun and ventilation to open spaces is available and overshadowing is not over open space or outdoor living areas because the deck and roof terrace areas are at the very western end of the lot. As there are a number of variations to the R-Codes it is considered that this development can only be supported on the basis that development of the lot does not impact the streetscape and that other non-complying aspects of the development that impact adjoining owner amenity are required to comply with the R-Codes.

Site works

The proposed fill (up to ~1.028m) is outside the parameters of the R-Codes. The applicant is filling a portion of the site to varying degrees to level the site as it slopes approximately 2 metres from east to west. This allows for the rear of the site to be raised which improves views and the outlook from the property. Whilst this can be supported as it does not have too great an impact on building height from the eastern perspective, it does contribute to overlooking of the property to the west, particularly as the visual privacy setbacks cannot be met. This is discussed further in the "Visual privacy" section of the report.

Boundary walls are already in place and retaining walls are not indicated on the plan. Fill of the site does add to the height of the building but at the point of the site where the building is over height the fill is less than the 500mm maximum specified in the R-Codes. The 'Design principles' are considered satisfied in that the fill proposed does not result in the ground levels at the lot boundary to the south or north being markedly different. The lot to the west is already at a much lower level due to the steeper slope of the land to the river and the previous development of that lot at a much lower level.

Building height

The R-Code provisions in respect to building height are substituted by the height control under the Residential Design Guidelines. Clause 3.7.18.4.1.3 states that:

Where views are an important part of the amenity of the area and neighbours' existing views are to be affected the maximum building heights are as follows:

- 8.1 metres to the top of a pitched roof;
 - 6.5 metres to the top of an external wall (concealed roof); and
 - 5.6 metres to the top of an external wall and where the following apply.
- (i) *the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
- (ii) *the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped; and*
- (ii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

Non-compliance with the external wall height limits and the concealed and pitched roof heights must therefore be assessed in respect to the 'Performance Criteria' of the Residential Design Guidelines.

Views

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Clause 3.7.18.4.1.3 states that *where views are an important part of the amenity of the area and neighbours' existing views are to be affected, amongst other things, the following matters are to be considered:*

- (i) *the proposal demonstrates design, bulk and scale that responds to adjacent development and established character of the area or other site specific circumstances;*
- (ii) *the provision of a landscaping plan demonstrating a minimum of 50% of the effective lot area being landscaped and ;*
- (iii) *subject to the 'Acceptable Development' standards of the R-Codes – Element 9 – Design for Climate and Element 8 – Privacy being met.*

The proposed dwelling for the site has been designed to achieve river views and to maximise these views with the addition of a rooftop terrace, as with the two other dwellings approved in this subdivision. This also provides some outdoor living areas on the site because it cannot be achieved at ground level, with the exception of a small deck area.

Due to the slope of the land downhill toward the river and the resultant filling of the lot to level the building pad, the dwelling will exceed the permitted height limit in part (not from the eastern perspective) for a pitched roof (permitted 8.1m; proposed 8.1m – 8.5m) and for a flat roof (permitted 6.5m; proposed 6.2 – 7.2m). The balustrades on the roof top terrace will also add to the height of the dwelling. However, this does not impact sites to the east. Although the roof pitch of the rooftop loft (height compliant from the eastern perspective) is higher than the balustrading and the rooftop terraces are to be constructed to the same height. From a southern perspective the balustrade will be lower than the building to be constructed to the south. Residents who are further south have commented on views being impeded, however, views from this direction have already been impeded by approval of the three level dwelling on the lot to the south of the subject site (No. 65D), so there is no further impact on views. The only views available are westwards through setback areas/easements and over the dwellings on Riverside Road. From the northern perspective the dwelling at the street front of No. 67 Preston Point Road is oriented to gain views over Gurley Park and the rear house has views to the south west, west and north west. Surrounding properties on higher ground on the other side of Preston Point Road should still maintain views over the dwelling when constructed.

The non-compliance with the building height limit can therefore be supported as the bulk and scale corresponds to other dwellings approved for the immediate area and the open space required under the R-Codes for the site has been achieved. The dwellings still to be constructed in this subdivision are all of a similar bulk, scale and height. The remaining lots to be developed are a considerable distance from Preston Point Road and therefore have limited impact on the streetscape.

Visual Privacy Setbacks

The 'Deemed to Comply' provisions for Element 5.4.1 Visual Privacy of the R-Codes requires major openings which have their floor level more than 0.5 metres above natural ground level, and positioned so as to overlook any part of any other residential property behind its setback line, to comply with the following:

- *4.5 metres in the case of bedrooms and studies;*
- *6.0 metres in the case of habitable rooms, other than bedrooms and studies; and*
- *7.5 metres in the case of unenclosed outdoor active habitable spaces.*

The proposed development does not comply with the 'Deemed to Comply' provisions of the R-Codes, however, the 'Design Provisions' of 5.4.1 allows for:

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P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: building layout, location; design of major openings; landscape screening of outdoor active habitable spaces; and/or location of screening devices.

P1.2 Maximum visual privacy to side and rear boundaries through measures such as: offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; building to the boundary where appropriate; setting back the first floor from the side boundary; providing higher or opaque and fixed windows; and/or screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The non-compliance with the visual privacy setbacks is primarily of concern for the residential property immediately to the west on Riverside Road. The property has a swimming pool and outdoor living area adjacent to the western boundary of the subject lot. The subject lot is on higher ground so the rooftop terrace and the first level living and dining area overlook the property to the west. Stackable/fully opening doors are proposed to open across the full width of this level. Therefore the applicant's suggestion that the windows be obscured with the application of visually impermeable film or fitted with obscure glazing to a height of 1.6 metres was not considered satisfactory in that the doors are not permanently fixed in place and so can be opened thereby causing overlooking of the property to the west. In the amended set of plans the applicant has attempted to set back the dwelling to meet the visual privacy setbacks for the first level but has not done so for the full length of the façade. It is therefore considered necessary to impose a condition which requires the dwelling be setback the required minimum distance as per the R-Codes. This minimum distance of 6.0 metres is to be indicated on the Building Permit application plans.

Similarly, the amended plans do not indicate the rooftop terrace is set back the required distance from the western lot boundary that is 7.5 metres. For the same reasons as discussed above a condition requiring the visual privacy setback distance be met, as required under the R-Codes, is considered necessary for the rooftop terrace. If not, then the terrace balustrade will need to be raised to a height of 1.6m from the floor level, be constructed in a visually impermeable material and permanently fixed in place. Likewise if the dwelling is not setback the required distance for the living/dining room area (Upper Floor plan) then the major openings along the western elevation will be required to be permanently fixed in place and screened with visually impermeable screening or glazing to a height of 1.6 metres from the finished floor level. Stackable and fully opening doors or windows will not be permitted at the proposed setback distance. Without these measure being implemented neither the 'Deemed to comply' nor the 'Design principles' of the R-Codes are considered satisfied.

One of the comments made in the submissions was that further rooftop structures or vegetation to provide weather protection will be required once the space is in use. This is a potential concern because if this was to occur there would be further breaches of the building height limits and additional bulk added to the dwelling. A condition is therefore recommended that requires a development approval application to be submitted if any additional structures are proposed to be constructed or installed on the roof terrace or roof of the third level of the dwelling. This condition applies to rooftop shade or weather protection structures or appliances, lighting poles/structures, external fixtures, fittings, masts, satellite dishes, telecommunication devices, appliances or large potted plants.

Driveway access and crossover

The R-Codes specify that driveways shall be no closer than 0.5 metres from a side lot boundary. This is a 'Deemed to comply' provision in order that the impact of access ways on the streetscape is reduced and safety standards are maintained. In this situation landscaping of the driveway will be of little benefit to

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the streetscape. The driveway is close to 40 metres in length and only 4 metres wide. It provides the only pedestrian access to the rear lots. In this situation it is considered important that vehicles and pedestrians have as much separation as possible. If landscaping was installed it would reduce the width of the driveway and also impact sight lines at the entry to Preston Point Road. As the driveway is very long and narrow with a high brick wall running the length of the driveway on the northern lot boundary it is not considered appropriate or necessary to require it to be landscaped for this length. Non-compliance with this provision is therefore considered acceptable.

Single dwelling approval

It is noted this dwelling could potentially function as two separate living quarters/apartments under the one roof, with separate and secure access via the main entry to the second level and direct access from the garage to the first level. This approval is for a single dwelling only as multiple dwellings or apartments are not permitted in a R30 zone. If it is contemplated that the property be used for short term or bed and breakfast accommodation then a separate application to Council for its consideration will be required. However, a separate street number (i.e. address) for the property will not be issued by the Town as the development approval is for a single dwelling only. A footnote in this regard is recommended as the dwelling will not be recommended for approval for more than one dwelling as this is not permitted under LPS No. 3.

Rooftop terrace

The submissions have noted that noise disturbance and light spill could occur from social activities on the rooftop terrace. As with any other outdoor living space matters relating to noise are regulated by the *Environmental Protection (Noise) Regulations 1997 (as amended)* and matters relating to lighting are assessed under a development application if lighting involves the installation of poles or other structures and the impact of light spill can be assessed by the Town's Environmental Health Officer.

Conclusion

The proposed development is surrounded by R30 density development and has been designed to be similar in design, scale and bulk to the surrounding development in the immediate area. The overall height of the dwelling is of a very similar height to the dwelling to be constructed on the site immediately to the south. The non-compliance with elements of the R-Codes and the Residential Design Guidelines can be supported in part, however, the non-compliance with the visual privacy setbacks cannot be supported. It is recommended that a condition be imposed which requires the required setback (for the rooftop terrace and the living/dining room area) to be indicated on the plans submitted for a building permit application. There are a number of other planning conditions which are recommended to ensure compliance with the height indicated on the plans and requiring further planning approval for any use of the property other than for single residential purposes, as well as other conditions relating to residential amenity. The recommended conditions of development approval are considered to address the submissions made in respect to visual privacy and other matters considered to be relevant planning considerations.

- Mr Geoff Gilmour (36 Riverside Road) addressed the meeting and raised the following concerns in regards to the proposed development:
 - Overlooking; size and bulk of the building; reflectivity from windows and roof; reduced setback from the western boundary and overall height.

OFFICER RECOMMENDATION

Mayor O'Neil moved, seconded Cr Harrington

That Council grant development approval and exercise discretion in regard to the following:

- (i) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit lot boundary setbacks of less than:
 - (a) 1.5m southern boundary (ground floor)
 - (b) 3.0m southern boundary (upper floor);
 - (c) 1.5m northern boundary (ground floor);
 - (d) 6.1m northern boundary (upper floor);
 - (e) 1.5m eastern boundary (ground floor); and
 - (f) 3.0m eastern boundary (upper floor);
- (ii) Clause 5.3.5 – Vehicular Access of the Residential Design Codes of WA to allow a setback of less than 0.5 metres from a side lot boundary;
- (iii) Clause 5.3.7 - Site Works of the Residential Design Codes of WA to allow fill greater than 0.5 metres behind a street setback line and within 1.0 metre of a lot boundary and where development not in compliance with building height limits and building setback requirements;
- (iv) Clause 5.4.1 – Visual Privacy of the Residential Design Guidelines to allow a visual privacy setback of less than 7.5 metres for the balcony (north and east), 4.5 metres for the study/gym, the master bedroom and bedroom 5; and
- (v) Clause 3.7.18.4.1.3 – Building Height, Form, Scale and Bulk of the Residential Design Guidelines 2016 to permit the building wall height to exceed 5.6 metres to the top of an external wall, 6.5 metres to the top of an external wall (concealed roof) and the overall height to exceed 8.1 metres to the top of a pitched roof,

for the construction of a three level dwelling at No. 65C (Lot 9) Preston Point Road, East Fremantle, in accordance with the plans date stamped received on 30 July 2018, subject to the following conditions:

- (1) The Building Permit application plans to demonstrate full compliance with the visual privacy setbacks for the western boundary as required under clause 5.4.1 C1.1 of the R-Codes to the satisfaction of the Chief Executive Officer. If full compliance is not indicated then the western facing openings of the 'Upper Floor' must be designed to meet the requirements of clause 5.4.1 C1.1 of the R-Codes to the satisfaction of the Chief Executive Officer at Building Permit application stage.
- (2) The balustrade of the roof deck to be setback a minimum of 7.5 metres from the western lot boundary for the full length of the balustrade along the western edge of the rooftop terrace. If the minimum setback distance of 7.5 metres is not achieved then the balustrade must be a permanently installed structure that is visually impermeable and 1.6 metres in height from floor level. The details to be indicated to the satisfaction of the Chief Executive Officer at Building Permit application stage.
- (3) Permanent installation of a visually impermeable privacy screen on top of the existing dividing wall/fence on the western boundary, to the satisfaction of the Chief Executive Officer. Details of the screening device to be to the satisfaction of the Chief Executive Officer and to be indicated on the Building Permit application plans.
- (4) The Building Permit application plans to indicate the same finished floor levels as indicated on plans date stamped received 30 July 2018.
- (5) No rooftop shade or weather protection structures or appliances, lighting poles/structures, external fixtures, fittings, masts, satellite dishes, telecommunication devices, appliances or large potted plants to be installed on the roof or on the floor of the roof terrace of the dwelling without further Council approval.
- (6) The space for solar collectors indicated on the northern plane of the pitched roof (plans date stamped received 30 July 2018) are not to be installed on a raised frame/platform without further Council approval. Direct attachment to the roofing material is all that is permitted under the current development approval.

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- (7) The development approval is for a single dwelling only and the dwelling is not to be used for the purposes of an ancillary dwelling, short term or bed and breakfast accommodation or a home occupation.
- (8) All vehicles must exit the garage and crossover on Preston Point Road in a forward direction. This is to be demonstrated on the plans submitted with the Building Permit application to the satisfaction of the Chief Executive Officer.
- (9) The crossover on Preston Point Road is to be no greater than 3 metres in width (including splays/wings) and is to be in compliance with Council's Residential Design Guidelines in respect to crossovers.
- (11) In cases where there is an existing crossover this is to be removed and the kerb, verge and footpath are to be reinstated at the applicant's expense to the satisfaction of Council, unless on application, Council approval for the crossover to remain is obtained.
- (12) Sight lines at the intersection of the access way leg with Preston Point Road on the southern lot boundary to meet Australian Standards. This is to be demonstrated on the plans submitted with the Building Permit application to the satisfaction of the Chief Executive Officer.
- (13) All parapet walls/building structures to adjacent property faces are to be finished by way of agreement between the property owners and at the applicant's expense.
- (14) The metal roofing colour to be selected to reduce reflectivity to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (15) The proposed works are not to be commenced until approval from the Water Corporation has been obtained and the building permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (16) No building construction is permitted to encroach into or over the easement indicated on the Certificate of Title in the south eastern corner of the lot.
- (17) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (18) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (19) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (20) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (21) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (22) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

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- (i) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*
- (vi) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – "An Installers Guide to Air Conditioner Noise"*

11.6 PROCEDURAL MOTION/COMMITTEE RESOLUTION 050818

Moved M McPhail, seconded Nardi

That the item be deferred to allow the applicant to amend their design to comply with conditions (1), (2) and (3) at the Development Approval Stage rather than Building Permit Stage:

- (1) **The Building Permit application plans to demonstrate full compliance with the visual privacy setbacks for the western boundary as required under clause 5.4.1 C1.1 of the R-Codes to the satisfaction of the Chief Executive Officer. If full compliance is not indicated then the western facing openings of the 'Upper Floor' must be designed to meet the requirements of clause 5.4.1 C1.1 of the R-Codes to the satisfaction of the Chief Executive Officer at Building Permit application stage.**
- (2) **The balustrade of the roof deck to be setback a minimum of 7.5 metres from the western lot boundary for the full length of the balustrade along the western edge of the rooftop terrace. If the minimum setback distance of 7.5 metres is not achieved then the balustrade must be a permanently installed structure that is visually impermeable and 1.6 metres in height from floor level. The details to be indicated to the satisfaction of the Chief Executive Officer at Building Permit application stage.**
- (3) **Permanent installation of a visually impermeable privacy screen on top of the existing dividing wall/fence on the western boundary, to the satisfaction of the Chief Executive Officer. Details of the screening device to be to the satisfaction of the Chief Executive Officer and to be indicated on the Building Permit application plans.**

(CARRIED 5:2)

Reason for Change

The Committee would like to have an opportunity to view the amended plans prior to granting approval.

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

The author of this report/assessment makes the following impartiality declaration in the matter of No. 44 Sewell Street, East Fremantle: "As a consequence of the owner/applicant's designer, Building Lines, being known to me through kinship acquaintances, there may be a perception that my impartiality on the matter may be affected,

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notwithstanding this, I declare that I have considered this matter entirely on its merits and with complete impartiality and objectivity”.

11.2 Sewell Street, No. 44 (Lot 1) – Alterations and Additions to Existing Dwelling, including repositioning of Crossover

Owner/Applicant	L & S Sicree
File Ref	PSEW/44; P048/2018
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting date	7 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Location plan 2. Photographs 3. Plans date stamped 6 June 2018

Purpose

This report considers a development application for alterations and additions to the existing dwelling, including a repositioning of the crossover at No. 44 Sewell Street, East Fremantle.

Executive Summary

The development application proposes amendments to the previously approved alterations and additions to a small cottage on a 6 metre wide lot. The proposal also includes repositioning of a crossover to the site. The lot is adjacent to another 6 metre wide lot to the south. Construction of the previously approved alterations and additions are in progress.

The following issues are relevant to the determination of this application:

- Street setback;
- Lot boundary setbacks;
- Front fencing;
- Crossover; and
- Car parking.

The application is therefore recommended for approval subject to conditions relating to construction materials, parapet walls, fencing, sight lines and the crossover.

Background

Zoning LPS No. 3: Residential R20
Site area: 253m²

Previous Decisions of Council and/or History of an Issue on Site

7 November 2017 – Council granted approval for alterations and additions, including an outbuilding (studio/storeroom) to the existing cottage.

Consultation

Advertising

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The proposed application was advertised to impacted land owners from 22 June to 9 July 2018. No submissions were received.

Community Design Advisory Committee (CDAC)

This application was referred to the CDAC meeting of 30 July 2018. The Committee commented that the proposal was acceptable.

Statutory Environment

Planning and Development Act 2005

Residential Design Codes of WA

Town of East Fremantle Local Planning Scheme No. 3

Policy Implications

Town of East Fremantle Residential Design Guidelines 2016

Fremantle Port Buffer Zone - Area 2

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 *Facilitate sustainable growth with housing options to meet future community needs.*

3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*

3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 *Conserve, maintain and enhance the Town's open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

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Site Inspection

July 2018

Comment

Statutory Assessment

The proposal has been assessed against the provisions of Local Planning Scheme No. 3 and the Town's Local Planning Policies. A summary of the assessment is provided in the following tables.

Legend <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable

Residential Design Codes Assessment

Design Element	Required	Proposed	Status
Street Front Setback	6.0m	3.3 – 4.4m	D
Minor incursion (verandah)	5.0m	3.3m	D
Lot Boundary Setback	northern verandah GF: 4.8m	1.4m	D
	southern verandah GF: 1.8m	Nil	D
Open Space	50%	As approved	A
Outdoor Living	30m ²	72m ²	A
Car Parking	2	As approved	A
Site Works	Less than 500mm	Less than 500mm	A
Overshadowing	≤25%	As approved	A
Drainage	On-site	To be conditioned	A

Local Planning Policies Assessment

LPP Residential Design Guidelines Provision	Status
3.7.2 Additions and Alterations to Existing Buildings	A
3.7.3 Development of Existing Buildings	A
3.7.4 Site Works	A
3.7.5 Demolition	A
3.7.6 Construction of New Buildings	N/A
3.7.7 Building Setbacks and Orientation	D
3.7.8 Roof Form and Pitch	A
3.7.9 Materials and Colours	A
3.7.10 Landscaping	A
3.7.11 Front Fences	A
3.7.12 Pergolas	N/A
3.7.13 Incidental Development Requirements	N/A
3.7.14 Footpaths and Crossovers	A
3.7.18.3 Garages and Carports	A
3.7.15-20 Precinct Requirements	A

There are some variations from the R-Codes and the Residential Design Guidelines due to the very narrow width of the lot and amendments to the previous approval (dated 7.11.17). Notwithstanding, the variations are supported and are discussed below.

Street setback and minor incursion

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The street setback of the dwelling will be altered from that approved in 2017 because the owner wishes to increase the area of the front setback to make it more functional. The verandah as approved by Council in 2017 encroached into the front setback area. The applicant proposes to extend the dwelling's roof line in place of the original verandah proposal. This design will allow a greater front setback area to be achieved. Variations to the front setback have been approved with the previous application, however, the amendments propose to set the verandah back 3.3 metres at a minimum and 4.4 metres at its maximum, forming a triangular shaped verandah and angled edge to the roofline. The front façade of the dwelling is described as feature timber cladding and will still contain the front door and a window which face the street.

The reduced front setback is considered supportable as the Design Principles of the R-Codes are considered satisfied. The dwelling will present as a single storey house so the size and scale of the dwelling is appropriate. Minor projections such as the roofline and the verandah do not detract from the streetscape, the façade is considered to address the streetscape and is not contrary to the development context of the area.

Lot boundary setbacks

The southern lot boundary setbacks do not comply with regard to the verandah. A nil setback is proposed. This is supportable on the basis that it is not considered to impact greatly on the amenity of the adjoining lot. The amendments to the verandah were advertised and the adjoining land owners have not objected to the proposal.

The northern boundary setback is also non-compliant. The required setback being 4.8 metres based on the length of the wall with major openings. Without walls being built up to or very close to the lot boundary it would be impossible to develop the lot for a home of modern standards. Also, the setbacks are increased in this instance because of the length of the wall, not the height of the building. This setback is supportable on the basis that it is not considered to impact greatly on the amenity of the adjoining lots and the adjoining land owners have not objected to the proposal to redevelop the cottage.

The setbacks are considered supportable as the Design Principles of the R-Codes are satisfied in that the proposed changes to the verandah do not unnecessarily contribute to building bulk on the adjoining lots or add to overshadowing. Landscaping and adequate outdoor living areas have been provided as best as possible on a lot of this size and the building height permitted is not exceeded.

Car parking

The applicant is proposing that a car can be parked in the front setback area with rearrangement of the verandah and frontage. However, a car bay of the minimum dimensions specified in the R-Codes cannot be provided on-site because the depth of the setback area is not adequate. Even with changes to the front façade of the dwelling, as proposed, a car bay that meets Australian Standards dimensions cannot be constructed in the front setback area as there is insufficient space.

Under the R-Codes two car bays are required because the lot is located just over 250 metres to Marmion Street and a high frequency bus route. Given the proximity to Canning Highway (just over 350 metres) and Marmion Street and because the site did not have any parking in the first place, the shortfall of parking has already been supported by Council. It is not recommended that Council approve the car bay proposed by the applicant in the front setback because it would be approving a non-compliant car bay. This could be problematic if vehicles attempting to park in such a bay caused pedestrian and vehicle hazards or accidents. Residents of the property can utilise street parking if required.

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It is therefore recommended that Council approve a front setback area that can be accessed by a crossover but not approved as a vehicle bay. A condition is recommended which does not permit the use of this area for a vehicle bay.

Front fence and setback

The front fence proposed complies with the Residential Design Guidelines. A condition will be imposed to ensure that compliance with the fencing height extends to the fencing along the side boundaries. Gates have been included which will allow for access to the front setback area so it can be utilised as open space on the lot given access to the rear is very limited with only a pedestrian width access way providing access to the rear.

Crossover

A crossover already exists, however, this crossover serviced a parking bay that traversed the lot boundary between No. 44 and No. 46 Sewell Street. The crossover therefore needs to be repositioned for it to be useful for providing access to the lot. There are no objections to the repositioning of the crossover provided it does not exceed 3 metres in width (including splays/wings). The section of redundant crossover must be removed and the footpath replaced at the applicant's expense and this is recommended to be imposed as a condition of development approval.

Heritage

The site is classified category C under the Municipal Inventory and could have been demolished without the need to obtain development (planning) approval because it is not on the heritage list of the Planning Scheme. The variations to the front façade are considered acceptable in regard to the alternative of the cottage not being retained and renovated and are not considered to be detrimental to the streetscape overall.

Conclusion

The application is supported, notwithstanding the variations, on the basis that the applicant has retained the cottage and minimised the impact of reduced setbacks and building height on the adjoining lots. The renovated cottage will still maintain a low scale presence in the streetscape which respects the heritage character of the Plympton Precinct. The application is therefore recommended for approval subject to conditions relating to construction materials, parapet walls, fencing, sight lines and the crossover.

11.2 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP020618

Cr White moved, seconded Cr Natale

That Council exercise its discretion in granting development approval in regard to the following:

- (i) Clause 5.1.2 - Street Setback of the Residential Design Codes of WA to permit a street setback of less than 6.0 metres and minor incursions of less than 5.0 metres; and**
- (ii) Clause 5.1.3 - Lot Boundary Setback of the Residential Design Codes of WA to permit a southern lot boundary setback of less than 1.8 metres and a northern lot boundary setback of less than 4.8 metres, for alterations and additions including repositioning of the crossover at No. 44 (Lot 1) Sewell Street, East Fremantle, in accordance with the plans date stamped received 6 June 2018, subject to the following conditions:**
 - (1) A vehicle parking bay is not to be installed/constructed in the front setback area.**
 - (2) Details of construction materials, colours and finishes to the satisfaction of the Chief Executive Officer to be submitted at Building Permit application stage.**
 - (3) All parapet walls are to be of a suitable material to the adjacent property face by way of agreement between the property owners and at the applicant's expense.**

- (4) Front fencing to be erected as indicated on the plans date stamped received 6 June 2018 and all fencing, including side boundary fencing, to comply with the Town's Residential Design Guidelines in respect to fencing within the street setback area.
- (5) The crossover to comply with the Residential Design Guidelines and not exceed 3 metres in width including splays/wings.
- (6) Compliance with the Residential Design Codes of WA and the Australian Standards in respect to sight lines where boundary fencing meets the street front property boundary.
- (7) If requested by Council within the first two years following installation, the Colourbond roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.
- (8) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- (9) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (10) All storm water is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
- (11) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (12) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (13) Prior to the commencement of any works on site, the applicant to notify affected adjoining landowners of intended commencement date.
- (14) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- (iv) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (v) *Matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

(vi) Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document – “An Installers Guide to Air Conditioner Noise”.

(CARRIED UNANIMOUSLY)

Note:

As 4 Committee members voted in favour of the Reporting Officer’s recommendation, pursuant to Council’s decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

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11.3 Units 103, 107 and 108, No. 1 (Lots 128, 132 and 133) and Unit 26, No. 3 (Lot 141) Silas Street, East Fremantle – Richmond Quarter – Additional Use for Consulting Rooms

Applicant	AFG Developments
Landowner	AFG Developments
File Ref	P/SIL1; P/SIL3; P/044/18
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Date of Meeting	7 August 2018
Voting Requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Applicant's correspondence

Purpose

This report considers an application requesting approval for the additional use of consulting rooms for four 'shop/office' and 'shop' approved tenancies within the Richmond Quarter complex at, Units 103, 107 and 108 (Lots 128, 132 and 133) No. 1 Silas, and Unit 26 (Lot 141) No. 3 Silas Street, East Fremantle. The 'consulting rooms' use would be added to the list of 'approved' uses for these tenancies.

Executive Summary

The proposal seeks approval for 'consulting rooms' to be added to the list of approved uses for the above mentioned tenancies. Two of the tenancies front the plaza in the south west corner of No. 1 Silas Street (approved for shop use). One other tenancy faces Stirling Highway and the walkway from Stirling Highway through to the plaza (shop/office approved use) and the fourth tenancy is on the south side of the plaza in the No. 3 Silas Street building (shop/office approved use) adjacent to the cafe.

Consulting rooms are a permitted use in the Town Centre so the proposal raises only the issue of car parking to be considered in the determination of the application. The use of the tenancies for 'consulting rooms' does not add to the overall parking shortfall already approved for the site therefore the additional use is supported subject to conditions limiting the number of consulting rooms and staff per tenancy at any one time and standard conditions of development approval for commercial tenancies relating to matters such as signage and further changes of use.

Background

Zoning: Town Centre

MRS: Subject property abuts Canning Highway a Primary Regional Road Reserve under the MRS. Referral to Main Roads WA is not required for this type of application.

Previous Decisions of Council and/or History of an Issue on Site

13 December 2011 - Council granted planning approval for a Mixed Use Activity Centre.

The Western Australian Planning Commission endorsed Council's approval for the proposed 'Mixed Use' development in 2011. Council subsequently (in October 2012) endorsed various minor amendments to the initial drawings submitted for planning approval for a Mixed Use Activity Centre at 147 Canning Highway (Royal George Tavern and adjacent lands). The 2012 approval granted approval for 25 commercial tenancies, residential units and associated car parking. The applicant in 2014 requested Council consider a change of use application for nine of the 'office' tenancies to have a dual use of 'shop/ office' in order to rationalise the development to ensure successful occupancy and best use of the development.

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- 2 October 2012** Council granted approval for amendments to the initial drawings submitted for a Mixed Use Activity Centre.
- 5 February 2013** Council granted approval for a Mixed Use Development - Commercial and Residential Units.
- 2 August 2014 -** Council granted approval for a Mixed Use Development – Change of use application to add shop use as an approved use for 9 of the commercial tenancies previously approved for offices.
- 18 April 2017** Council granted approval for the proposed change of use to a medical centre for No. 1 (Lots 110 – 112) Silas Street (radiology services).

Consultation

Advertising

The application was not advertised beyond the strata management company. The strata management company has provided written confirmation that there is no objection to the owners lodging a development application seeking Council's approval for the additional 'consulting rooms' use for each of the tenancies listed.

Community Design Advisory Committee

This application was not referred to the Committee.

Statutory Environment

Planning and Development Act 2005

Town of East Fremantle Local Planning Scheme No. 3 (LPS3)

Policy Implications

Town Centre Redevelopment Guidelines

Fremantle Port Buffer Zone – Area 2

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

- 3.1 Facilitate sustainable growth with housing options to meet future community needs.*
 - 3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.*
 - 3.1.2 Plan for a mix of inclusive diversified housing options.*
- 3.2 Maintaining and enhancing the Town's character.*
 - 3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
 - 3.3.1 Continue to improve asset management practices.*
 - 3.3.2 Optimal management of assets within resource capabilities.*
 - 3.3.3 Plan and advocate for improved access and connectivity.*

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Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
 - 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
 - 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
 - 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
 - 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Site Inspection

July 2018

Comment

Use

A consulting room use is classified as a 'P' use (i.e. permitted) under LPS3. It is therefore considered an acceptable use for a tenancy in the Richmond Quarter complex. A number of medical and health related services are already established in this mixed use development. However, due to the parking situation for the site any proposed change of use for any use other than the uses previously approved by Council for each unit/tenancy is to be the subject of a fresh development approval application to be submitted for Council's consideration. This is recommended to be imposed as a condition of development approval.

Car parking

The Richmond Quarter complex had 133 car parking spaces approved in 2012 for the commercial uses comprising of office, shop, tavern and café uses. In August 2014 a change of use application comprised of a request for 9 of the 11 office tenancies to be allocated a dual 'shop/office' use, providing greater flexibility in the use of the proposed commercial tenancies as the 'shop/office' classification allowed for a range of uses. The proposed bulk change of use application from 'office' to 'shop/office' ensured such matters as parking, and the strategic development of the Town Centre could be addressed as a whole.

When the change of use application was assessed in regard to car parking, the car parking ratio for a 'shop' use under LPS3 was applied as this use was considered to be the highest car parking generator. By applying this parking ratio adequate parking was considered to be provided throughout the development, should the tenancies be utilised for their highest and preferred use, that is, for a shop. Under LPS3, the proposed change of use for the 9 tenancies generated the need for an additional 11 car parking bays. However, a further request to remove 4 car bays to provide for motor cycles and scooters (so these vehicles would not utilise car specific bays) resulted in an overall shortfall of 15 bays (i.e. 146 total car parking bays required). This car bay shortfall was approved by Council at its meeting of 14 August 2014.

Notwithstanding the above car bay shortfall the proposal to add an additional approved use of consulting rooms for the 4 tenancies results in the car parking situation outlined in the following table.

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Tenancy	Approved Uses	Car bays as approved (2014)	Proposed additional use	Car bays required under LPS3 - consulting rooms (1 consulting room & 2 staff)
Unit 103	shop/office	4	Consulting rooms	4
Unit 107	shop	4	Consulting rooms	4
Unit 108	shop	4	Consulting rooms	4
Unit 26	shop/office	4	Consulting rooms	4
Total		16		16

Note: LPS3 car bay requirement - 2 bays for each consulting room and 1 additional bay for each staff member.

As the above table demonstrates the overall parking shortfall on the site does not have a direct bearing on the assessment of the current application. This is provided only 1 consulting room is permitted within each of the tenancies (i.e. one consultant per tenancy and a maximum of two staff including the consultant at any one time). Therefore an additional approved use for consulting rooms can be supported subject to a condition of approval being imposed which restricts the use of the tenancy as noted above. If this condition is applied there is no increase in the car parking shortfall already approved by Council.

With regard to Clause 67 (Deemed Provisions) of LPS3, the proposed use is considered to adhere to the Town Centre objectives, primarily *“to provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town”*. Whilst the Richmond Quarter already has a number of medical and allied health services occupying a number of tenancies, there is a significant number of vacant tenancies. Therefore whilst more medical and health related services is not in the interest of generating a diverse high activity centre, the additional approved use which may result in the tenancies being occupied is considered a better outcome than having vacant tenancies.

The traffic likely to be generated by the use of these tenancies for consulting rooms and the probable effect on traffic flow are considered negligible and consistent for a shop with medium frequency customer turnover. Furthermore, in support of the proposal it could be argued that people visiting health services may utilise other businesses/shops in the area, thereby activating the Town Centre. In conclusion, it is considered that granting approval for the additional use of consulting rooms for these tenancies will not be detrimental to the orderly and proper planning of the area.

Signage

As with any application for signage in the Town a further application will be required if a tenancy is used for any of the proposed purposes. An application is to be submitted and will be assessed under the Town’s Signage Design Guidelines. A condition of approval is recommended in this regard and the applicant is advised that signage and or screening on external glazing of the tenancy so as to decrease visibility of internal use of the tenancy is unlikely to be supported. It is important that the street frontage and the internal plaza of the Richmond Quarter building remain activated and interesting for pedestrians and visitors to the complex.

Conclusion

A vibrant, efficient and active Town Centre benefits the Town and the wider community. Providing suitable services within the Town is also necessary. It is recommended that Council approve the proposed additional approved use of the tenancies to facilitate occupation of the tenancies subject to appropriate conditions related to the number of consultancies and staff, signage and alterations to the tenancy frontages.

11.3 OFFICER RECOMMENDATION/COMMITTEE RESOLUTION TP070818

Cr Natale moved, seconded Cr Nardi

That Council exercise its discretion in granting development approval for 'consulting rooms' use in addition to 'shop' use for Units 107 and 108 (Lots 132 and 133) No. 1 Silas Street and in addition to 'shop/office' use for Unit 103 (Lot 128) No. 1 Silas Street, and in addition to 'shop/office' use for Unit 26 (Lot 141) No. 3 Silas Street, East Fremantle, subject to the following conditions:

- (1) Units 103, 107 and 108, No. 1 Silas Street and Unit 26, No. 3 Silas Street to only be used for the purpose of one consulting room (i.e. one consultant) with a maximum of two staff members (including the consultant) for each of the units/tenancies at any one time (refer to Footnote (i) below).
- (2) A proposed change of use for any use other than those uses previously approved by Council for each unit/tenancy (noted in the development approval) is to be the subject of a fresh development approval application to be submitted for Council's consideration.
- (3) No change to the external glazing of the frontages/facades of any of the units/tenancies the subject of this development approval without further Council approval.
- (4) This application does not include any detailed signage for the approved additional use of 'consulting rooms'. All detailed signage to be submitted in the form of a development approval application for Council's consideration.
- (5) The commercial buildings kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (6) The proposed use is not to be commenced until all conditions attached to this development approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
- (7) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (8) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) If the proposed use of either of Units 107, 108, 103 and 26 is for more than one consulting room (i.e. one consultant) and 2 staff members (including the consultant) at any one time then a further development approval application is required to be submitted for Council's consideration.*
- (ii) This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (iii) The approval does not include approval of any advertising signage. A separate development approval application is required for any signage proposal or any proposed change to the external glazing of the frontages/façade of each unit/tenancy.*

(CARRIED 6:1)

Note:

As 4 Committee members voted in favour of the Reporting Officer's recommendation, pursuant to Council's decision regarding delegated decision making made on 17 June 2018 this application deemed determined, on behalf of Council, under delegated authority.

12. REPORTS OF OFFICERS (COUNCIL DECISION)

12.1 Comment/Submission – Green Paper - Modernising the Western Australian Planning System

File ref	B/PTP1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	7 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town of East Fremantle Submission – Response Template

Purpose

The purpose of this report is for Council to consider the Green Paper – *Modernising the Western Australia's Planning System* on planning reform in Western Australia and provide comments to the Department of Planning, Lands and Heritage (DPLH).

Executive Summary

The Minister for Planning recently commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable. A Green Paper (*Modernising the Western Australia's Planning System*) was developed by the Planning Reform team, led by Evan Jones, and was released for public comment in May 2018.

The Green Paper identifies four key principles to underpin the planning system in WA (fairness, transparency, Integrity and efficiency) and focuses on five key reform areas (Strategically-led, legible, transparent, efficient and delivering smart growth).

Attachment 1 includes a draft Council response to each of the reform proposals in a response template format (provided by the reform team). Attachment 1 is for Council's consideration for endorsement (or otherwise) which is then recommended to be used as the basis for a submission to the DPLH.

The moves towards an improved planning system in WA is commended, albeit somewhat overdue. The reform proposals are predominantly supported, however, care is required to ensure that local government is well-represented on developing further details and that local government is adequately supported and resourced to deal with future outcomes of the review.

It is also urged that the State take a greater lead role in promoting State planning policy to inform the community in general and to clarify that certain local planning is what is expected and required of local governments as a result.

Submissions closed on 20 July 2018, however, the review team has accepted the Town of East Fremantle's request to provide a late submission, to allow time for Council's full consideration of this matter.

The Green Paper is an independent discussion paper that identifies issues, options and proposals and provides an opportunity to suggest alternative solutions that address the issues raised. All feedback will help inform the preparation of a White Paper that will be provided to the State Government for consideration for planning reform.

Background

The Minister for Planning, Hon Rita Saffiotti MLA, established this review based on the following terms of reference:

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- Make strategic planning the cornerstone of all planning decisions by shifting the emphasis of the planning system to strategic planning and land use policy so that important issues are resolved before development proposals and rezoning requests, which will improve the quality and timeliness of development assessment.
- Clarify State and local planning roles by setting clear roles, responsibilities and functions of the WAPC and the DPLH in conjunction with State departments and agencies, and local government.
- Open up the planning system so that it is understandable to the wider community, recognising the need for community participation.
- Create more certainty for industry by clearly defining development assessment pathways.
- Link planning and infrastructure delivery to strategic planning for growth.
- Ensure that the planning system facilitates a sustainable settlement pattern, ensuring land use is fully integrated with transportation and infrastructure, giving priority to infill development and ensuring any new areas of growth are contiguous with existing communities.
- Respond to community concerns about the accountability and transparency of Development Assessment Panels in the approvals process.
- Examine how the use of technology can be used to improve the planning system.

An outline of the key reform proposals were provided to Council at its Forum held on 12 June 2018. A summary of the proposals is again detailed in the following section of this report.

To assist in making a submission, the planning reform team has provided a response template that itemises each reform proposal. After attending a number of information and discussion sessions regarding the Green Paper, and as a result of an internal workshop, Council's planning officers have drafted comments on each of the reform proposals within the provided response template (Attachment 1) for Council's consideration.

Details

The Green Paper proposals include:

Key reform 1: A strategically-led planning system – Make strategic planning the cornerstone of the planning system

- Require local governments to maintain up-to-date local planning strategies in consultation with their communities, and to review the strategy prior to a scheme amendment.
- Amend the Planning and Development Act to make strategic planning for sustainable development the purpose of planning in Western Australia.
- Develop a new State Planning Policy that defines sustainable development and decision-making for sustainable outcomes.
- Require local governments to prepare a local housing strategy to show where growth will be accommodated and what types of housing are needed.

Key reform 2: A legible planning system Make the planning system easy to access and understand

- Consolidate State Planning Policies into a single concise framework with easy-to-understand guidance.
- The links between State Planning Strategy and State Planning Policies, and local planning strategies and schemes should be strengthened and made clear and understandable.
- Define common strategic elements for the State planning framework and require all planning documents to be organised around these elements.
- Require all local planning schemes, strategies and policies to be published in a single, easy-to-navigate, standardised format, to be known as a Comprehensive Local Planning Scheme.

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- Reduce red tape for business by standardising land use permissibility for the most commonly-used zones.

Key reform 3: A transparent planning system – Open up the planning system and increase community engagement in planning

- Develop a Community Engagement Charter to require contemporary community engagement practices, with a focus on community involvement in developing the vision and strategic plans.
- Provide reasons for decisions on planning proposals and develop a guideline for planning decision-makers.
- Require local governments to report on their performance in undertaking planning responsibilities, including decision-making timeframes and outcomes, and the status of their local planning strategy and scheme.

Development Assessment Panels:

- Schedule DAP meetings at regular times to improve accessibility.
- Require each DAP meeting to be recorded and made available on the DAP website.
- Require the DAP to provide reasons for all of its decisions.
- Create more flexibility in DAP processes for proposals which seek significant variations, to enable better scrutiny and to provide for advice and input from community and stakeholders.
- Require proposals amended as a result of a SAT mediation process be readvertised unless fully compliant.
- Appoint a Presiding DAP Member with responsibility for monitoring, advising and mentoring DAP members.
- Draw specialist DAP members from a state-wide pool of members based on the nature of application being heard.
- Provide that new specialist members be included when SAT invites the DAP to reconsider a decision, to ensure fresh consideration of the proposal.
- Encourage the SAT to prepare a framework that allows third parties with a strong interest to be considered during SAT mediation of DAP matters.

Key reform 4: An efficient planning system – Make the planning system well-organised and more efficient

- Revise the WAPC membership down to five - seven members with a breadth of skills and experience focused on State policy, regional plans and planning for smart growth.
- Give the WAPC the flexibility to form expert committees as required in response to emerging issues or specific projects.
- Increase delegation of statutory and administrative matters from the WAPC to accredited local governments with delegations in place.

The following proposals will streamline processes that prolong approvals.

- Use a track-based approach to assess regional scheme amendments, local strategies and local structure plans/activity centre plans.
- Provide a process for decision-makers and applicants to collaborate during the assessment process, including formal pre-lodgement advice.
- Create rules for efficient referral of planning matters.
- A maximum timeframe for decision-makers to request additional information from applicants.
- Provide for up-front agreement on the scope and content of Local Structure Plans.
- Require that Structure Plans and Activity Centre Plans be read as part of the scheme to provide greater certainty to the community and applicants.
- Create a maximum 30-day planning approval process for single houses proposals with only minor variations to the Residential Design Codes.
- Incorporate development contribution schedules in Comprehensive Local Planning Schemes.

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- Require local government to report on administration of development contributions.

Key reform 5: Planning for connected smart growth – Refocus the planning system to deliver quality urban infill

- State Government to develop clear arrangement for the planning and delivery of key infill locations in partnership with local governments and other agencies.
- State Government to provide local governments with advice on forward planning of State infrastructure.
- WAPC to assume a leadership role and collaborate with local government for planning of priority infill areas and assist with land use and infrastructure coordination.
- WAPC to prepare a new Consolidated and Connected Smart Growth State Planning Policy to guide planning and delivery of smart growth.
- Elevate Liveable Neighbourhoods to a State Planning Policy.
- Provide for an Industrial Deferred Zone in the Metropolitan Region Scheme to plan effectively for future economic activity.
- Ensure that arrangements for provisions of State infrastructure are in place prior to permitting development in Urban or Industrial Deferment zones.
- Include Urban Corridor as a road category in the Metropolitan Region Scheme, requiring a coordinated transport response for planning proposals within urban corridors.

Consultation

The Green Paper and its key reform proposals was released in May 2018 for public comment and the submission period closed on 20 July 2018. The reform team has agreed to accept a late submission from the Town of East Fremantle.

All submissions will be assist in developing a White Paper for State Government consideration regarding planning reform.

Statutory Environment

Reform proposals may lead to changes to various planning legislation (including the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*), as well as planning documents developed thereunder (including local planning strategies, schemes and policies) and approval processes.

Policy Implications

Reform proposals may require future changes to the format and structure of local planning policies.

Financial Implications

Some reform proposals have the potential to necessitate increased resource commitment (for example staff and time).

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

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- 3.1.2 *Plan for a mix of inclusive diversified housing options.*
- 3.2 *Maintaining and enhancing the Town's character.*
- 3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*
- 3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*
- 3.3.1 *Continue to improve asset management practices.*
- 3.3.2 *Optimal management of assets within resource capabilities.*
- 3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

- 4.1 *Conserve, maintain and enhance the Town's open spaces.*
- 4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*
- 4.1.2 *Plan for improved streetscapes parks and reserves.*
- 4.2 *Enhance environmental values and sustainable natural resource use.*
- 4.2.1 *Reduce waste through sustainable waste management practices.*
- 4.3 *Acknowledge the change in our climate and understand the impact of those changes.*
- 4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Site Inspection

Not applicable

Comment

A review of the planning system in WA is welcomed and may even be considered by some as being overdue. The Productivity Commission reported some six years ago (in its *Performance Benchmarking for Australian Business Regulation : Role of Local Authority as Regulator, 2012*) that Australian State planning system reform efforts should be directed at focusing on the earlier stages of planning when strategic land use policy and its associated plans are put in place.

As noted in Attachment 1, the proposals included in the Green Paper are predominantly supported or supported in part (at least 'in principle') and are considered worthy of further development. There are some concerns with a number of proposals and those not supported include:

2.4.3	Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.	Strongly disagree. The Town of East Fremantle is well-progressed with its local planning strategy and does not wish to endure any further delays. Unless otherwise directed, the Town of East Fremantle intends to continue with development of the current draft local planning strategy.
2.7.3	Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:	<ul style="list-style-type: none"> • Streamlining the number of zones and similar land use categories is considered appropriate, however, the mandating of this proposal is not supported. • Standardising land use permissibility is strongly not supported.

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	<ul style="list-style-type: none"> i group like-land uses into themes for which common development standards can be prepared ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment. 	<ul style="list-style-type: none"> • Standardising development standards is strongly not supported. • Identifying low risk land use proposals by including suitable parameters to enable a streamlined planning process requires further detail and explanation. <p>Local governments greatly vary in size, character and land use and a “one size fits all” approach should be avoided. What is considered to be a low risk land use in one LG, may not be the same for another LG. It is essential that a LG has the option of whether a land use is appropriate or otherwise in specified locations and the standards that should apply to mitigate any impacts.</p> <p>Some form of uniformity is encouraged, however, this could be in the form of guiding principles and model provisions, rather than mandating as deemed provisions.</p>
<p>3.6.1</p>	<p>Provide for DAP meetings to be held at regular times and outside of business hours.</p>	<p>The benefits of regular meetings times and outside of business hours are acknowledged in some circumstances where certain DAP areas experience a high and regular number of applications; and/or where an application is likely to involve a high level of community interest and optimum opportunity is given for meeting attendance.</p> <p>DAP areas can vary quite considerably in relation to the number, frequency and type of applications being considered. Regular meetings and holding them outside of business hours is not necessary for all DAPs. This option should be available to DAPs in consultation with the relevant local governments within its jurisdiction, but should not be a requirement.</p> <p>Local Governments are predominantly responsible for hosting DAP meetings, including the provision of venue and providing administration staff for minute taking and other duties. An increase in the number of DAP meetings and providing for staff to attend outside of usual business hours places an added burden on local government resources.</p>
<p>3.6.2</p>	<p>Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.</p>	<p>Agendas and minutes of DAP meetings are provided, and applicants and members of the public are not restricted from attending a DAP meeting. The purpose of providing a recording of the DAP meeting after the event is not clear. It is assumed that local government officers would also be expected to carry out this added responsibility which would further add to a burden on local government resources.</p>
<p>4.2.13</p>	<p>Provide in the LPS Regulations for a voluntary ‘deemed-to-comply’ check for single houses and provide in the P&D Regulations a specified fee for the service.</p>	<p>Strongly oppose this proposal. Uncertain how this would work without some form of professional assessment and certification, which has not been supported in the past. It is uncertain how a “deemed to comply” check could be confirmed without an assessment being carried out.</p>

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4.2.14	Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.	<ul style="list-style-type: none"> • There could be some contention with regard to what are classified as “minor variations”. • Although some proposed variations may be considered “minor”, a 30 day fast-track approval process would hinder the ability to advertise/seek comment from third parties who may be impacted by the proposal. This scenario is not supported.
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It is essential that details of all proposals involve the continued input and scrutiny from local government. It is suggested that a working group/s be established to assist and that these groups include representatives from local government who are experienced in strategic and statutory planning and includes planners who have had experience working in metropolitan and regional local government areas.

A number of proposals include or may result in increased responsibility and workloads for local governments. Caution and care needs to be taken to ensure that local governments are not unnecessarily burdened and that they are appropriately supported, resourced and compensated where required.

It is considered that State Government needs to take a lead role in developing a robust public awareness and information campaign to explain and promote the proposals of the Green Paper reform as well as any general strategic planning and higher level planning policy as it comes to fruition. It is suggested that such a campaign be of a level similar to those used to promote road safety and health. It is also considered important for it to be communicated to the community that many local government strategic and statutory planning matters are the result of higher level State planning policy and strategic direction which has been imposed.

The reform proposals make mention of a number of guidelines and guiding documents. It is considered essential that local governments be involved in the preparation of these and that the development of these guides is not delayed.

A number of proposals suggest enforcement by regulation, whereas guidelines may be more appropriate to implement some proposals.

Caution and care needs to be taken when attempting to streamline and provide uniformity. A “one size fits all” approach is not necessarily appropriate for some proposals especially due to the complexity and differences of local governments and DAP jurisdictions.

Some further changes are suggested also in regards to DAPs for consideration. It is put forward that an independent DAP assessment team/s be formed to assist with development assessments in addition to assessments provided in the Responsible Authority Report (RAR); and that local government DAP members and specialist members be given greater opportunity to develop a greater sense of a decision-making partnership, rather than a sense of being on opposing sides of a team. Care should be taken when making any changes to ensure no additional burden is placed on local government resources in respect to costs and staff times.

It is recommended that the submission as detailed in Attachment 1 be adopted and forwarded to the DPLH together with the more general comments as outlined in the Officer Recommendation.

- *The Committee would like to thank the Staff involved for their diligence and commitment to providing a thorough and thoughtful report.*

12.1 OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION TP080818

Cr M McPhail moved, seconded Cr White

That Council:

- (1) Adopt the Town of East Fremantle Submission – Response Template, shown as Attachment 1 to the Agenda, as a basis for a submission to the Department of Planning Lands and Heritage regarding details of the planning reform proposals of the Modernising Western Australia’s Planning System Green Paper (May 2018); and**
- (2) Forward the adopted Town of East Fremantle Submission – Response Template referred to in (1) above, to the Department of Planning, Lands and Heritage together with the following general comments:**
 - (i) The Town of East Fremantle commends the moves towards developing an improved planning system within the State and supports the reform principles of the Green Paper on *Modernising Western Australia’s Planning System* including fairness, transparency, integrity and efficiency; and generally supports the five key reform proposals that include being strategically-led, legible, transparent, efficient and delivering smart growth.**
 - (ii) Whilst the Town of East Fremantle supports many of the proposals in principle, some require more detail before full support can be considered, as noted in the submission response template and comments herein.**
 - (iii) It is essential that details of all proposals involve the continued input and scrutiny from local government. It is suggested that a working group/s be established to assist and that these groups include representatives from local government who are experienced in strategic and statutory planning and includes planners who have had experience working in metropolitan and regional local government areas.**
 - (iv) A number of proposals include or may result in increased responsibility and workloads for local governments. Care needs to be taken to ensure that local governments are not unnecessarily burdened and that they are appropriately supported, resourced and compensated where required.**
 - (v) It is considered that it would be in the interests of the State Government and the community in general if the State was to take a lead role in developing a robust public awareness and information campaign to explain and promote the proposals of the Green Paper reform as well as any general strategic planning and higher level planning policy as it comes to fruition. It is suggested that such a campaign be of a level similar to those used to promote road safety and health. It is also considered important for it to be communicated to the community that many local government strategic and statutory planning matters are the result of higher level State planning policy and strategic direction which has been imposed.**
 - (vi) The proposals make mention of a number of guidelines and guiding documents. It is considered essential that local governments be involved in the preparation of these and that the development of these guides is not delayed.**
 - (vii) A number of proposals suggest enforcement by regulation, whereas guidelines may be more appropriate to implement some proposals.**
 - (viii) Care needs to be taken when attempting to streamline and provide uniformity. A “one size fits all” approach is not necessarily appropriate for some proposals especially due to the complexity and differences of local governments and DAP jurisdictions.**

(ix) In regards to DAPs: (i) it is suggested that an independent DAP assessment team/s be formed to assist with development assessments in addition to assessments provided in the RAR; (ii) Local government DAP members and specialist members be given greater opportunity to develop a greater sense of a decision-making partnership, rather than a sense of being on opposing sides of a team; and (iii) In making changes to DAP procedures care should be taken not to add a burden on local government resources in respect to costs and staff time.

(CARRIED UNANIMOUSLY)

12.2 Endorsement of Draft Town of East Fremantle Housing Capacity Study

File ref	B/LPS1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	7 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Town of East Fremantle Housing Capacity Study 2018

Purpose

The purpose of this report is for Council to consider endorsement of the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline guiding document for investigation and development of future housing/planning strategies.

Executive Summary

The Draft Town of East Fremantle Housing Capacity Study 2018 was carried out in-house by Council's planning staff to identify existing housing capacity within the Town of East Fremantle for additional dwellings. This document will assist in planning for future additional dwellings to accommodate a share of growth for the Perth and Peel Regions with a population of 3.5 million. The target set for the Town of East Fremantle is 890 additional dwellings by 2050. (Note that at the time of drafting the Housing Capacity Study, the target set by the May 2015 draft Perth and Peel @ 3.5 million – Central Sub-regional planning framework was 900 dwellings and changed slightly to 890 dwellings when Perth and Peel @ 3.5 million was finalised and released in March 2018).

The study provides a baseline demonstration of existing residential capacity under current controls. An estimate of development potential in terms of additional dwellings, likelihood of development and timing is provided together with explanatory commentary where applicable.

It investigates potential sites for development and/or redevelopment for residential dwellings, taking into consideration:

- Current statutory heritage, zoning, and density codes controls under Local Planning Scheme No. 3 (LPS 3) together with local planning policy direction provided by the Residential Design Guidelines and the Town Centre redevelopment guidelines; and
- Constraining factors such as Metropolitan Region Scheme (MRS) reservations and future land requirement (in particular Canning Highway).

In addition, this study identifies general areas and specific sites for further investigation.

Background

A copy of the Draft Town of East Fremantle Housing Capacity Study 2018 was provided to Council for information at its Forum held on 13 February 2018. It has since been slightly updated to include the final adoption of the Perth and Peel @ 3.5 million planning frameworks and any recent progress made to development proposals referred to within the study.

Existing Residential zoned land within the Town of East Fremantle has almost been completely developed. As of February 2018, Council's rates records show that there were less than 50 vacant Residential zoned lots within the Town and approximately 20 of those were under construction or had current planning/building approvals.

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It is evident that there is limited potential for increased dwellings in the existing Residential zoned areas under current controls. Even if density codes were increased, demolition of existing buildings would be required on a significant scale. There is little incentive or support for such an approach given high capital investment in current housing stock, as well as the substantial number of heritage listed dwellings within the Town whereby demolition is not encouraged from a regulatory, streetscape character and community viewpoint.

Some of the issues and challenges affecting development potential include:

- Heritage Listing under Local Planning Scheme No. 3 (LPS 3);
- Canning Highway Reservation under the Metropolitan Region Scheme (MRS) (in terms of land requirement and vehicular access);
- Fremantle Ports Inner Harbour Buffer;
- Multiple Land Ownership;
- Community attitude to existing character;
- Investment, age and condition of existing development.

Some of the opportunities that may positively influence development potential include:

- Possible amendment to reduce the width of the Canning Highway Reservation under the MRS which would free up land for further development;
- Large lot size;
- Vacant property;
- Underdeveloped in terms of dwelling density potential;
- Single party land ownership of site and/or multiple adjoining sites;
- Ageing and less than reasonable condition of existing development.

Several projects are in various stages of proposal/approval that have the potential to provide for additional dwellings and other forms of accommodation including:

- The former Woodside Hospital site is proposed for redevelopment as a private Aged Care Facility.
- Amendment No. 14 involves properties on the corner of Canning Highway, Sewell Street and St Peters Road which could result in a multi-storey mixed use development including apartments.
- Amendment No. 15 involves the Royal George Hotel building and adjacent vacant land which could result in a multi-storey mixed use development including apartments.
- The Leeuwin Barracks site on Riverside Road is earmarked for sale by the Department of Defence and a Vision Plan Concept endorsed by Council in 2016 includes possible development of approximately 1,440 apartments.

In addition to these, the study identifies “Further Investigation Areas” to help plan for and encourage further additional dwellings. The most promising prospects for future residential development exist in areas not currently located within the Residential Zone (that is the Town Centre, Mixed Use and Special Business zones) and potentially in strategic locations currently zoned Residential, whereby changes to density codes would be required to support any significant dwelling numbers and variety.

Consultation

This study involves an audit of the existing residential capacity of the Town of East Fremantle for which no community consultation was required.

Recommended areas for further investigation for increased residential development potential will need to involve consultation with servicing agencies as well as the general community. This will take place as a matter of course as part of further studies and any changes to the local planning framework (for example

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local planning strategy, local planning scheme and local planning policies) and where required for development and subdivision applications.

Statutory Environment

Nil

Policy Implications

There are no policy implications at this time, however, as a result of further investigations review and/or new local planning policy may be required in the future.

Financial Implications

The Town of East Fremantle may need to set aside funding for additional studies for further investigation areas and for developing/updating its local planning framework.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 Facilitate sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.2 Maintaining and enhancing the Town's character.

3.2.1 Ensure appropriate planning policies to protect the Town's existing built form.

3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management practices.

3.3.2 Optimal management of assets within resource capabilities.

3.3.3 Plan and advocate for improved access and connectivity.

Site Inspection

Not applicable

Comment

The Draft Town of East Fremantle Housing Capacity Study 2018 shows that the potential for additional dwellings is significantly limited and a lesser additional dwellings target would be more realistically achievable. It may be reasonable to seek from the WAPC a revision of the 890 (previously 900) additional dwellings target. As an alternative, the WAPC could be requested to include any residential development that occurs as part of the future Leeuwin Barracks redevelopment within that 890 additional dwellings target.

Existing local planning tools will ultimately require review to guide, control and implement recommendations of this study. It is anticipated that this study will guide the preparation of the Draft Local Planning Strategy which is expected to be available for Council consideration in the near future. Opportunity will be available to the community to be involved with the process of developing any forthcoming strategic and statutory planning documents.

12.2 OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION TP090818

Cr Nardi moved, seconded Cr M McPhail

That Council:

- (1) Endorses the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline document for investigation and development of future housing/planning strategies.
- (2) Seeks from the Western Australian Planning Commission (WAPC) a revision of the additional dwellings target as required by *Perth and Peel @ 3.5 million March 2018* by either:
 - (a) Lowering the 890 additional dwellings target level; or
 - (b) Agreeing to the inclusion of additional dwellings provided as part of any future development of the Leeuwin Barracks site within the current 890 additional dwelling target.

(CARRIED UNANIMOUSLY)

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12.3 Basic Amendment No. 16 to Local Planning Scheme No. 3 – To Rectify Typographical Errors in the Scheme Text

Owner	Various
Applicant	Town of East Fremantle
File ref	TPS3A16
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	7 August 2018
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose and Executive Summary

The purpose of the report is to rectify typographical errors in the Scheme Text resulting from the incorrect version of Amendment No. 10 being gazetted.

Following adoption of the Amendment by Council and consideration by the Department of Planning further modifications were required before it was considered by the WAPC and the Minister for Planning. During this time there were a number of versions of the Amendment in circulation between the Town and Department of Planning Officers. Following determination by the WAPC and the Minister an incorrect version was published in the Government Gazette.

The Town sought advice from the Department of Planning in regard to rectifying the matter and was advised that a correction notice in the Government Gazette would not be supported for two reasons. Firstly, it was not clear at which point in the amendment process the mistake occurred and secondly, as one of the corrections required a change to a planning provision in the Scheme Text. A basic amendment to Local Planning Scheme No. 3 would therefore be required to correct the Text and ensure transparency with the process.

The basic amendment process requires Council to resolve to prepare the Amendment and then to refer it to the EPA. Following referral the Town will address any comments from the EPA, incorporate any conditions and then following execution of the document forward it to the Commission. The Commission then considers the Amendment and makes a recommendation to the Minister. Advertising is not required in the basic amendment procedures.

Background

After gazettal of Amendment No. 10 the Town discovered the gazetted version contained mistakes. Whilst mostly of a typographical nature the errors required correction to ensure there were no misinterpretations of the planning provisions and clauses in the Scheme Text.

Following the Town's adoption of Amendment No. 10 modifications were requested by the Department of Planning. It is thought that during the process of finalising the modifications an incorrect version of Amendment No. 10 was approved by the Minister for Planning and published in the Government Gazette.

The Town requested a correction notice be published in the Government Gazette and provided a correct copy of the Amendment documents to the Department of Planning. However, the Department has subsequently advised that:

The Planning and Development (Local Planning Schemes) Regulations 2015 make provision for administrative errors to be corrected by way of a basic amendment where an

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administrative error has occurred. In this instance, it appears that the errors are administrative, largely relating to discrepancies between land use permissibilities in the amendment text and table, and incorrect cross-referencing to footnotes and between clauses.

It is recommended that the Town consider initiating a basic amendment to correct the administrative errors.

A correction notice is not supported in this instance given:

- *the proposed corrections may not reflect Council's position at the time the Amendment was initiated and adopted; and*
- *a basic amendment ensures a transparent process in accordance with the Local Planning Scheme Regulations.*

The first bullet point refers to a correction that changes use class permissibilities in the Zoning Table. This is discussed in the 'Details' section of the report.

Details

The corrections required are listed below:

- Zoning Table (Residential Zone column) - correct symbols and footnote numbers as applied to consulting rooms, grouped dwelling, multiple dwelling, office and telecommunications structures use classes;
- Rectify typographical errors in Zoning Table Footnotes 1 and 2; and
- Correct a clause number referenced in Schedule 10.

The corrections are mostly concerned with typographical errors, however, in relation to the corrections noted for the Residential Zone column the gazetted version of the Amendment specified that consulting rooms in the Residential zone fronting Canning Highway were designated as 'D', that is a discretionary use. This has been corrected to classify the use as 'A', that is a use which must be advertised. This is the matter the Department of Planning referred to as possibly not reflecting the Council's position at the time the Amendment was adopted. Planning staff were not certain if this was a typographical or unintended technical error.

In response it is reasonable to assume that Council's approach in requiring advertising for consulting rooms adjacent to the Highway and in a Residential zone is reasonable based on principles of orderly and proper planning. This is not considered a major change in regard to the planning provisions of the Amendment. However, as it has consequences in so far as how an application is assessed, the Department of Planning believes it necessary to amend the Scheme according to proper procedures rather than classify it as an administrative error.

The specific corrections to the Scheme Text are outlined below:

- (i) Modify the Zoning Table to change the symbols applicable to the following uses in the Residential zone column:
 - a) consulting rooms from 'X/D¹' to 'X/A¹';
 - b) grouped dwelling from 'D' to 'D²';
 - c) multiple dwelling from 'X/A²' to 'X/A³';
 - d) office from 'X/D¹' to 'X/A¹'; and

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- e) telecommunications infrastructure from 'A³' to 'A⁴';
- (ii) Modify the Zoning Table Footnotes as follows:
- a) in Footnote 1. replace 'D' with 'A'; and
- b) in Footnote 2. replace 'R1.5' with 'R12.5'; and
- (iii) Modify Schedule 10 by replacing Clause '5.8.2' with '5.8.5'.

The footnotes will then read as follows:

1. Consulting Rooms and Office are an 'A' use only for those residential dwellings that are located adjacent to Canning Highway.
2. In areas with a density coding of R12.5, where a density bonus is sought for Grouped Dwellings on corner lots, applications shall be dealt with as an 'A' use. (Sub-clause 5.3.1)
3. In areas with a density coding of less than R40, Multiple Dwelling is an 'X' use.
4. Subject to the provisions of: the Telecommunications Act 1997; the Telecommunications (Low-impact Facilities) Determination 1997 and Amendment No. 1; and the Telecommunications Code of Practice 1997.

Consultation

Under the *Local Planning Schemes Regulations, 2015*, the Town is not required to advertise a basic amendment for public comment unless the Minister for Planning or an authorised person directs the Town to advertise pursuant to regulation 61(1) of the *Local Planning Scheme Regulations*.

If supported by Council the Amendment will need to be referred to the Environmental Protection Authority for comment prior to forwarding to the WAPC for determination.

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 3 (LPS No. 3)

Policy Implications

Draft Local Planning Strategy 2016

Financial Implications

Nil

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Built Environment

Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces.

3.1 *Facilitate sustainable growth with housing options to meet future community needs.*

3.1.1 *Advocate for a desirable planning and community outcome for all major strategic development sites.*

3.1.2 *Plan for a mix of inclusive diversified housing options.*

3.2 *Maintaining and enhancing the Town's character.*

3.2.1 *Ensure appropriate planning policies to protect the Town's existing built form.*

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3.3 *Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.*

3.3.1 *Continue to improve asset management practices.*

3.3.2 *Optimal management of assets within resource capabilities.*

3.3.3 *Plan and advocate for improved access and connectivity.*

Natural Environment

Maintaining and enhancing our River foreshore and other green, open spaces with a focus on environmental sustainability and community amenity.

4.1 *Conserve, maintain and enhance the Town's open spaces.*

4.1.1 *Partner with Stakeholders to actively protect, conserve and maintain the Swan River foreshore.*

4.1.2 *Plan for improved streetscapes parks and reserves.*

4.2 *Enhance environmental values and sustainable natural resource use.*

4.2.1 *Reduce waste through sustainable waste management practices.*

4.3 *Acknowledge the change in our climate and understand the impact of those changes.*

4.3.1 *Improve systems and infrastructure standards to assist with mitigating climate change impacts.*

Site Inspection

N/A

Environmental Implications

There are no known significant environmental implications associated with this proposal.

Comments

Amendment No. 16 is required to be prepared because there are errors in Local Planning Scheme No. 3 following the incorrect version of Amendment No. 10 being gazetted. It is considered a basic scheme amendment because it meets one of the criteria under the LPS Regulations for basic amendments that is "to correct an administrative error".

The Department of Planning was not supportive of the correction being dealt with as a correction notice in the Government Gazette and suggested that the matter be dealt with as a basic Scheme Amendment primarily to ensure transparency in the amendment process. This is considered the most straight forward and transparent means of correcting the errors in the Planning Scheme.

Advertising is not required for a basic scheme amendment as there are no changes to the intent of the Planning Scheme provisions. The Amendment details involve mostly correcting typographical errors and ensuring the symbol for the consulting rooms use in the Residential zone requires advertising be undertaken.

Conclusion

Following Council's resolution to prepare Amendment No. 16 it will be referred to the EPA as the legislation requires. Once a response has been received from the EPA Council will be required to execute the Scheme Amendment Report document and then forward it to the WAPC for its consideration and the Minister for Planning's determination. It should be noted that Recommendation No. 4 of the Officer's Recommendation requires Council to authorise the execution of the documents as the Amendment is not required to be reported back to Council. Once the response from the EPA is received the Amendment is to be forwarded to the WAPC.

12.3 OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION TP100818

Cr White moved, seconded Cr Natale

That Council:-

- (1) Pursuant to section 75 of the *Planning and Development Act, 2005* prepares basic Scheme Amendment No. 16 to Local Planning Scheme No.3 to rectify typographical errors in the Scheme Text:
 - (i) Modify the Zoning Table to amend the symbols for the following uses in the Residential zone column:
 - (a) consulting rooms from 'X/D¹' to 'X/A¹';
 - (b) grouped dwelling from 'D' to 'D²';
 - (c) multiple dwelling from 'X/A²' to 'X/A³';
 - (d) office from 'X/D¹' to 'X/A¹'; and
 - (e) telecommunications infrastructure from 'A³' to 'A';
 - (ii) Modify the Zoning Table Footnotes as follows:
 - (a) in Footnote 1. replace 'D' with 'A'; and
 - (b) in Footnote 2. replace 'R1.5' with 'R12.5'; and
 - (iii) Modify Schedule 10 by replacing Clause '5.8.2' with '5.8.5';
- (2) Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 16 is a basic Scheme Amendment, as the amendment is to correct an administrative error;
- (3) Pursuant to section 81 of the Planning and Development Act, 2005, refers basic Amendment No. 16 to the Environmental Protection Authority; and
- (4) Pursuant to Regulation 62(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, authorises the affixing of the common seal and endorses signing of the Amendment documentation by the Mayor and the Chief Executive Officer.

(CARRIED UNANIMOUSLY)

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13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 7:57pm.

I hereby certify that the Minutes of the ordinary meeting of the Town Planning & Building Committee of the Town of East Fremantle, held on 7 August 2018, Minute Book reference 1. to 14 were confirmed at the meeting of the Committee on:

.....

Presiding Member

12. REPORTS

12.1 PLANNING REPORTS

12.1.1 Comment/Submission – Green Paper - Modernising the Western Australian Planning System

File ref	B/PTP1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town of East Fremantle Submission – Response Template

Purpose

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP080818) to provide comments to the Department of Planning, Lands and Heritage (DPLH) on the Green Paper – *Modernising the Western Australia's Planning System* on planning reform in Western Australia.

Executive Summary

The Town Planning Committee at its meeting on 7 August 2018 recommended the adoption of the attached completed Response Template, in addition to a number of general comments, for submission to the DPHL in response to the Green Paper – *Modernising the Western Australia's Planning System*.

(Refer to Town Planning Committee minutes (pp 61-69) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

12.1.1 COMMITTEE RECOMMENDATION

That Council:

- (1) Adopt the Town of East Fremantle Submission – Response Template, shown as Attachment 1 to the Agenda, as a basis for a submission to the Department of Planning Lands and Heritage regarding details of the planning reform proposals of the Modernising Western Australia's Planning System Green Paper (May 2018); and**
- (2) Forward the adopted Town of East Fremantle Submission – Response Template referred to in (i) above, to the Department of Planning, Lands and Heritage together with the following general comments:**
 - (i) The Town of East Fremantle commends the moves towards developing an improved planning system within the State and supports the reform principles of the Green Paper on *Modernising Western Australia's Planning System* including fairness, transparency, integrity and efficiency; and generally supports the five key reform proposals that include being strategically-led, legible, transparent, efficient and delivering smart growth.**

- (ii) Whilst the Town of East Fremantle supports many of the proposals in principle, some require more detail before full support can be considered, as noted in the submission response template and comments herein.**
- (iii) It is essential that details of all proposals involve the continued input and scrutiny from local government. It is suggested that a working group/s be established to assist and that these groups include representatives from local government who are experienced in strategic and statutory planning and includes planners who have had experience working in metropolitan and regional local government areas.**
- (iv) A number of proposals include or may result in increased responsibility and workloads for local governments. Care needs to be taken to ensure that local governments are not unnecessarily burdened and that they are appropriately supported, resourced and compensated where required.**
- (v) It is considered that it would be in the interests of the State Government and the community in general if the State was to take a lead role in developing a robust public awareness and information campaign to explain and promote the proposals of the Green Paper reform as well as any general strategic planning and higher level planning policy as it comes to fruition. It is suggested that such a campaign be of a level similar to those used to promote road safety and health. It is also considered important for it to be communicated to the community that many local government strategic and statutory planning matters are the result of higher level State planning policy and strategic direction which has been imposed.**
- (vi) The proposals make mention of a number of guidelines and guiding documents. It is considered essential that local governments be involved in the preparation of these and that the development of these guides is not delayed.**
- (vii) A number of proposals suggest enforcement by regulation, whereas guidelines may be more appropriate to implement some proposals.**
- (viii) Care needs to be taken when attempting to streamline and provide uniformity. A “one size fits all” approach is not necessarily appropriate for some proposals especially due to the complexity and differences of local governments and DAP jurisdictions.**
- (ix) In regards to DAPs: (i) it is suggested that an independent DAP assessment team/s be formed to assist with development assessments in addition to assessments provided in the RAR; (ii) Local government DAP members and specialist members be given greater opportunity to develop a greater sense of a decision-making partnership, rather than a sense of being on opposing sides of a team; and (iii) In making changes to DAP procedures care should be taken not to add a burden on local government resources in respect to costs and staff time.**

Green Paper – Proposals for modernising the planning system

Response Template

This response template is intended to assist industry groups, local governments and practitioners respond in detail to the proposals outlined in the paper. The template is structured in accordance with the reform Proposals and the subheading and recommendations within those.

Completed templates may be submitted via the online survey at www.planning.wa.gov.au/planningreform. You will be directed to an upload page after the first two pages of identifying questions. Submissions close on 20 July 2018.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
1.0	A STRATEGICALLY-LED SYSTEM		
1.1	Prominence of Strategic Planning		
1.1.1	Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.	Yes	
1.1.2	Provide in the LPS Regulations that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.	Yes	
1.1.3	Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy.	In part	In some instances, a local planning scheme amendment may arise in response to an MRS amendment that was not initiated by the local government. It would not necessarily be fair and reasonable to expect a local government to take on the additional burden of a concurrent amendment to the local planning strategy. If adopted, additional time to prepare and respond to submissions received after advertising may be required.
1.2	Need to Explain Sustainability for Land Use Planning		
1.2.1	An overarching State Planning Policy be developed which: <ul style="list-style-type: none"> i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs; ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and 	Yes	It is essential, however, that clear guidance is provided in relation to identifying priorities when/if any of the factors (i.e. economic, social, environmental) conflict with each other. What are the circumstances that require one of these factors to take precedence over the other?

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
	iii Indicates the particular steps related to how economic, social and environmental factors are balanced.		
1.3	Housing Distribution		
1.3.1	Provide that every local planning strategy include a local housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements.	Yes	This currently seems to be common practice.
1.3.2	The DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for local housing analysis.	Yes	Essential
2.0	A LEGIBLE PLANNING SYSTEM		
2.2	Arranging State Planning Policies for Brevity and Simplicity		
2.2.1	State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.	Yes	This is long overdue. The State Planning Policy framework should be the subject of an information and public awareness campaign arrived at a State-wide audience so the community has an awareness of the context in which LPPs and LPPs are formulated.
2.3	Line of Sight		
2.3.1	WAPC to establish common strategic “elements” for the State Planning Framework including but not limited to: <ul style="list-style-type: none"> • A “sustainability” element • A “land use element” that includes the distribution of uses of land as well as density • A “housing element” that includes the types of housing • An “environmental element” • An “open space element” • An “urban form and design element” • An infrastructure element. and prepare Technical Guidance for the details of each element to be included.	In part	Support in principle, however, comment is reserved as to the details of the elements listed in the proposal.
2.3.2	Provide that every State Planning Policy, Regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by the WAPC.	In part	Support in principle. Once strategic elements have been agreed and identified, they should be followed at all levels of strategic planning.
2.3.3	Provide that every local planning strategy must explain how it has addressed the requirements of each common strategic	In part	Support in principle, as per above mentioned. If 2.2.1 is implemented, then acceptance by the community should be forthcoming.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
	element against the requirements of State Strategy, Planning Policy or Regional or sub-regional strategy.		
2.3.4	Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.	In part	The term “due regard” is often ambiguous and is not considered sufficiently robust in this situation (or in other planning regulation for that matter). Reference should indicate that SPPs must be followed, unless it can be satisfactorily demonstrated that special circumstances exist to warrant deviation.
2.3.5	Provide in the Metropolitan Redevelopment Authority Act 2011 that in performing functions under the Act, the MRA must have regard to State Planning Policies.	Yes	
2.4	Complexity locating and interpreting the local planning framework		
2.4.1	Require that a local planning scheme be published with the inclusion of the Local Planning Strategy (in the form of a local strategic statement) and Local Planning Policies in a document to be called a “Comprehensive Local Planning Scheme”.	Yes	However, clear guidance is required for the range of content and format of these documents.
2.4.2	DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a Local Planning Strategy and Local Planning Policies.	Yes	Essential. However, in developing the Local Planning Manual a working group be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
2.4.3	Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.	No	Strongly disagree. The Town of East Fremantle is well-progressed with its local planning strategy and does not wish to endure any further delays. Unless otherwise directed, the Town of East Fremantle intends to continue with development of the current draft local planning strategy.
2.4.4	Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.	Yes	
2.4.5	The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.	Yes	Essential. However, in developing the Local Planning Manual a working group be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
2.5	Form of a Local Planning Strategy		
2.5.1	The DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.	Yes	Essential, however, comments are reserved with regard to the reference to the Victorian Municipal Strategic Statement, as an alternative format may/ or may not be more appropriate. A working group to assist should be formed that includes

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
			experienced local government statutory and strategic planners, from metropolitan and country regions.
2.6	Form of Local Planning Policies		
2.6.1	The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.	Yes	However, a working group to assist in amending the Regulations should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
2.6.2	The DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.	Yes	Essential. However, in developing the Local Planning Manual and its recommended contents a working group be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
2.7	Consistency of local planning schemes		
2.7.1	Provide in the PD Act that deemed provisions are to be included in a comprehensive local planning scheme.	Yes	The current situation of keeping the deemed provisions separate is confusing and unproductive.
2.7.2	Provide in the LPS Regulations that a comprehensive local planning scheme is to include a specific section for deemed provisions.	Yes	This provides for all relevant provisions to be available in a single document.
2.7.3	Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which: <ul style="list-style-type: none"> i group like-land uses into themes for which common development standards can be prepared ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment. 	In part/No	<ul style="list-style-type: none"> • Streamlining the number of zones and similar land use categories is considered appropriate, however, the mandating of this proposal is not supported. • Standardising land use permissibility is strongly not supported. • Standardising development standards is strongly not supported. • Identifying low risk land use proposals by including suitable parameters to enable a streamlined planning process requires further detail and explanation. <p>Local governments greatly vary in size, character and land use and a “one size fits all” approach should be avoided. What is considered to be a low risk land use in one LG, may not be the same for another LG. It is essential that a LG has the option of whether a land use is appropriate or otherwise in specified locations and the standards that should apply to mitigate any impacts.</p> <p>Some form of uniformity is encouraged, however, this could be in the form of guiding principles and model provisions, rather than mandating as deemed provisions.</p>
2.7.4	The DPLH to revise and keep up to date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local planning framework and properly reflects the expectations of DPLH and WAPC.	Yes	Essential. However, in updating the Local Planning Manual a working group be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
2.8	Location of Local Development Standards		
2.8.1	Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.	Yes	
2.9	On-line Local Planning Schemes		
2.9.1	Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.	Yes	
3.0	A TRANSPARENT PLANNING SYSTEM		
3.2	Community Engagement		
3.2.1	The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to: <ul style="list-style-type: none"> i Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine. 	Yes	This needs to occur at all levels of planning, not just at local level but also at State level. It is considered that local government has improved in this area over time. Local government often bears criticism from the community when implementing State policy. It would be beneficial for State policy to be better communicated through multi-media at the formulation stage as well as adoption stage. The community needs to be more aware of the “line of sight” of how local strategic planning is related to State and regional strategic planning. The State Government is urged to take on a greater role in this side of community engagement.
3.2.2	Align engagement processes in the planning regulations to the Community Engagement Charter.	Yes	
3.2.3	Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.	Yes	
3.2.4	Make provision within the LPS Regulations that the local planning strategy must be in accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.	Yes	It is already generally common practice for this occur, however, it is important to formalise the link between the Local Government Act and planning regulation.
3.2.5	DPLH to revise the Local Planning Manual to clarify that: <ul style="list-style-type: none"> i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme 	Yes	

PROPOSAL		SUPPORT Yes/No/In Part		RESPONSE
	ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy.			
3.3	Reasons for Decisions			
3.3.1	The DLPH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.	In part		Comments are reserved with regard to the reference to the Queensland Scope of Reasons model, as an alternative format may/ or may not be more appropriate. A working group to assist should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
3.3.2	Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.	In part		It is considered onerous and unnecessary in all circumstances to provide reasons for a planning decision and for this to be mandatory. In most instances, a public report is available to give a rationale behind officer recommendations, from which any changes by decision-makers can be viewed. Providing reasons for decisions may be more appropriately restricted to those planning proposals: <ul style="list-style-type: none"> • of a more complex, strategic or significant nature (e.g. of a certain value, or of regional or State significance); and/or • where the degree or range of discretion being exercised is a significant departure to what would be deemed to usually apply.
3.4	Transparency of DLPH and WAPC Statutory Reports			
3.4.1	WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.	Yes		If not already occurring, it is also supported that this proposal be extended to include the publication of minutes and that it not be restricted to scheme amendments but also include other planning applications such as developments and subdivisions.
3.5	Reporting by Local and State Government on Planning Matters			
3.5.1	Provide in regulations mandatory reporting by local government on planning matters.	In part		<ul style="list-style-type: none"> • This is supported in principle, however, to assist in development of the reporting requirement details a working group be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions. It is essential that reporting processes are not so onerous as to impact on efficient and effective day to day operations. • This section heading includes "State Government", however, the proposal does not address reporting at this level and only refers to local government. It is expected that similar reporting requirements should also be required at State level.

PROPOSAL		SUPPORT Yes/No/In Part		RESPONSE
3.6	Transparency and Accountability of Development Assessment Panels			
3.6.1	Provide for DAP meetings to be held at regular times and outside of business hours.	In part/No		<p>The benefits of regular meetings times and outside of business hours are acknowledged in some circumstances where certain DAP areas experience a high and regular number of applications; and/or where an application is likely to involve a high level of community interest and optimum opportunity is given for meeting attendance.</p> <p>DAP areas can vary quite considerably in relation to the number, frequency and type of applications being considered. Regular meetings and holding them outside of business hours is not necessary for all DAPs. This option should be available to DAPs in consultation with the relevant local governments within its jurisdiction, but should not be a requirement.</p> <p>Local Governments are predominantly responsible for hosting DAP meetings, including the provision of venue and providing administration staff for minute taking and the like. An increase in the number of DAP meetings and providing for staff to attend outside of usual business hours places an added burden on local government resources.</p>
3.6.2	Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.	No		<p>Agendas and minutes of DAP meetings are provided, and applicants and members of the public are not restricted from attending a DAP meeting. The purpose of providing a recording of the DAP meeting after the event is not clear. It is assumed that local government officers would also be expected to carry out this added responsibility which would further add to a burden on local government resources.</p>
3.6.3	3.6.3 Provide clarification in DAP Practice Notes: i. If new information is submitted to the DAP after an RAR, the DAP should consider whether a decision should be deferred pending further RAR advice ii. As to when it may be appropriate to defer a decision, such as where issues are raised which require further detailed technical consideration by responsible authorities.	Yes		<p>Improved clarification on these matters is supported.</p>
3.6.4	Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.	In part		<p>It is not considered necessary to always provide reasons for a planning decision made by the DAP where the responsible authority's recommendation contained within the RAR is adopted. If there is a circumstance where the rationale for the recommendation is not clear in the RAR, then perhaps providing reasons would be appropriate in this instance.</p>

PROPOSAL		SUPPORT Yes/No/In Part		RESPONSE
3.6.5	Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.	Yes	However: <ul style="list-style-type: none"> It is unclear as to what “readvertised” actually refers to. Does this mean advertised for public comment, or advertised for information? It is unlikely that an application will comply with all development standards and readvertising will be required in most instances. It should be acknowledged that further advertising for comment will lengthen the approval process. The additional advertising costs should not be the burden of local government without compensation. 	
3.6.6	Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.	Yes		
3.6.7	The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.	Yes	This may be a good compromise to a third party appeal system at this point in time. Local government should be consulted as to whether a party has a “sufficient interest” in a matter.	
3.6.8	Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.	Yes		
3.6.9	Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.	In part	Supported in principle, however, further details are required. Local Governments are predominantly responsible for hosting DAP meetings, including the provision of venue and providing administration staff for minute taking and the like. Care needs to be taken to ensure that further changes to meeting practices do not place an added burden on local government resources.	
3.6.10	Provide in the DAP Regulations that the WAPC retains its decision making ability with respect to development applications under region schemes.	Yes		
3.6.11	Provide for a Presiding Member to be appointed also as the Chief Presiding Member to: i Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard	In part	<ul style="list-style-type: none"> The principle of providing for a position to oversee DAP procedures and decisions; to assist identifying panel members suitable to the complexity of applications being heard; and identifying DAP member training needs is supported. Comments are reserved with regard to whether this position should be filled by a Presiding Member or by another person independent of panel membership. Such a significant role in addition to the role and responsibility of an existing DAP Presiding Member, may be create an unrealistic expectation for a sole position to fully and appropriately execute. 	

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
	iii Identify training needs for DAP members for the approval of the Director General DLPH.		
4.0	AN EFFICIENT PLANNING SYSTEM		
4.1	Arrangement of the WA Planning System		
4.1.1	Provide that the PD Act be amended to delete the WAPC function s14.(a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.		
4.1.2	Provide for a local government accreditation process.	Yes	Supported in principle, however, a working group to assist should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
4.1.3	Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.	Yes	However, a working group to assist should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
4.1.4	Provide for the PD Act to be amended to: <ul style="list-style-type: none"> i Revise the membership of the WAPC to 5-7 members to have experience, skills or knowledge of any one or more of the following fields— <ul style="list-style-type: none"> • planning, including strategic land use planning in metropolitan or regional areas • infrastructure planning, delivery, policy and strategy • public administration and public policy • property development • housing supply • corporate or public sector governance • economics, finance or financial management • management of business or commercial ventures • local government. ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise the Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson of the committee. 	In part	<ul style="list-style-type: none"> • The ability of the WAPC to have the flexibility to form and disband supporting sub-committees as required is supported. • Comments are reserved with regard to the change in membership of the WAPC. Details are required regarding the choice of fields listed and why the current representative fields have been omitted. • For example, concerns are raised with regard to the omission of Aboriginal and other cultural heritage representatives.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
4.1.5	The role and purpose of a Coastal Planning Committee be reviewed, and consideration be given to the most appropriate host organisation and regulatory framework for the Committee.		
4.1.6	Revise the Service Delivery Agreement between the WAPC and DPLH to accord with the revised roles of the WAPC and DPLH.		
4.1.7	Provide for new positions to be created to enable DPLH to recruit senior and experienced town planners to undertake strategic planning and policy development for the WAPC.	Yes	
4.1.8	The DPLH and WAPC establish a protocol for the engagement of non-public sector expertise in the scoping and development of policies.	Yes	
4.2	Process Efficiency for Planning Proposals		
4.2.1	A Planning Reform Team be retained by DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.	Yes	However, this should also include experienced representatives from local government.
4.2.2	A framework for referral of planning applications, to be incorporated in regulations as appropriate.	In part	Supported in principle, however, a working group to assist should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions. Point of application submission and subsequent referral body points need to be considered so that there is less "double handling".
4.2.3	As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.	Yes	However, it is considered that the role of the Reviewer should be elevated to "oversee" as well as assist.
4.2.4	Provide in regulation that an applicant may seek pre-lodgement advice for development applications.	Yes	However, adequate fees should apply.
4.2.5	Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.	Yes	
4.2.6	Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.	In part	<ul style="list-style-type: none"> It is possible to advise within 10 business days whether an application has provided sufficient information in terms of administrative matters (for example an appropriately completed and signed application form, required number of plans and the like). It is not possible to determine whether additional information is required to assess the proposal without first actually attempting to assess the proposal. For many local governments, including the Town of East Fremantle, it is an unrealistic expectation that a full and detailed assessment is able to be carried out within 10 business days of receipt of the application. For smaller local

PROPOSAL	SUPPORT Yes/No/In Part	RESPONSE
4.2.7	Yes	governments the restrictions relate to level of available resources, whereas with some larger high growth local governments they are more restricted by the volume of applications being submitted. <ul style="list-style-type: none"> Although it is a good guide and something to be working towards, providing for this in the LPS Regulations is not supported and would not readily be achievable in any event. However, a working group to assist should be formed that includes experienced local government statutory and strategic planners, from metropolitan and country regions.
4.2.8	Yes	
4.2.9	In part	The WAPC's power to direct a local government to progress a local structure plan or activity centre plan and amendment should only apply when the direction is in-keeping with SPP or other higher level endorsed strategic direction. If this was progressed the regulations should clearly outline the procedure to be followed by the applicant in applying for a review and the decision making process for the WAPC.
4.2.10		It is not clear as to whether this would entail amendments to the scheme amendments each time associated costs change in real terms.
4.2.11		
4.2.12	Provide for in the PD Act an ability for the Minister for Planning to: <ol style="list-style-type: none"> require a special report from a local government on the operation of a development contribution plan instruct a local government to take particular actions for the administration of a development contribution plan. 	

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
4.2.13	Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&D Regulations a specified fee for the service.	No	Strongly oppose this proposal. Uncertain how this would work without some form of professional assessment and certification, which has not been supported in the past. It is uncertain how a "deemed to comply" check could be confirmed without an assessment being carried out.
4.2.14	Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.	No	<ul style="list-style-type: none"> There could be some contention with regard to what are classified as "minor variations". Although some proposed variations may be considered "minor", a 30 day fast-track approval process would hinder the ability to advertise/seek comment from third parties who may be impacted by the proposal. This scenario is not supported.
4.2.15	A framework for "Basic", "Standard" and "Complex" streams for region scheme amendments, local planning strategies and amendments, and local structure plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.	Yes	
5.0	PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH		
5.1	Planning for Targeted Urban Infill		
5.1.1	That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.	In part	Support in principle, however, it is unclear as to what ways it is expected that the State and local government are to collaborate? More detail is required. Local governments may need additional assistance with the planning and delivery of these urban infill locations.
5.2	Updating Growth Management Policies		
5.2.1	A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's METRONET policy and establishes contemporary smart growth principles and practices.	In part	Smart growth principles and practices are supported. It is important, however, that State planning maintains focus on a broad range strategic planning matters. The State Government's METRONET policy is one of a number of those planning matters and care needs to be exercised to ensure that other projects and policies are given due consideration.
5.3	Planning for Land Use and Infrastructure Coordination		
5.3.1	The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.	In part	Support in principle, however, local government involvement is required when selecting priority precincts.

PROPOSAL		SUPPORT Yes/No/In Part	RESPONSE
5.4	Coordinating State Infrastructure with Regional Rezonings		
5.4.1	Provide in the Metropolitan Region Scheme an “Industrial Deferred Zone”.	Yes	
5.4.2	The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment or Industrial Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.	Yes	
5.5	Coordination of Infrastructure for Land Development		
5.5.1	Provision be made for advice on the forward planning of State infrastructure, including utility providers to assist local governments in the preparation of local planning strategies and structure plans.	In part	Support the principle of forward planning advice being made readily available to local governments to support local planning strategies, however, it is not clear as to the extent that service providers would be involved with allocating final density and other land use capability.
5.6	Coordination of Land Use and Transport for Corridor Development		
5.6.1	The MRS be updated to include “Urban Corridor” as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.	Yes	Supported in principle, however: <ul style="list-style-type: none"> • It is not clear if there will be any specific provisions relating to this new reservation. • It is essential to recognise that Urban Corridors often extend through a number of different local government areas and therefore it is necessary to ensure that planning involves a coordinated approach especially in relation to urban design matters at common local government boundaries.
5.6.2	A review be undertaken of regional road reservations in place to accommodate road widenings within the Metropolitan Region Scheme for designated Urban Corridors.	Yes	However, it is also essential to include those urban corridor reservations that may be decreased in land area, as has been previously proposed for parts of Canning Highway within the Town of East Fremantle.
5.7	Liveable Neighbourhoods		
5.7.1	Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level, rather including it into a single Neighbourhood part of Design WA.	In part	<ul style="list-style-type: none"> • Supported in principle as the proposal will finally give certainty and status to the Liveable Neighbourhoods document. • Details are required as to how Design WA will now be addressing those principles of Liveable Neighbourhoods that should also apply to non-greenfield development.

12.1.2 Endorsement of Draft Town of East Fremantle Housing Capacity Study

File ref	B/LPS1
Prepared by	Stacey Towne, Urban Project Planner
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Town of East Fremantle Housing Capacity Study 2018

Purpose

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP090818) to endorse the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline guiding document for investigation and development of future housing/planning strategies.

Executive Summary

The Town Planning Committee at its meeting on 7 August 2018 recommended the endorsement of the attached Draft Town of East Fremantle Housing Capacity Study 2018.

(Refer to Town Planning Committee minutes (pp 70-73) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

12.1.2 COMMITTEE RECOMMENDATION

That Council:

- 1. endorses the Draft Town of East Fremantle Housing Capacity Study 2018 as a baseline document for investigation and development of future housing/planning strategies.**
- 2. seeks from the Western Australian Planning Commission (WAPC) a revision of the additional dwellings target as required by *Perth and Peel @ 3.5 million March 2018* by either:**
 - (a) lowering the 890 additional dwellings target level; or**
 - (b) agreeing to the inclusion of additional dwellings provided as part of any future development of the Leeuwin Barracks site within the current 890 additional dwelling target.**



TOWN *of*

EAST FREMANTLE

(Draft)
Housing Capacity Study

June 2018

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Executive Summary of Findings

Recommendations

1. It may be reasonable to seek from the Western Australian Planning Commission (WAPC) a revision of the 890 additional dwellings target. This Town of East Fremantle Housing Capacity Study shows that the potential for additional dwellings is significantly limited and a lesser target would be more realistically achievable (suggested between 450 – 600 additional dwellings). Alternatively, should the Leeuwin Barracks project eventuate, the WAPC could include any residential development as contributing to reaching the additional dwelling target. Even at a take up rate of 50 per cent, some 700 additional dwellings could be provided if development occurs similar to the Council-endorsed vision plan.
2. That the Town of East Fremantle considers further investigation of sites for potential residential dwellings development as outlined in the final section of this report entitled “Further Investigation Areas”.
3. That the Town of East Fremantle takes the necessary steps to accommodate the findings of this study, together with the findings of the recommended further investigation, within its Local Planning framework such as the Local Planning Strategy, Local Planning Scheme No. 3 and Local Planning Policies.

Issues, Challenges and Opportunities

Some of the issues and challenges affecting development potential include:

- Heritage Listing under Local Planning Scheme No. 3 (LPS 3);
- Canning Highway Reservation under the Metropolitan Region Scheme (MRS) (in terms of land requirement and vehicular access);
- Fremantle Ports Inner Harbour Buffer;
- Multiple Land Ownership;
- Community attitude to existing character;
- Investment, age and condition of existing development.

Some of the opportunities that may positively influence development potential include:

- Possible amendment to reduce the width of the Canning Highway Reservation under the MRS which would free up land for further development;
- Large lot size;
- Vacant property;
- Underdeveloped in terms of dwelling density potential;
- Single party land ownership of site and/or multiple adjoining sites;
- Ageing and less than reasonable condition of existing development.

Residential Zone

There is very little existing capacity for additional residential dwellings within the Residential zone in the Town of East Fremantle.

Under current conditions, it is estimated that there is ultimate potential for 220 additional dwellings within the Residential zone. This study estimates that only 36 of these are highly likely to be developed within the short term (within 5 years) on the basis that there are no major constraints to prevent development from occurring.

It is further estimated that 46 additional dwellings have the potential to be developed in the medium term (5-10 years) and 138 within the long term (more than 10 years). For these, the likelihood of development varies between medium to low due to constraints imposed by heritage listings; MRS Reserves; and the general nature, age and condition of existing capital investments on properties that

may not be currently developed to their full density potential. In some cases additional development may be considered as highly unlikely to occur at all.

This is summarised in the table below:

Summary for Residential Zoned Properties

Potential Additional Dwellings Summary 138 potential properties – 42 on LPS 3 Heritage List		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	36	0	0	36
	Medium	0	40	9	49
	Low	0	6	129	135
Totals		36	46	138	220 additional dwellings

Zones Other Than Residential

Within the Town of East Fremantle, residential dwellings may also be developed within the Mixed Use, Special Business, Special Zone – Royal George Hotel and Town Centre zones.

Potential for additional residential dwellings within the zones other than Residential are more difficult to estimate and no figures have been calculated. For these, a general description of existing development is instead provided together with permissible density, heritage listings and other impacts on development such as MRS reservations to arrive at an indication of potential development prospects.

The zones with the most potential for further development/redevelopment are identified as the Mixed Use zone, Special Business zone and the Town Centre zone. The Special Zone – Royal George Hotel is currently the subject of a scheme amendment and the status for this in terms of residential development potential could change.

R-Code

A summary of the applicable R Code together with a number of factors that could influence further development potential and timing for properties within the non-Residential zones is shown in the following table:

Overall Summary for Non-residential Zoned Properties

	Mixed Use (Canning Highway) 20 Properties Total	Mixed Use (George Street Precinct) 48 Properties Total	Special Business 4 Properties Total	Special Zone – Royal George Hotel 1 Property Total	Town Centre 189 Properties Total
Applicable R-Code	R40	R40	R40	R40	R40+ in certain circumstances
No. of Vacant properties (lots)	1	0	0	0	0
No. of LPS 3 Heritage Listed properties	10	27	1	1	15
No. of properties abutting and/or marginally impacted by MRS Reserve	20	NA	0	NA	25
No. of properties significantly impacted by MRS Reserve	0	NA	4	NA	0

Non-Conforming Uses, Existing Non-Complying Development and Additional Uses

Non-conforming Uses (Clauses 4.9 – 4.12 of LPS 3), Existing Non-Complying Development (Clause 5.3.3 of LPS 3) and Additional Uses (Clause 4.5 of LPS 3) provide an important and significant number of dwelling units that would otherwise not be permitted under LPS 3.

This study estimates that at least 284 dwelling units have been provided by Non-Conforming and existing non-complying (authorized) use developments and potentially 23 dwellings more due to Additional Use rights.

Other Residential Accommodations

A number of Residential zoned properties within the Town of East Fremantle provide accommodation other than private dwellings, which perform an essential housing function. These include:

- Pilgrim Juniper - a 39 place residential facility (includes 15 dementia specific care places, as well as 10 one-bedroom independent living apartments).
- Braemar House - a 58 place residential facility (includes a 24-room specialist care service called Lee House, which is designed to support individuals with high support needs).
- Southern Plus Aged Care (formerly Kaleeya) - an 86 bed residential facility (mostly completed).
- Council's records show approval for 45 units as ancillary accommodation (i.e. ancillary to an existing residential dwelling).

Some tourist accommodation is provided at the Tradewinds Hotel; at several privately-owned serviced apartments (for example Seashells in the Richmond Quarter); and within short stay rooms for rent (within existing private dwellings) but are not under consideration as part of this study.

Future Projects

Several projects are in various stages of proposal/approval that have the potential to provide for additional dwellings and other forms of accommodation as follows:

- The former Woodside Hospital site at 24 Dalgety Street is proposed for redevelopment as a private Aged Care Facility. No application for planning approval has been made and no further details are available at this stage. The site is zoned Residential R15.
- Amendment No. 14 involves application of a Special Control Area over the Mixed Use zoned properties on the corner of Canning Highway, Sewell Street and St Peters Road to support mixed use development at a prescribed height and other specific development standards. Adopted by Council in April 2018 (with modifications), the amendment awaits final consideration by the WAPC and Minister for Planning. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 80 dwelling units. A development application would need to follow.
- Amendment No. 15 involves the addition of development provisions relating to the Special Zone - Royal George Hotel to limit height and provide other specific development standards. Adopted by Council in June 2018 (with modifications), the amendment awaits final consideration by the WAPC and Minister for Planning. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 20 dwelling units. A development application would need to follow.
- East Fremantle Oval Precinct (oval and adjacent reserves) is the subject of a Vision/Master Plan study (commenced 2018) which is co-funded by the Department of Local Government, Sport and Cultural Industries and the Town of East Fremantle. Without pre-empting the option, the study may (or may not) include investigation of potential residential development. Amendments under the MRS, Land Administration Act and LPS 3 together with development applications would likely be required to implement a finalised Vision/Master Plan.
- The Leeuwin Barracks site on Riverside Road is earmarked for sale by the Department of Defence. The Town of East Fremantle, with support from the Department of Defence, oversaw development of a non-statutory Vision Plan (by consultants TPG Placematch) to provide the new owner and the Town

with a guide for future planning over the site. The Vision Plan concept includes possible development of approximately 1,440 apartments. Council endorsed the plan in December 2016. Prior to development, a number of planning processes will be required such as changes to the site's current zoning and structure planning as well as development approvals. The Department of Defence is considering action to progress some planning activities, in consultation with the WA Government and Council to assist any prospective future owner with development opportunities.

Further Investigation Areas

Suggestions include:

- Land subject to a possible amendment to the MRS to reduce the width of the Primary Regional Road reserve (PRR) for Canning Highway between Osborne Road/Allen Street and Petra Street (includes portions of land zoned Residential R12.5/40 and Special Business);
- Residential Zone R15 - Woodside Site (24 Dalgety Street);
- Residential Zone R17.5 – Corner lots;
- Residential Zone R20 with Additional Use R40 (A9) - East Street/ Canning Highway/Glyde Street site (7-27 Canning Highway);
- Higher density residential unit sites that have non-conforming use rights;
- General area bound by Canning Highway, Osborne Road, Wolsley Road and Alexandra Road that currently accommodates a high number of non-conforming higher density residential units;
- Mixed Use Zones - Canning Highway and George Street Precinct;
- Special Business Zone (254, 256 and 257 Canning Highway and 93 Petra Street);
- Town Centre Zone – Old post office site, old police station site, Town of East Fremantle administration site and Crown Reserve land (101, 133 and 135 Canning Highway);
- Town Centre Zone – Supermarket site (6 Silas Street);
- Town Centre Zone – Commercial tenancies (155 Canning Highway);
- Town Centre Zone – Swimming Centre and group of shops (160-172 Canning Highway);
- Town Centre Zone – Carpark (25 May Street);
- Vacant land within the PRR Reserve under the MRS for Stirling Highway;
- General investigation of publicly owned land, preferably freehold, no longer required or underutilised;
- General investigation of 400m catchment areas in relation to the Town Centre, the District Activity Centre and the high frequency bus routes along Canning Highway and Marmion Street;
- Increase density for selected sites using Additional Use rights.

Purpose

The purpose of this study is to identify existing housing capacity within the Town of East Fremantle for additional dwellings.

The study investigates potential sites for development and/or redevelopment for residential dwellings taking into consideration:

- Current statutory heritage, zoning, and density codes controls under Local Planning Scheme No. 3 (LPS 3) together with local planning policy direction provided by the Residential Design Guidelines and the Town Centre redevelopment guidelines; and
- Constraining factors such as Metropolitan Region Scheme (MRS) reservations and future land requirement (in particular Canning Highway);

In addition, this study identifies general areas and specific sites for further investigation.

This study provides a baseline demonstration of existing residential capacity under current controls. An estimate of development potential in terms of additional dwellings, likelihood of development and timing is provided together with explanatory commentary where applicable.

Existing local planning tools (both statutory and non-statutory) will ultimately require review to guide, control and implement recommendations of this study.

Background and Introduction

In a general overarching sense, the Town of East Fremantle currently has limited potential for further residential development for a number of reasons including the following:

- It is restricted in land area being a relatively small local government area of 3.2 square kilometres;
- Created in 1897, the Town is already well-established with most properties being built out;
- Some 671 properties are identified on LPS 3 Heritage List, which restricts development potential in many instances (community feedback continually stresses the importance of the Town's unique character especially within the built environment).

This is in contrast to larger local governments that are less physically constrained in size with greater land development opportunities.

Methodology

This is a high level study involving the following methodology:

Residential Zoned Land

- Listing the properties and their land area measurement within each zone of the Town of East Fremantle initially using the Council's rates and property data base;
- Identifying vacant land through aerial photography (SLIP) and/or site inspection;
- Identifying properties of a size theoretically being capable of accommodating at least a second dwelling under the current applicable residential code or other LPS 3 provisions;
- Checking existing development (through building records, online photography and/or site inspection) on properties identified as having possible development potential to generally assess size, construction materials, age, condition and space available for additional dwellings without the need for demolition of existing development;
- Checking the impacts of the Other Regional Road (ORR) and PRR Reserve (Canning Highway) under the MRS on those properties identified as having possible development potential;
- Identifying properties contained within the LPS 3 Heritage List (Category A and B);
- Checking building records for recent dwelling approvals for those properties identified as having possible development potential;

- Applying a notional estimate of likelihood and timing of development for those properties identified as having possible development potential based on a combination of the abovementioned factors ;
- Timing of development is based on the short term (within the next 5 years). Medium term (within the next 5-10 years) and long term (>10 years).

Non-Residential Zoned Land

- Listing the properties and their land area measurement within each zone of the Town of East Fremantle initially using the Council's rates and property data base;
- Identifying vacant land through aerial photography (SLIP) and/or site inspection;
- Checking existing development in terms of land use, age and condition;
- Identifying properties contained within the LPS 3 Heritage List (Category A and B);
- Checking the impacts of the ORR Reserve and PRR Reserve (Canning Highway) under the MRS.

State Planning Housing Targets

Building on the framework provided by *Directions 2031 and Beyond*, the Western Australian Planning Commission (WAPC) released for public discussion the draft *Perth and Peel@3.5 million* suite of documents in 2015 that addresses where future homes and jobs should be located to support a population of 3.5 million by 2050; protection of important environmental assets; utilisation of existing and proposed infrastructure; and appropriate areas for greater infill development and residential density. The framework was finalised in March 2018.

The suite includes four sub-regional planning frameworks for Central, North-West, North-East and South Metropolitan Peel which serve as sub-regional structure plans to be used by State agencies and local governments to guide residential and industrial development, and supporting infrastructure.

The frameworks identify where growth in the medium to long term and infill development is guided by ten urban consolidation principles:

1. Housing – Higher density, consider local context, diverse to meet changing needs.
2. Character and heritage – Retain heritage values and character where appropriate.
3. Activity centres – Attractive places to live and work, optimise transport links, avoid ribbon development outside of activity centres.
4. Urban corridors – Higher density along urban transport corridors where appropriate.
5. Station precincts – Focus development in and around station precincts (train, buses as per METRONET).
6. Industrial centres – Promote as key employment nodes and prevent incompatible land use encroachment.
7. Public transport – Support corridors and station precincts by quality higher density residential land uses.
8. Infrastructure – Ensure efficient use of existing and planned infrastructure and prevent incompatible land use encroachment.
9. Green network – Preserve, enhance and consolidate green network, rivers, sport/recreation areas, conservation and biodiversity areas and high level of tree canopy coverage important for health and wellbeing.
10. Protection – Avoid, protect and mitigate environmental attributes and minimise risk of inundation from sea-level rise, flooding, storm surge events and bushfire damage.

Central Sub-Regional Planning Framework (2018)

The Town of East Fremantle is located within the *Central Sub-Regional Planning Framework*, which guides the central metropolitan local governments in the implementation of *Directions 2031 and Beyond*.

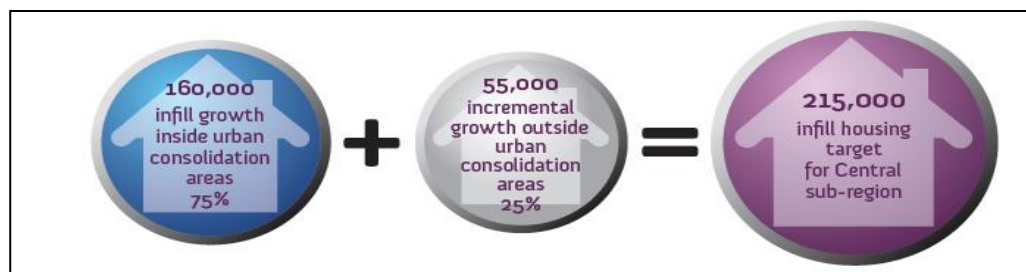
It addresses issues that extend beyond local government boundaries that require a regional response on shared issues such as housing choice and affordability. The sub-regional strategy links State and local government strategic planning to:

- Achieve a more consolidated urban form and development within the sub-region;

- Meet long term housing requirements;
- Strengthen key employment centres;
- Provide transport linkages to connect people with key centres of activity and employment and access areas beyond Perth and Peel regions;
- Facilitate and support a future regional infrastructure network;
- Encourage and guide increased connectivity between areas of open space or conservation and protect regional conservation and landscape value areas through a green network.

Directions 2031 and Beyond sets an infill target (proportion of the total amount of additional dwellings) of 47 per cent for the Perth and Peel regions. When applied to a population of 3.5 million by 2050 this equates to approximately 380,000 new dwellings, of which approximately 215,000 are expected to be delivered in the Central sub-region (the balance of 165,000 expected in the outer sub-regions of Perth and Peel).

The framework sets a high-level target for the spatial distribution of the infill housing target across the Central sub-region. The majority of all new infill residential development, approximately 75 per cent (160,000 dwellings), is proposed to occur within the identified urban consolidation areas of activity centres, corridors and station precincts, with 25 per cent (55,000 dwellings) occurring as a result of incremental infill growth in existing built up areas within traditional suburban streets.



Source: Draft Perth and Peel @3.5million

Implications for the Town of East Fremantle

For the Town of East Fremantle, the additional housing target is 890 to accommodate population growth at 3.5 million for Perth and Peel.

To give an indication of how the Town of East Fremantle is progressing in achieving these targets, census data shows that between June 2011 and June 2016 a total of 192 additional dwellings were counted within the Local Government area (refer to <http://profile.id.com.au/east-fremantle/dwellings>). This leaves a deficit of 698 additional dwellings (as at June 2016) to be available by 2050 which, in simplistic terms, equates to approximately 21 dwellings per year over 34 years.

Counts by the Town of East Fremantle indicate that since 2011 the number of dwellings approved to the end of 2015, including ancillary dwellings and serviced apartments was approximately 220.

The following sub-sections relating to Housing Needs and Housing Supply are sourced from the *.idcommunity demographic resources* website <http://profile.id.com.au/east-fremantle>

Housing Demand

The census usual resident population of the Town of East Fremantle in 2016 was 7,376, living in 3,283 dwellings with an average household size of 2.45.

Dwellings							
Town of East Fremantle - Households (Enumerated)	2016			2011			Change
Dwellings	Number	%	Greater Perth %	Number	%	Greater Perth %	2011 to 2016
Total dwellings	3,283	100.0	100.0	3,088	100.0	100.0	+195
Occupied private dwellings	2,865	87.3	89.4	2,750	89.1	90.8	+115
Population in non-private dwellings	208			225			-17
Average household size (persons per dwelling)	2.45		2.55	2.43		2.55	0.01

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016 (Enumerated). Compiled and presented in profile.id by [.id](#), the population experts.

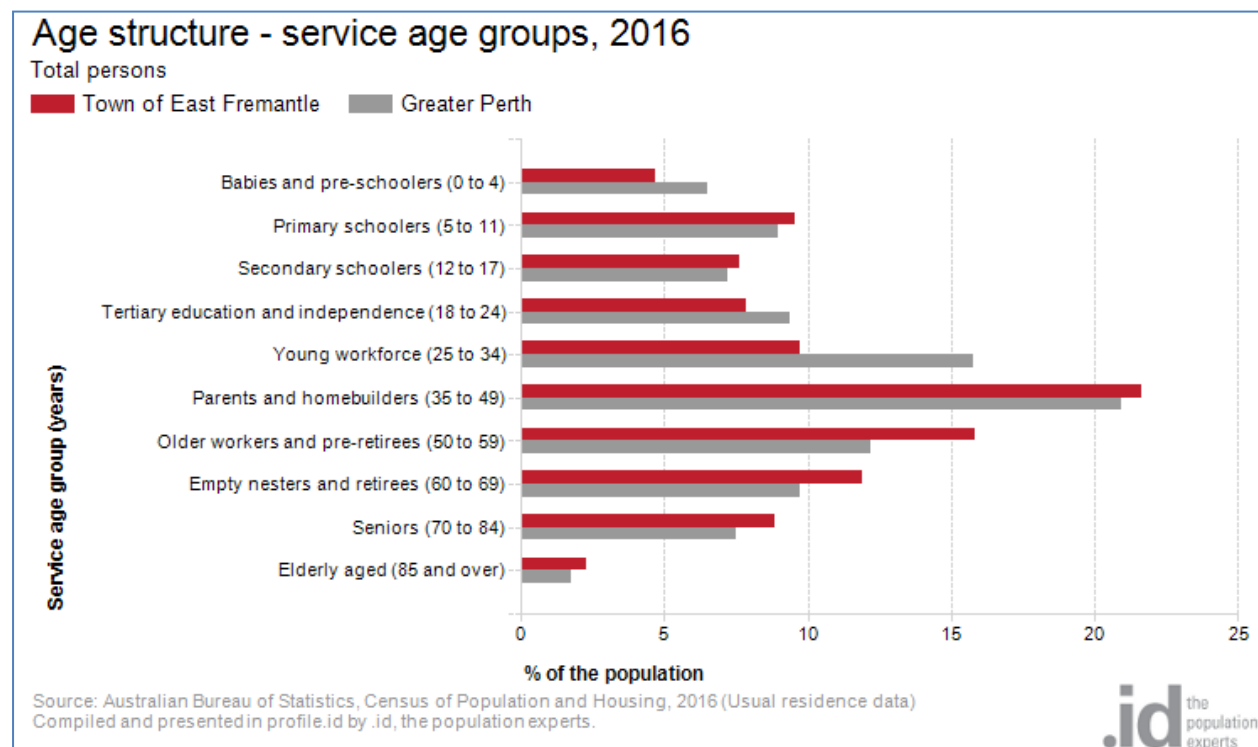
The Town of East Fremantle had a lower proportion of pre-schoolers and a higher proportion of persons at post retirement age than Greater Perth in 2016.

The Age Structure of the Town of East Fremantle provides key insights into the level of demand for age based services and facilities such as child care. It is an indicator of the Town of East Fremantle's residential role and function and how it is likely to change in the future.

Service age groups divide the population into age categories that reflect typical life-stages. They indicate the level of demand for services that target people at different stages in life and how that demand is changing.

Age structure - Service age groups							
Town of East Fremantle - Total persons (Usual residence)	2016			2011			Change
Service age group (years)	Number	%	Greater Perth %	Number	%	Greater Perth %	2011 to 2016
Babies and pre-schoolers (0 to 4)	345	4.7	6.5	380	5.5	6.6	-35
Primary schoolers (5 to 11)	707	9.6	9.0	633	9.1	8.7	+74
Secondary schoolers (12 to 17)	562	7.6	7.2	544	7.8	7.9	+18
Tertiary education and independence (18 to 24)	582	7.9	9.4	553	8.0	10.2	+29
Young workforce (25 to 34)	717	9.7	15.8	656	9.5	14.7	+61
Parents and homebuilders (35 to 49)	1,600	21.7	20.9	1,619	23.4	21.6	-19
Older workers and pre-retirees (50 to 59)	1,169	15.8	12.2	1,093	15.8	12.4	+76
Empty nesters and retirees (60 to 69)	881	11.9	9.7	714	10.3	9.2	+167
Seniors (70 to 84)	653	8.8	7.5	571	8.2	7.0	+82
Elderly aged (85 and over)	170	2.3	1.8	168	2.4	1.6	+2
Total	7,386	100.0	100.0	6,931	100.0	100.0	+455

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [.id](#), the population experts. (Usual residence data)



Dominant groups

Analysis of the service age groups of the Town of East Fremantle in 2016 compared to Greater Perth shows that there was a lower proportion of people in the younger age groups (0 to 17 years) and a higher proportion of people in the older age groups (60+ years).

Overall, 21.9 per cent of the population was aged between 0 and 17, and 23.1 per cent were aged 60 years and over, compared with 22.7 per cent and 19.0 per cent respectively for Greater Perth.

The major differences between the age structure of the Town of East Fremantle and Greater Perth were:

- A *larger* percentage of 'Older workers & pre-retirees' (15.8 per cent compared to 12.2 per cent)
- A *larger* percentage of 'Empty nesters and retirees' (11.9 per cent compared to 9.7 per cent)
- A *smaller* percentage of 'Young workforce' (9.7 per cent compared to 15.8 per cent)
- A *smaller* percentage of 'Babies and pre-schoolers' (4.7 per cent compared to 6.5 per cent)

Emerging groups

From 2011 to 2016, Town of East Fremantle's population increased by 455 people (6.6 per cent). This represents an average annual population change of 1.28 per cent per year over the period.

The largest changes in the age structure in this area between 2011 and 2016 were in the age groups:

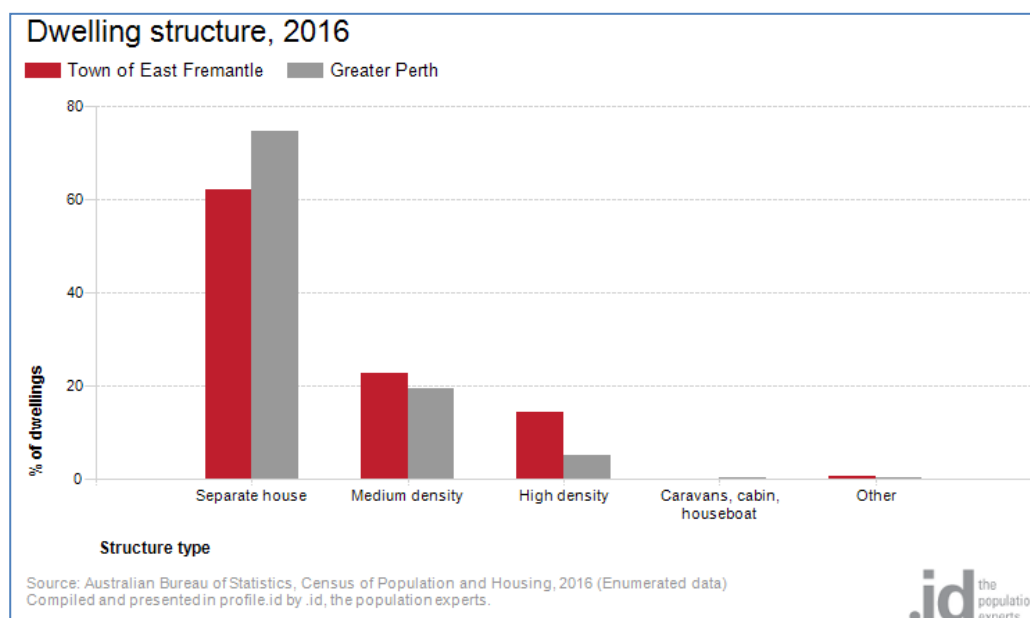
- Empty nesters and retirees (60 to 69) (+167 people)
- Seniors (70 to 84) (+82 people)
- Older workers and pre-retirees (50 to 59) (+76 people)
- Primary schoolers (5 to 11) (+74 people)

Housing Supply

Existing Dwelling Structure and Type

Dwelling structure							
Town of East Fremantle - Dwellings (Enumerated)	2016			2011			Change
Dwelling type	Number	%	Greater Perth %	Number	%	Greater Perth %	2011 to 2016
Separate house	2,040	62.3	74.6	2,092	67.8	76.7	-52
Medium density	745	22.7	19.6	653	21.2	17.9	+92
High density	469	14.3	5.1	330	10.7	4.8	+139
Caravans, cabin, houseboat	0	0.0	0.4	3	0.1	0.4	-3
Other	18	0.5	0.1	3	0.1	0.1	+15
Not stated	5	0.2	0.2	3	0.1	0.1	+2
Total Private Dwellings	3,277	100.0	100.0	3,084	100.0	100.0	+193

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [.id](#), the population experts.(Enumerated data)



Dwelling type							
Town of East Fremantle	2016			2011			Change
Dwelling type	Number	%	Greater Perth %	Number	%	Greater Perth %	2011 to 2016
Occupied private dwellings	2,865	87.4	89.4	2,750	89.1	90.8	+115
Unoccupied private dwellings	408	12.4	10.5	330	10.7	9.1	+78
Non private dwellings	5	0.2	0.1	6	0.2	0.1	-1
Total dwellings	3,278	100.0	100.0	3,086	100.0	100.0	+192

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [.id](#), the population experts. (Enumerated data)

Dominant groups

In 2016, there were 2,040 separate houses in the area, 745 medium density dwellings, and 469 high density dwellings.

Analysis of the types of dwellings in the Town of East Fremantle in 2016 shows that 62.3 per cent of all dwellings were separate houses; 22.7 per cent were medium density dwellings, and 14.3 per cent were in high density dwellings, compared with 74.6 per cent, 19.6 per cent, and 5.1 per cent in the Greater Perth respectively.

In 2016, a total of 87.4 per cent of the dwellings in the Town of East Fremantle were occupied on Census night, compared to 89.4 per cent in Greater Perth. The proportion of unoccupied dwellings was 12.4 per cent, which is larger compared to that found in Greater Perth (10.5 per cent).

Emerging groups

The total number of dwellings in the Town of East Fremantle increased by 192 between 2011 and 2016. The largest changes in the type of dwellings found in the Town of East Fremantle between 2011 and 2016 were:

- High density (+139 dwellings)
- Medium density (+92 dwellings)
- Separate house (-52 dwellings)

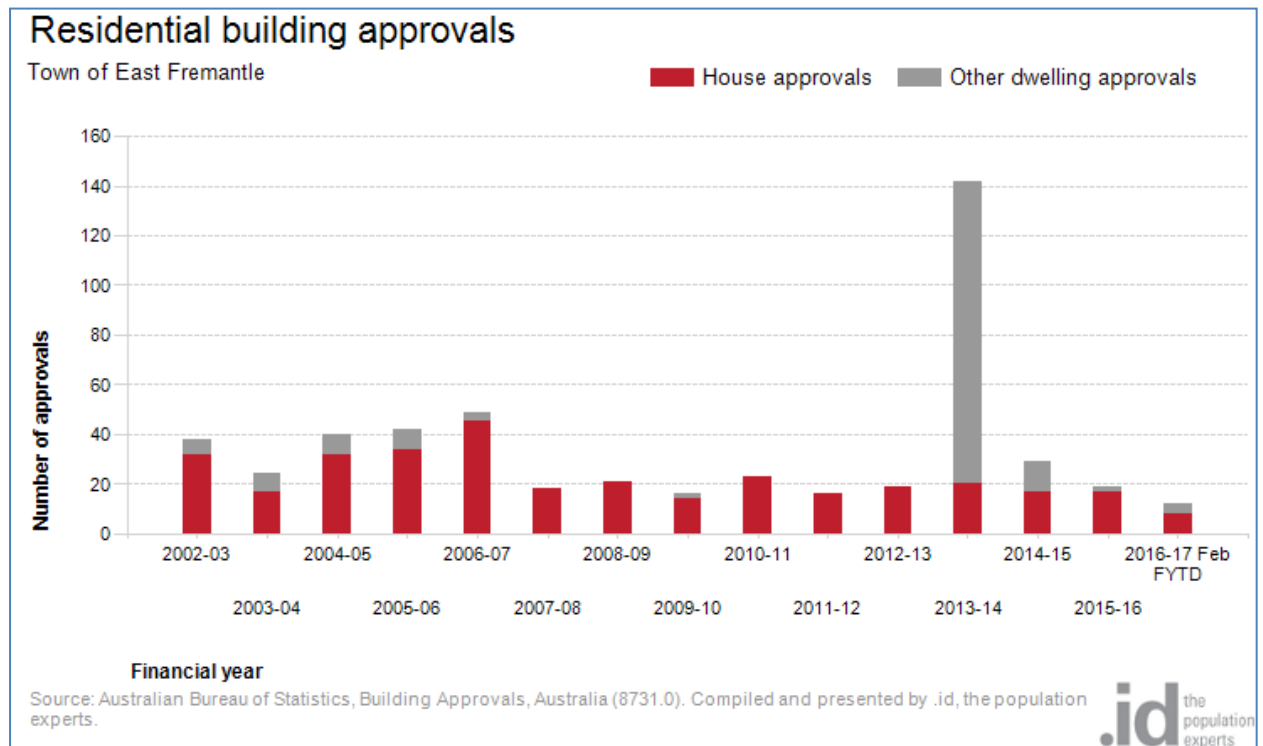
Residential Building Approvals

In the Town of East Fremantle there were 12 residential buildings approved to be built in the financial year 2016-17 Feb FYTD.

The Town of East Fremantle's building approvals are used as a leading indicator of the general level of residential development, economic activity, employment and investment. Residential building activity depends on many factors that vary with the state of the economy including interest rates, availability of mortgage funds, government spending, and business investment. Large financial changes or shocks, such as the Global Financial Crisis of 2008/09 can be observed in the data. However, the number of building approvals can fluctuate substantially from year to year simply as a result of the short-term nature of many construction projects, and the cyclical nature of the industry.

Residential building approvals						
Town of East Fremantle	Number			Annual change		
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2016-17 Feb FYTD	8	4	12			
2015-16	17	2	19	0	-10	-10
2014-15	17	12	29	-3	-110	-113
2013-14	20	122	142	+1	+122	+123
2012-13	19	0	19	+3	0	+3
2011-12	16	0	16	-7	0	-7
2010-11	23	0	23	+9	-2	+7
2009-10	14	2	16	-7	+2	-5
2008-09	21	0	21	+3	0	+3
2007-08	18	0	18	-27	-4	-31
2006-07	45	4	49	+11	-4	+7
2005-06	34	8	42	+2	0	+2
2004-05	32	8	40	+15	+1	+16
2003-04	17	7	24	-15	+1	-14
2002-03	32	6	38	-16	-14	-30

Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented in profile.id by [.id](#), the population experts (Usual residence data)



Other Residential Accommodation

A number of Residential zoned properties within the Town of East Fremantle provide accommodation other than private dwellings, which perform an essential housing function that needs to be acknowledged. These include:

- Pilgrim Juniper - a 39 place residential facility is situated on the corner of Wolsely and Preston Point Roads. It includes 15 dementia specific care places, as well as 10 one-bedroom independent living apartments. This is an Additional Use (A13 Hostel and ancillary uses) under LPS 3.
- Braemar House - a 58 place residential facility on Windsor Road and includes a 24-room specialist care service called Lee House, which is designed to support individuals with high support needs. This is an Addition Use (A14 Nursing Home) under LPS 3.
- Southern Plus Aged Care (formerly Kaleeya) - an 86 bed residential facility situated on the corner of Wolsely and Staton Roads (redevelopment of old hospital site) which is almost fully complete and is operational.
- The old Woodside Hospital site - situated on Dalgety Street and proposed for redevelopment as a privately run aged care facility. No application for planning approval has been made and no further details are available at this stage.
- Council's records show that approximately 45 units have been approved as ancillary accommodation (i.e. ancillary to existing residential dwellings). The majority of these have been for properties located within the historic Plympton Ward characterised by smaller lot sizes and older style cottages.

Some tourist accommodation is provided at the Tradewinds Hotel; at several privately-owned serviced apartments (for example Seashells in the Richmond Quarter); and within short stay rooms for rent (within existing private dwellings) but are not under consideration as part of this study.

Issues and Challenges

Some of the issues and challenges affecting development potential include the following:

Heritage

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), sets out deemed provisions that are incorporated into all local planning schemes. Clause 8 of the Regulations requires a local government to establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

The Heritage List under LPS 3 includes properties identified within the Municipal Heritage Inventory (MHI) as Category A and B. Development approval is required for additions and alterations to properties on the Heritage List. The management categories of the MHI for Category A and B are described as follows:

CATEGORY A (Properties listed on the State Register of Heritage Places) - LPS 3 Heritage List

Already recognised at the highest level - the WA State Register of Heritage Places; redevelopment requires consultation with the Heritage Council of Western Australia and the local government authority, and planning approval shall be in accordance with HCWA advice.

Conservation Plans generally required to be developed / adopted prior to further development and conservation of places. Provide maximum encouragement to the owner under the Town of East Fremantle Town Planning Scheme to conserve the significance of the place. Incentives to promote heritage conservation should be considered where desirable conservation outcomes dependent on viability of development.

CATEGORY A (Properties not listed on the State Register of Heritage Places) - LPS 3 Heritage List

High heritage significance at a local level, and may have potential State Heritage significance; informed consideration should be given to nomination for State Register listing prior to or at the time of consideration for further development, and prior determination of any significant development application for the place.

Places to be generally retained and conserved, are worthy of a high level of protection. Conservation Plans may be required depending on relative significance and apparent impact of development on the place; detailed Heritage Assessments otherwise required as corollary to any development application. Strong encouragement to the owner under the Town of East Fremantle Town Planning Scheme to conserve the significance of the dwelling. Incentives to promote heritage conservation should be considered where necessary to achieve desirable conservation outcomes in context of permissible development.

CATEGORY B - LPS 3 Heritage List

Considerable heritage significance at a local level; places generally considered worthy of high level of protection, to be retained and appropriately conserved; provide strong encouragement to owners under the Town of East Fremantle Town Planning Scheme to conserve the significance of the place.

A Heritage Assessment / Impact Statement is required as corollary to any development application. Incentives to promote heritage conservation may be considered where desirable conservation outcomes may be otherwise difficult to achieve.

Approximately one third of the Residential zoned properties identified in this study as having potential for further development are listed on the LPS 3 Heritage whereby conservation and retention is highly encouraged.

A number of properties with dual coding of Residential R12.5/40 and R20/40 are located along both sides of Canning Highway indicating opportunity for further residential density development. Clause 5.3.2 of LPS 3, however, only allows for properties with dual coding to be developed at the higher density subject to a number of requirements, including maintenance of a heritage place listed within the Scheme. Whilst the theoretical residential density expectations are high, the practicality of constructing additional dwellings whilst maintaining Heritage Listed dwellings is difficult.

The number of Heritage Listed properties within the Mixed Use zone is also significant with 50 per cent of the properties within the Mixed Use zone along Canning Highway being listed and 56 per cent of the properties being listed in the Mixed Use zone along George Street.

Heritage Listing has less effect on the Special Business and Town Centre zones in terms of development potential, with the exception of a property on the north west corner of Canning Highway and Petra Street and a number of properties on the northern side of Canning Highway near Preston Point Road (church and residences).

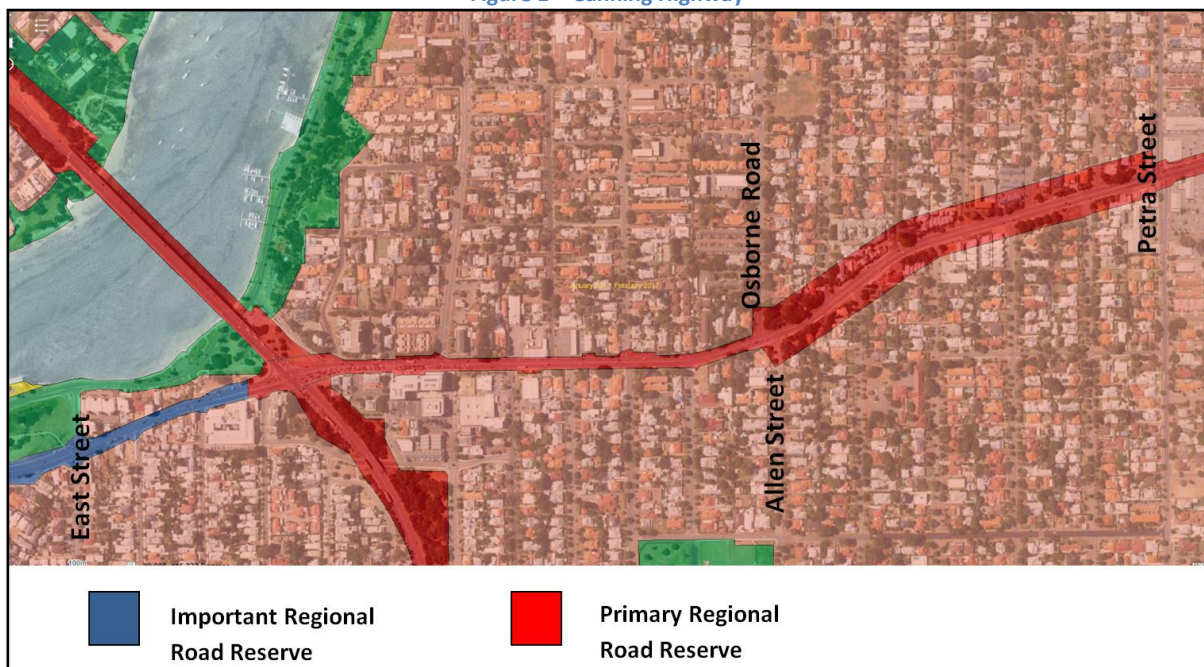
Canning Highway Reservation – Land requirement

Canning Highway is shown as an Other Regional Road Reserve (ORR) between East Street and Stirling Highway, and as a Primary Regional Road Reserve (PRR) between Stirling Highway and Petra Street, under the MRS (Figure 1 – Canning Highway)

From East Street to Osborne Road/Allen Street, the reserve either abuts properties fronting the highway, or in some instances marginally encroaches these properties having minimal effect on development potential in terms of land availability.

Moving eastwards from Osborne Road/Allen Street to Petra Street, however, the PRR Reserve significantly encroaches the abutting properties. Should this reserved land be required for road widening or other road purposes, a significant loss of residential dwellings would result. Furthermore, development potential of properties within the reserve that are currently vacant or have sufficient land available for development is severely limited.

Figure 1 – Canning Highway



Canning Highway – Restricted Access

Vehicular access to new development on Canning Highway is restricted by State planning policy and by the Town of East Fremantle which has some effect on development potential and the need for a coordinated approach to site access in some instances.

The Department of Planning Lands and Heritage Development Control Policy 5.1– Regional Roads (Vehicular Access) (DC 5.1) sets out the principles to be applied when considering proposals for vehicle access to or from developments abutting regional roads. As Canning Highway is an Other Regional Road and a Primary Regional Road within the MRS, this Policy applies to development on land abutting this road frontage.

The Policy objectives include ensuring that vehicle access to regional roads and the type of abutting developments is controlled and conforms with sound town planning principles as well as minimising the number of junctions or driveways to improve traffic flow and safety on all regional roads.

In general, DC 5.1 seeks to minimise the creation of new driveways on regional roads and rationalise existing access arrangements. Where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply. Arrangements whereby adjoining owners enter into cross-easement agreements to provide reciprocal rights of access across adjacent lots may be required as a means of rationalising access to the regional road.

Where access is permitted, conditions may be imposed prescribing the location and width of the junction or driveway to ensure adequate visibility and to provide for the safe and convenient movement of vehicles both entering and leaving the traffic stream.

A number of properties with dual coding of Residential R12.5/40 and R20/40 are located along both the north and south sides of Canning Highway. Clause 5.3.2 of LPS 3 allows for properties with dual codings to be developed at the higher density subject to a number of requirements, including access via a street other than Canning Highway.

Schedule 2 of LPS 3 allows for increased density from R20 to R40 development on Lots 14-19 Canning Highway subject to conditions, including to be designed with frontage and access to East and Glyde Streets and local government approval of an overall development plan to ensure coordinated development of the site (Additional Use A9).

Fremantle Ports Inner Harbour Buffer

In order to apply State Planning Policy 4.1 – State Industrial Buffer Policy (1997), Fremantle Ports initiated the Fremantle Inner Harbour Buffer Definition Study, which was endorsed by the WAPC and the then Department of Environment Protection in 2004.

Buffer Guidelines established by Fremantle Ports provide guidance for land use planning around the Inner Harbour. These recognise the strategic importance of the port operations and growth, whilst promoting compatible land uses and protection of the amenity of residents living within the buffer.

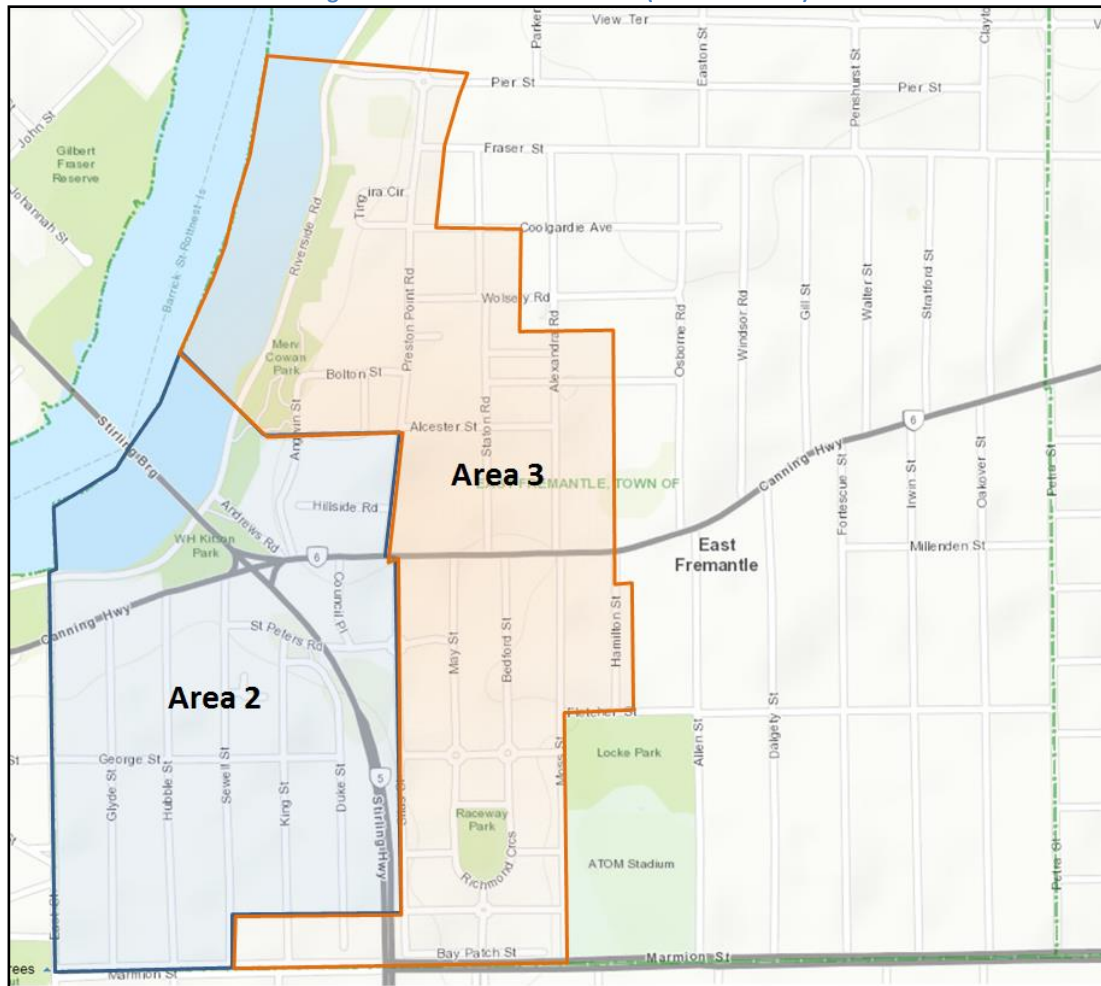
The buffer comprises of three areas based on varying levels of technical criteria of risk, noise and odour. In summary:

- Area 1 - Restricted Access Area - Immediately surrounding the Inner Harbour excludes the establishment of additional sensitive uses other than residential uses and with residential uses having a high level of protective conditions relating to maintaining public safety and ameliorating the impacts of odour and noise.
- Area 2 - Controlled Area - Intermediate Buffer Zone allows the establishment of sensitive land uses and with these land uses having a medium level of protective conditions.

- Area 3 – Discretionary Area - Outer Buffer Zone allows the establishment of sensitive land uses and with protective conditions implemented at the discretion of Council.

The Town of East Fremantle is affected by Buffer Areas 2 and 3 (Figure 2). The buffer has some potential to influence the number of dwellings proposed within a development concept and also imposes additional development standards to protect the amenity of new residents, which may affect building costs and affordability.

Figure 2 – Fremantle Ports Buffer (East Fremantle)



Multiple landownership

The Residential zoned land predominantly comprises of individual privately-owned properties each with separate landowner details.

Even for areas with existing higher density coding, it is difficult to coordinate land development particularly when the reconfiguration of individual property boundaries is required to allow access, and/or when a site comprises of a multitude of owners within a strata title development. With regard to the latter, however, there are moves towards imminent reform of the *Strata Titles Act 1985* which may assist in this situation.

Community attitude to existing character

The Town of East Fremantle carried out its biennial Community Perceptions Survey in 2017 which identified seven priority areas on which to focus. One of these included maintaining and protecting the unique character and quality of East Fremantle. Residents suggested avoiding planning decisions that drastically alter the area’s identity; keeping the overall character of East Fremantle; and keeping subdivisions to a minimum.

The Draft Strategic Community Plan 2017-2027 includes the following principle in its vision for an “Inclusive community, balancing growth and lifestyle”:

Balanced Growth, Valued Heritage and Unique Places

Our community wants to live in a Town which:

- *Has a unique sense of character.*
- *Balances heritage and charm with growing community and natural environment.*
- *Offers housing and hospitality options.*

Our decisions will contribute to accessible, well-planned built landscapes, which are in balance with the Town’s unique heritage and open spaces.

It is recognised that in order to satisfy community expectations whilst providing for increased dwelling numbers and types, a progressive yet sensitive and innovative approach is required.

Investment, Age and Condition of Existing Development

Existing housing stock within the Town of East Fremantle is generally in good condition with no outstanding areas of blight. In some areas, housing investment is high reflecting the value of properties of a sizeable nature, general amenity (due to proximity to services and facilities) and pleasant views.

Where property size and current planning controls theoretically allow for increased residential development potential, the extent and possible loss of capital already invested does not necessarily outweigh the further investment required for additions or to redevelop the property.

Opportunities

Possible Changes to Canning Highway Reservation

The WAPC is investigating a proposal to amend the MRS to (amongst other things) significantly reduce the amount of land required for the PRR reserve for Canning Highway on the north and south sides between Osborne Road/Allen Street and Petra Street.

Details are not currently publicly available and the status of the proposal is uncertain at this time. If the amendment is to go ahead as currently proposed, additional dwelling development potential would increase for some of the properties zoned Residential R12.5/40 and all of the properties within the Special Business zone. This land is recommended for further investigation, pending the outcome of the proposed MRS amendment and taking into consideration Heritage Listings and restricted access to Canning Highway.

(It is noted that land required for the Canning Highway reserve is proposed to increase for some properties west of Osborne Road/Allen Street under the MRS amendment proposal which would result an additional challenge to development potential for those affected properties).

Other General

General factors considered as potentially creating opportunity to positively influence additional residential dwelling development include the following:

- Large lot size;
- Vacant property;
- Underdeveloped in terms of dwelling density potential;
- Single party ownership of site and/or multiple adjoining sites;
- Ageing and less than reasonable condition of existing development.

Current Zoning and Density Codes

The majority of the Residential zoned properties within the Town of East Fremantle have been allocated a low density code of R12.5, R17.5 and R20. There are very limited pockets of higher density coded areas (R12.5/40, R20/40, R30, R40 and R80).

In addition the Mixed Use, Special Business, Special Zone- Royal George Hotel and Town Centre zones allow for residential development (subject to other considerations) at a density of R40. The Town Centre Redevelopment Policy refers to residential development standards relating to R-AC2 for the Town Centre Core Precinct, R160 for the Canning Highway Precinct and R100 for the Frame Precinct. This may be somewhat confusing as although the development standards per se at the higher density codes may be applied, LPS 3 does not allow for dwelling density to be applied at the higher code with the exception of the Town Centre zone which may be increased in certain circumstances (Clause 5.3.5).

Figure 3 (over page) is an extract from the Town of East Fremantle LPS 3 and shows the zones that cover land within the Town and the R-Code densities that apply to the Residential zone.

The following sub-sections describe the theoretical potential for additional dwellings based on each of the current zones and residential density code that applies. In other words, this is the potential for a scenario of “business as usual”.

The likelihood of development and/or redevelopment and timing for this has also been estimated supported by a short explanatory commentary. It is noted that this is a high level study and some subjectivity has been adopted in arriving at findings.

Potential for additional residential dwellings within the zones other than Residential are more difficult to estimate and no figures have been calculated. For these, a general description of existing development is instead provided together with permissible density, heritage listings and other impacts on development such as MRS reservations to arrive at an indication of potential development prospects.

Residential R12.5

Potential Additional Dwellings Summary Residential R12.5 (33 properties – 11 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	14	0		14
	Medium		5		5
	Low		3	35	38
Totals		14	8	35	57 additional dwellings

Table 1 -Residential R12.5 Summary

The Residential Design Codes require an average site area of 800m² for a single house and grouped dwelling within the R12.5 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40).

The Residential R12.5 properties are generally located:

- south of Canning Highway (excluding the properties fronting Canning Highway) between Hamilton and Petra Streets;
- north of Canning Highway (excluding the properties fronting Canning Highway) between Osborne Road and Preston Point Road; and
- in pockets between Riverside Road and Preston Point Road.

Table 1 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R12.5 coding and gives an estimate of likelihood and general timing of development. Table 2 as follows (over page) provides more detail for these findings.

As is to be expected in an older established local government area, potential for additional dwellings for properties zoned Residential R12.5 is low. Theoretically, only 57 additional dwellings could be accommodated, and even this amount is highly unlikely.

There is a very small pool of vacant properties (17) which gives the greatest possibility of additional dwellings and these are likely to result in 14 dwellings in the short term, with the remaining properties currently being enjoyed as developed open space associated with adjoining properties and unlikely to be considered for development over the next five years.

An equally small number of sizeable properties theoretically capable of accommodating additional residential development (i.e. >1,600m²) is available, however, most cannot be relied upon for providing additional dwellings in the short to medium term, or perhaps even the long term. The majority of these properties are listed as either Category A or B on the Heritage List which does not generally allow for demolition.

In addition, three of these larger properties are or were institutional type uses (Woodside Hospital site, Southern Plus Aged Care Facility and the Geriatric Rehabilitation Centre). It is unlikely that these uses will change in the near future, however, the old Woodside Hospital site could be a site worthy of further investigation. These three sites are responsible for a significant amount (27) of the estimated potential additional dwellings total for the Residential R12.5 properties.

It is important to note that in areas with a density coding of R12.5, Clause 5.3.1 of LPS 3 allows for development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages and improve the overall amenity of the streets as a result of the development. This has not been reflected in the calculations presented in Tables 1 and 2, however, the potential for further additional dwellings in these circumstances is noted.

R12.5	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties	17	14	High	Short term	Current approval for 3 dwellings and no known encumbrances for the remaining properties.
		3	Low	Medium (to long term)	Used for landscaped gardens/tennis courts
Properties >1,600m ²	16	9	Low	Long term	9 residential properties listed as Category A or B on Heritage List theoretically capable of accommodating one additional dwelling.
		2	Medium	Medium term	2 residential properties listed as Category C Heritage theoretically capable of accommodating one additional dwelling (demolition possible).
		2	Low	Long term	2 residential properties With large solid brick/masonry dwellings built late 20 th century in good condition.
		3	Medium	Medium (to long term)	1 institutional property (Rehabilitation Centre owned by Department of Health - 33 Moss Street) also Category A Heritage List. No known intention for change.
		12	Low	Long term	1 institutional property (Woodside Hospital site) also subject to heritage considerations (Category A Heritage List and State Heritage List). Recently purchased by developer with intention to develop as an Aged Care Facility rather than residential dwelling units.
		12	Low	Long term	1 institutional property (Southern Plus Nursing Home) with current approval for continued institutional use.

Table 2 – Residential R12.5 Potential Development

Residential R17.5

Potential Additional Dwellings Summary Residential R17.5 (5 properties – 4 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	2			2
	Medium				0
	Low			3	3
Totals		2	0	3	5 additional dwellings

Table 3 - Residential R17.5 Summary

The Residential Design Codes require an average site area of 571m² for a single house and grouped dwelling within the R12.5 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40).

The R17.5 density code was introduced through Amendment No. 11 to LPS 3 which was gazetted on 13 June 2017.

Residential R17.5 properties are generally located:

- north of Canning Highway (excluding the properties fronting Canning Highway) between Clayton and Osborne Streets;
- both sides of View Terrace (between Parker and Penshurst Street) and northwards to Preston Point Road;
- between Gordon and Petra Streets; and
- south of Fraser Street to Wolsley Road, but east of Staton Road.

Table 3 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R17.5 coding and gives an estimate of likelihood and general timing of development. Table 4 as follows below provides more detail for these findings.

There is only one Residential R17.5 property that is currently vacant. This has approval for a single dwelling and is therefore expected to be developed shortly.

Four properties are theoretically capable of accommodating additional dwellings, however, only one is likely to be developed in the short term as it has space available and is not heritage listed. This is in contrast to the remaining three properties that are either Category A or B Heritage listed.

R17.5	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties	1	1	High	Short term	Current approval
Properties >1,142m ²	4	1	High	Short term	No heritage and space available for additional dwelling whilst retaining existing dwelling.
		3	Low	Long term	Properties listed as Category A or B on Heritage List. Includes one property with space for additional dwelling currently used as tennis court.

Table 4 - Residential R17.5 Potential Development

Residential R20

Potential Additional Dwellings Summary Residential 20 (14 properties – 2 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	12			12
	Medium		2		2
	Low			2	2
Totals		12	2	2	16 additional dwellings

Table 5 - Residential R20 Summary

The Residential Design Codes require an average site area of 450m² for a single house and grouped dwelling within the R20 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40).

Residential R20 properties are generally located:

- in the south west corner of the Town of East Fremantle generally west of Stirling Highway and south of Canning Highway (excluding the properties fronting Canning Highway and George Street); and
- east of Stirling Highway to Hamilton Street (excluding the Town Centre and the land south of Polo Way and Tondarup Way).

Table 5 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R20 coding and gives an estimate of likelihood and general timing of development. Table 6 as follows (over page) provides more detail for these findings.

There are only seven vacant Residential R20 properties and four have current approval for single residential development which are expected to be developed in the short term.

Two vacant properties together with a group of other adjacent properties (along Canning Highway between East and Glyde Streets) enjoy Additional Use rights of R40 under LPS 3 (subject to certain requirements). In addition, the Town Centre Redevelopment Guidelines Local Planning Policy identifies this land within the Frame Precinct. Acceptable development standards of the policy include:

- preferred use comprising multiple dwellings and grouped dwellings with small scale commercial uses incorporated as components of mixed use developments providing they are compatible with a residential environment; and
- provide for residential development in accordance with the relevant standards in the Residential Design Codes for R100 (does not include density).

This group of properties is under mixed ownership, however, these are predominantly owned by Main Road Western Australia/Department of Planning, Lands and Heritage and it is expected that these will be developed as one large scale development in the short term.

Four other properties are theoretically capable of accommodating additional dwellings (4), however, two are currently restricted by Category B heritage listing with limited space for additional development and it is unlikely that further development will occur. The remaining properties have a possibility of being further developed in the medium term with one currently using the space for landscaped outdoor recreation purposes associated with an existing residence and one currently accommodating a solidly constructed dwelling in good condition with no space for additional development without demolition.

R20	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties	5	5	High	Short term	Current approval for 4 dwellings and no known encumbrances for the remaining property.
	2	4	High	Short term	Additional Use rights under Scheme for R40 density subject to requirements.
Properties >900m ²	4	1	Medium	Medium term	Property listed as Category C and space available for additional dwelling whilst retaining existing dwelling, however, used as landscaped garden.
		1	Medium	Medium term	Solid brick and tile dwelling built late 20 th century in good condition with limited space for additional dwelling.
		2	Low	Long term	Properties listed as Category B on Heritage List with limited space for additional dwelling.
Other	3	3	High	Short term	Properties part of a group under single ownership with Additional Use rights under Scheme for R40 density subject to requirements.

Table 6 - Residential R20 Potential Development

Residential R12.5/40

Potential Additional Dwellings Summary Residential R12.5/40 (34 properties – 20 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	3			3
	Medium		24	9	33
	Low			72	72
Totals		3	24	81	108 additional dwellings

Table 7 - Residential R12.5/40 Summary

The Residential Design Codes require an average site area of 800m² for a single house and grouped dwelling within the R12.5 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40). The Residential Design Codes require an average site area of 220m² for a single house and grouped dwelling within the R40 code, and a maximum plot ratio of 0.6 for a multiple dwelling.

A number of properties with dual coding of Residential R12.5/40 are located:

- along the northern side of Canning Highway east of Stirling Highway almost to Petra Street (with the exception of the Town Centre zoned properties); and
- along the southern side of Canning Highway east of Hamilton Street to almost Petra Street.

Clause 5.3.2 of Local Planning Scheme No. 3 allows for properties with dual codings to be developed at the higher density subject to a number of requirements, including:

- Access via a street other than Canning Highway;
- Noise attenuation measures;
- Frontage to Canning Highway and any other street to which the site has frontage; and
- Maintenance of a heritage place listed within the Scheme.

Table 7 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R17.5/40 coding and gives an estimate of likelihood and general timing of development. Table 8 as follows (over page) provides more detail for these findings. Three vacant properties are likely to be developed within the short term to result in 5 additional dwellings.

It must be noted that the base zoning is to be R12.5 and the R40 density may only be applied where a development is considered to adhere to the requirements of the Scheme. Although the higher density coding of R40 may be employed in certain circumstances, it does not make a significant difference to the number of additional dwellings that would otherwise be developed under the R12.5 density code.

The properties east of Osborne Road and Allen Road are significantly affected by a Primary Regional Road Reserve (PRR) under the MRS, being Canning Highway. The properties to the west are also affected, but to a lesser extent. Any development abutting this reserve is also subject to the provisions of the MRS.

Furthermore, the majority of the Residential R12.5/40 properties are listed as Category A or B on the Heritage List. Even with a higher density, the presence of the heritage building (which is to remain) restricts the area capable of being developed and this is exacerbated in many instances by the restriction of the MRS reserve.

There has, however, been an indication from the Department of Planning, Lands and Heritage that the land requirement for Canning Highway may be reduced in the future that may result in an amendment to

the MRS to reduce the PRR reservation. Should this eventuate, the probability and timing status for development of a number of sites would be likely to occur. In particular, two larger sites owned by the State Government could result in an additional 12 grouped dwellings (possibly more multiple dwellings). These sites are considered worthy of further investigation.

Also of note, are two commercial operations on larger lots (one listed as a Category B on the Heritage List) whereby should these uses cease, the properties could be developed for 35 grouped dwellings (possibly more multiple dwellings).

R12.5/40	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties	1	3	High	Short term	Marginally affected by MRS reserve. No other known encumbrances.
	1	9	Low	Long term	Owned by State Government and affected by MRS reserve. Status could change if land requirement for Canning Highway changes.
Properties >440m ²	1	3	Low	Long term	Owned by State Government and affected by MRS reserve. Status could change if land requirement for Canning Highway changes.
	6	17	Medium	Medium term	Not affected or only marginally affected by MRS reserve. Demolition would be required for 2 of the properties to allow additional development.
	3	9	Medium	Long	Affected by MRS reserve and demolition would be required to allow additional development.
	1	7	Medium	Medium	Large property heritage listed as Category C with two street access. Demolition required to reach full potential.
	18	23	Low	Long term	Properties listed as Category A or B on the Heritage List. Most are affected at least marginally by MRS reserve or may be in the future.
	1	2	Low	Long term	Existing residential building listed as Category B on the Heritage List, however, is currently used as Consulting Rooms. Partial demolition would be required.
	1	24	Low	Long term	Old church building listed as Category B on Heritage List. Site currently used for commercial purposes.
	1	11	Low	Long term	Property with Additional Use rights under Scheme for Service Station which is currently operating.

Table 8 -Residential R12.5/40 Potential Development

Residential R20/40

Potential Additional Dwellings Summary Residential R20/40 (9 properties – 5 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	1			1
	Medium		5		5
	Low			5	5
Totals		1	5	5	11 additional dwellings

Table 9 - Residential R20/40 Summary

The Residential Design Codes require an average site area of 450m² for a single house and group dwelling within the R20 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40). The Residential Design Codes require an average site area of 220m² for a single house and group dwelling within the R40 code, and a maximum plot ratio of 0.6 for a multiple dwelling.

A small number of properties with dual coding of Residential R20/40 are generally located:

- along the northern side of Canning Highway west of Stirling Highway;
- along the southern side of Canning Highway between Bedford and Hamilton Streets; and
- four properties south of the Brush Factory development on Duke Street.

Clause 5.3.2 of LPS 3 allows for properties with dual codings to be developed at the higher density subject to a number of requirements, including:

- Access via a street other than Canning Highway;
- Noise attenuation measures;
- Frontage to Canning Highway and any other street to which the site has frontage; and
- Maintenance of a heritage place listed within the Scheme.

Table 9 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R20/40 coding and gives an estimate of likelihood and general timing of development. Table 10 as follows (over page) provides more detail for these findings.

The properties east of Stirling Highway are affected by a PRR Reserve under the MRS and the properties west of Stirling Highway area affected by an Other Regional Road Reserve (being Canning Highway). Any development abutting these reserves is also subject to the provisions of the MRS.

There are no vacant Residential R20/40 properties available. One property capable of accommodating 3 dwellings may be developed within the medium term if the use changes from its current office function (Additional Use under LPS 3).

One property on Duke Street has sufficient site area to support an additional dwelling. The existing residence has been built forward on the lot to readily accommodate this suggesting a high likelihood of development in the short term. Three other lots on Duke Street also have sufficient site area for an additional dwelling, however, the existing residences (which are in good condition) would require demolition to accommodate further development. This indicates a medium likelihood of development in the medium term.

The remaining five properties are highly unlikely to be further developed even with the bonus density. As these properties are all Category A or B on the Heritage List, the existing dwellings are to remain leaving limited space for further development. This is exacerbated by the MRS reservations for Canning Highway.

R20/40	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties Properties >440m ²	0				
	1	1	High	Medium term	Existing residential building in good condition with space for additional dwelling behind.
	1	3	Medium	Medium term	Existing residential building listed as Category C, however, is currently used as an office (Additional Use under Scheme)
	2	2	Medium	Medium term	Existing single residential buildings in good condition. Demolition required to reach full potential.
	5	5	Low	Long term	Properties listed as Category A or B on Heritage List with limited space for additional dwelling. Also affected by MRS reserve.

Table 10 - Residential R20/40 Potential Development

Residential R30

Potential Additional Dwellings Summary Residential R30 (13 properties – 0 on LPS 3 Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High	4			
	Medium		4		
	Low		3	7	
Totals		4	7	7	18 additional dwellings

Table 11 - Residential R30 Summary

The Residential Design Codes require an average site area of 300m² for a single house and grouped dwelling within the R30 code (note that under the provisions of LPS 3, multiple dwellings are not permitted in areas with a density coding of less than R40).

Pockets of Residential R30 land are generally located:

- between Riverside Road and Preston Point Road;
- near the corner of Preston Point Road and Pier Street and along the western side of Parker Street; and
- along Silas and Moss Streets near Speedy Cheval Street.

Table 11 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R30 coding and gives an estimate of likelihood and general timing of development. Table 12 as follows (over page) provides more detail for these findings.

All lots have been developed, however, there are approximately 18 properties that currently accommodate a single residential unit, yet due to their size could theoretically have the potential to accommodate further dwelling units if the site was redeveloped. Such a scenario could result in 19 additional dwellings. In most cases this is not practical or likely due to occur in the short to medium term due to the size, construction type, age, condition and the amount of capital investment involved. Many of these sites are occupied by larger designer homes and enjoy good views of the Swan River.

Four properties have been identified as having possible potential to be further developed or redeveloped due to the age and condition of the current property and/or the site having sufficient space to accommodate further dwellings in addition to the existing residence. For this scenario, 6 additional dwellings may be possible.

Overall, potential for additional dwellings within the current Residential R30 areas is low and insignificant.

It is noted that a sizeable Residential R30 property is associated with the Leeuwin Barracks site. This is developed with a multi-storey block of units currently used for defence force accommodation. The Leeuwin Barracks site as a future development project is discussed in further detail in later sections of this study report.

R30	No. of properties	No. of additional dwellings	Likelihood of Development	Timing of Development	Comment
Vacant Properties	4	4	High	Short term	Current approval for 2 dwellings and no known encumbrances for the remaining properties.
Properties >710m ² (battleaxe)	2	4	Medium	Medium term	Existing older style houses in good condition with no heritage listing and space for development. Demolition required for full potential.
	3	3	Low	Medium	Properties with space for additional dwelling currently used for pool or tennis court.
	4	7	Low	Long term	Large newer style houses in good condition with good Swan River views. Demolition required for full potential.

Table 12 - Residential R30 - Potential Development

Residential R40

Potential Additional Dwellings Summary Residential R40 (0 properties)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High				
	Medium				
	Low				
Totals					0 additional dwellings

Table 13 - Residential R40 - Summary

The Residential Design Codes require an average site area of 220m² for a single house and grouped dwelling within the R40 code, and a maximum plot ratio of 0.6 for a multiple dwelling.

There are three Residential R40 sites within the Town of East Fremantle at the following locations:

- 46 East Street (on the corner of George Street) – 66 dwelling units;
- Polo Way, Richmond Circus and Speedy Cheval Street - 18 dwelling units; and
- Tondarup Way, Richmond Circus and Speedy Cheval Street - 23 dwelling units.

Table 13 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R40 coding and gives an estimate of likelihood and general timing of development.

All sites have been fully developed and there is no further capacity for additional dwellings.

Residential R80

Potential Additional Dwellings Summary Residential R80 (30 properties – 0 on Heritage List)		Estimated Timing			Totals
		Short term (within 5 years)	Medium term (5-10 years)	Long term (10+ years)	
Estimated likelihood	High				
	Medium				
	Low			5	
Totals				5+	5+ additional dwellings

Table 14 - Residential R80 - Summary

The Residential Design Codes require an average site area of 120m² for a single house and grouped dwelling within the R80 code, and a maximum plot ratio of 1.0 for a multiple dwelling.

There is one site within the Town of East Fremantle zoned Residential with a density code of R80 located at 1 Riverside Road (corner of East Street, Canning Highway and Riverside Road).

Table 14 above summarises the number of properties found to be capable of accommodating potential additional dwellings under the Residential R80 coding and gives an estimate of likelihood and general timing of development.

Theoretically, the site has the potential to accommodate 35 grouped dwellings and an even greater number of multiple dwellings. There are currently 30 dwelling units built in the late 20th century of good condition with good views of the Swan River. These have been strata titled and are under separate individual ownership. It is not likely that these properties will be redeveloped in the short, medium or long term.

There are no other Residential R80 properties within the Town of East Fremantle and therefore minimal potential for additional dwellings within this category.

Mixed Use

There are two main areas of Mixed Use zone within the Town of East Fremantle which are generally located:

- on the southern side of Canning Highway between Stirling Highway and Glyde Street; and
- along George Street on both sides between Stirling Highway and Hubble Street (with the exception of the Royal George Hotel) and on the northern side of George Street between Glyde and East Streets.

Clause 4.2 of LPS 3 provides the following objectives of the Mixed Use zone:

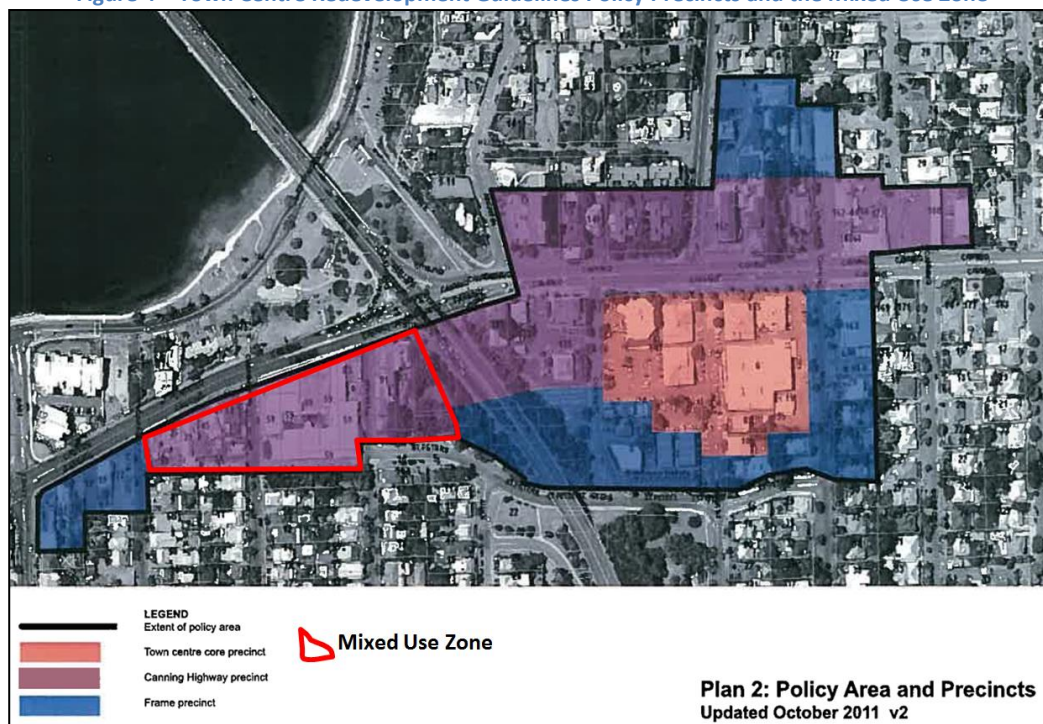
- *To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;*
- *To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;*
- *To promote the coordination of development within each of the Mixed Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area; and*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.*

Clause 5.3.4 of LPS 3 provides for residential development in non-residential zones to a maximum density of R40.

Canning Highway

The Town Centre Redevelopment Guidelines Local Planning Policy identifies the portion of the Mixed Use zone located along Canning Highway as being within the Canning Highway Precinct (Figure 4).

Figure 4 – Town Centre Redevelopment Guidelines Policy Precincts and the Mixed Use Zone



Acceptable development standards of the policy include:

- development incorporating a minimum 40 per cent Net Lettable Area (NLA) floorspace for multiple dwellings and/or short stay accommodation; and
- provide residential development in accordance with the relevant standards in the Residential Design Codes for R160 (does not include density).

Current development in this vicinity comprises of:

- the Tradewinds Hotel, minimal other commercial uses and generally low to medium density residential buildings; and
- one vacant property.

Of the 20 properties in this Mixed Use zone area, 10 are listed as Category A or B on the Heritage List and two are listed as Category C on the Municipal Heritage Inventory (MHI).

This land is affected by an ORR Reserve under the MRS (Canning Highway) with most properties merely abutting this reserve, whilst the reserve marginally impinges on a small number of properties. Any development abutting this reserve is also subject to the provisions of the MRS.

An amendment to LPS 3 (Amendment 14) is currently in progress in relation to Lots 418 and 419 Canning Highway, Lot 81 St Peters Road (vacant land) and Lot 423 Sewell Street. The amendment involves the placement of a Special Control Area (SCA) over the land to apply special standards relating to land use, building height, setbacks, plot ratio, car parking, residential development, public art and landscaping/public spaces. Should this amendment be finalised as proposed, it is estimated that approximately 80 residential dwellings could be developed on this site. Pending necessary approvals, it would be expected to eventuate within the medium term (i.e. next 5 to 10 years).

It is difficult to estimate possible additional dwellings in this zone. In any event, there appears to be no further significant potential or incentive for development under the current circumstances, particularly due to heritage restrictions which affect fifty percent of the properties in this area.

For those properties not affected by Heritage Listings, the potential for capital gain through redevelopment versus remaining “as is”, would require careful consideration and appears to be highly unlikely in the short to medium term.

Given the proximity to the high frequency transit route (bus), Town Centre and the George Street Precinct however, this area may be worthy of consideration for further investigation for an innovative approach to further residential development.

George Street Precinct

A portion of the Mixed Use zone is located within the Plympton Precinct within Local Planning Policy 2.1.1 - Residential Design Guidelines policy area. The Statement of Desired Character for the Plympton Precinct within the Guidelines is as follows:

“The desired future character of Plympton is the maintenance of its predominant single storey gold boom period buildings cohabiting with sympathetic infill and additions in a leafy streetscape. Similarly the George Street Precinct should retain its heritage and seek to encourage new development or redevelopment that makes a complementary and positive contribution to the streetscape.”

In addition, the George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking Local Planning Policy also aims to protect the existing streetscape character and residential amenity in the precinct and surrounding areas whilst encouraging sustainable growth.

The prevailing existing building stock and small lots have limited onsite parking capacity available to service commercial and residential uses.

There are no vacant properties in this area, however, two properties that were previously vacant are currently under construction with one commercial unit and eight residential apartments being developed (90 – 96 George Street). These are expected to be completed within the next year.

Of the 48 properties within this precinct area, some 27 are Heritage Listed as either Category A or B, one is listed as Category C.

It is difficult to estimate possible additional dwellings in this zone. In any event, there appears to be no further significant potential or incentive for development under the current circumstances, particularly due to heritage restrictions which affect more than fifty percent of the properties in this area.

For those properties not affected by Heritage Listing, the potential for capital gain through redevelopment versus remaining “as is”, would require careful consideration and appears to be highly unlikely in the short to medium term.

Given its function as a “mini activity corridor”, proximity to the high frequency transit route (bus) and the Town Centre , this area may be worthy of consideration for further investigation for an innovative approach to further residential development.

Special Business

There are four Special Business zone sites within the Town of East Fremantle and these are located on the western side of the Canning Highway and Petra Street intersection. The eastern side of the intersection is within the City of Melville and zoned Centre Zone C3 (R60) and Mixed Use (R50) under the City of Melville Local Planning Scheme No. 6. Combined, these sites are identified as a District Activity Centre, with the majority of this being within the City of Melville.

Clause 4.2 of LPS 3 provides the following objectives for the Special Business zone:

- *To provide for a limited range of commercial facilities and services to meet the day to day needs of the community;*
- *To promote the coordination of development within the Special Business zone and to facilitate the safe and convenient movement of pedestrians to and within the area;*
- *To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.*

Clause 5.3.4 of LPS 3 provides for residential development in non-residential zones to a maximum density of R40.

The Town Centre Redevelopment Guidelines Local Planning Policy identifies this land within the Frame Precinct. Acceptable development standards of the policy include:

- preferred use comprising multiple dwellings and grouped dwellings with small scale commercial uses incorporated as components of mixed use developments providing they are compatible with a residential environment; and
- provide for residential development in accordance with the relevant standards in the Residential Design Codes for R100 (does not include density).

The four properties within the Special Business zone range in size from 348m² to 4,153m² and are all under single ownership. One of the properties is listed as Category B on the Heritage List.

These properties are significantly affected by a PRR Reserve under the MRS (Canning Highway). Any development abutting this reserve is also subject to the provisions of the MRS.

Existing development is single level and in reasonably good condition. There is no residential use within this zone at present, with the possible exception of the property on the north-west corner of Petra Street and Canning Highway which has a residence attached to the commercial premises, which is currently vacant. A dental surgery operates from an older style dwelling on the northern side of Canning Highway whilst the properties on the southern side comprise of a mix of commercial tenancies including restaurants, banks, real estate agencies, pet supplies and hairdressing supplies, exercise studio, optician and offices.

There appears to be reasonably high potential for further development in this zone including introduction of residential dwellings at a considerable density and is considered worthy of further investigation. Due to the identification of this area as a District Activity Centre and its proximity to the high frequency transit route (bus), it is also considered worthy to investigate the inclusion of additional adjacent properties within this zone.

There may be an opportunity to carry out further investigations in conjunction with the City of Melville.

Special Zone – Royal George Hotel

The Special Zone – Royal George Hotel applies to a single property on the north east corner of George and Duke Streets (Lot 303, 34 Duke Street).

Clause 4.2 of LPS 3 provides the following objectives of the Special Zone – Royal George Hotel:

- To encourage the preservation and re-use of the Royal George Hotel building;
- To accommodate the redevelopment of the Royal George Hotel site in a manner which will complement the preservation of the hotel building;
- To enhance and promote George Street as a vibrant main street.

The property is 1,499m² in area and accommodates the Royal George Hotel (a Federation style building) built up to the two footpaths leaving an 850m² triangular vacant space to the rear. The hotel building is currently not in use. It is included in the State Heritage Register, classified by the National Trust and is Category A under the Scheme's Heritage List. The site was recently sold by the State Government to a private developer, and is subject to a Heritage Agreement and Conservation Plan.

An amendment to LPS 3 (Amendment 15) is currently in progress involving the introduction of development controls to supplement the Special Zone – Royal George Hotel including land use, consultation with the Heritage Council and Main Roads Western Australia, building height, setbacks and car parking.

Should this amendment be finalised as proposed, it is estimated that approximately 20 additional dwellings could be accommodated on the site. At least some development of this nature could be expected to eventuate within the medium term (i.e. next 5 to 10 years).

Town Centre

The Town Centre zone is generally located:

- along the northern side of Canning Highway between Staton and Preston Point Roads; and
- on the southern side of Canning Highway between May Street, Stirling Highway and St Peters Road.

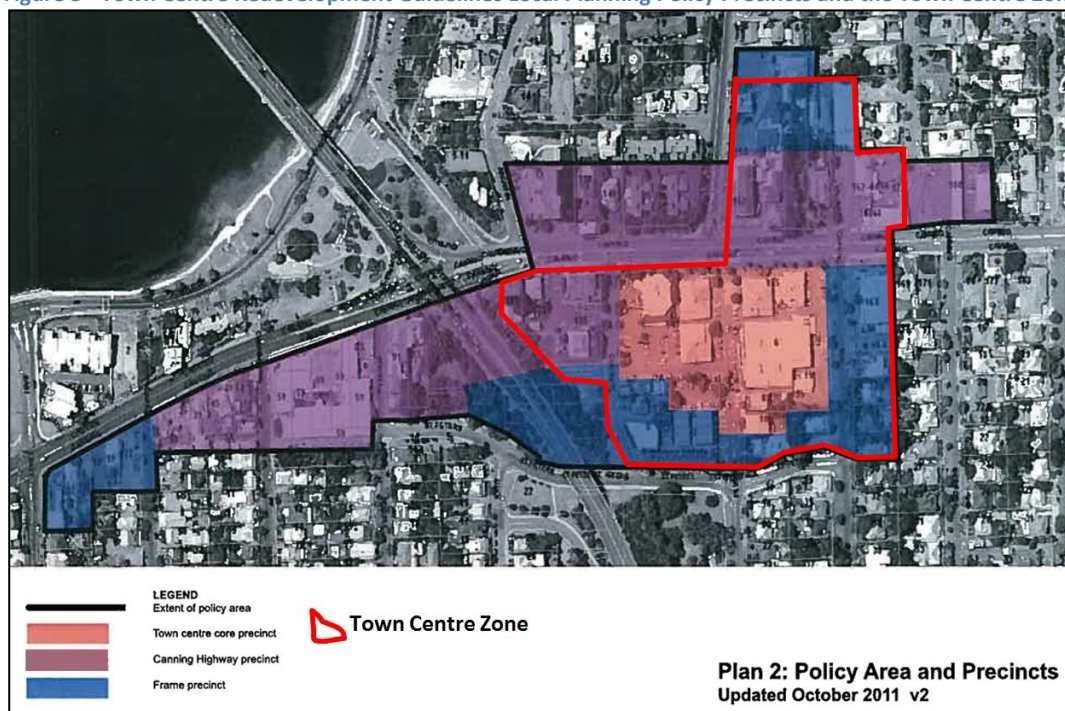
Clause 4.2 of LPS 3 provides the following objectives of the Town Centre zone:

- To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.
- To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.
- To enhance pedestrian connectivity to and within the Town Centre, so as to facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.
- To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.

Clause 5.3.4 of LPS 3 provides for residential development in non-residential zones to a maximum density of R40 and Clause 5.3.5 allows for a density greater than R40 within the Town Centre zone subject to a number of requirements.

The Town Centre Redevelopment Guidelines Local Planning Policy identifies the Town Centre zone as being part of the Core, Canning Highway and Frame Precincts (Figure 5).

Figure 5 - Town Centre Redevelopment Guidelines Local Planning Policy Precincts and the Town Centre Zone



Acceptable development standards of the policy include:

Town Centre Core Precinct - development incorporating a minimum 40 per cent Net Lettable Area (NLA) floorspace for multiple dwellings and/or short stay accommodation; and provide residential development in accordance with the relevant standards in the Residential Design Codes for R-AC 2.

Canning Highway Precinct - development incorporating a minimum 40 per cent Net Lettable Area (NLA) floorspace for multiple dwellings and/or short stay accommodation; and provide residential development

in accordance with the relevant standards in the Residential Design Codes for R160 (does not include density).

Frame Precinct - provide residential development in accordance with the relevant standards in the Residential Design Codes for R100; and the preferred use comprising multiple dwellings and grouped dwellings with small scale commercial uses incorporated as components of mixed use developments providing they are compatible with a residential environment.

There are no vacant properties within the Town Centre zone. Existing development includes:

- A group of three heritage buildings exist between Stirling Highway and Council Place comprising of the old post office, the old police station, the Town of East Fremantle Administration and Dovenby House (part of Town of East Fremantle Administration). This block also includes car parking, accessways and open landscaped area and forms an interesting and cohesive pocket. The post office site (affected by Stirling Highway PRR reserve) is currently owned by Main Roads Western Australia, however, it is understood the part of site not affected by the PRR reserve is no longer required to remain in public ownership. The remaining land is reserved and under the control of the Town of East Fremantle. These properties about a PRR Reserve under the MRS (Stirling Highway) and any development would be subject to provisions of MRS.
- A seven storey mixed use development (Richmond Quarter) was completed in 2016 on the corner of Council Place, Canning Highway and Silas Street and includes ground level commercial tenancies, rooftop bar and 144 residential units. This greatly boosted the Town's additional dwelling targets.
- Other residential-only developments have been built on St Peters Road (8 dwelling units), May Street (12 dwelling units) and Council Place (8 dwellings), some of which are heritage listed.
- A single storey supermarket exists at Silas Street which is ageing and in need of improvements. There appears to be potential for redevelopment which could include additional residential dwelling components.
- Other commercial tenancies fronting Silas Street include commercial tenancies on the ground floor with residential dwellings above. These are all relatively new developments and in very good condition.
- On the south-west corner of Canning Highway and May Street are multiple single storey commercial tenancies under separate ownership. This group of buildings is not cohesive in terms of architectural style or accessibility. It is considered that this property has the potential for redevelopment which could include a residential dwelling component.
- A veterinary surgery in an older style Heritage Listed dwelling and a carpark (for the medical centre) exist near the corner of May Street and St Peters Road. There could be potential to make better use of the carpark area by including additional building levels above.
- On the south-east corner of Canning Highway and May Street is a two level commercial premises which was recently renovated and is in good condition.
- Older style houses along the eastern side of May Street are used for commercial purposes including medical centre, real estate and dental surgery. Three of the four buildings are Heritage Listed.
- Heritage Listed buildings on the north-eastern corner of Canning Highway and Preston Point Road comprise of a church and old dwelling building, presbytery, hall and car park. Two older style dwellings adjacent to the church complex along Canning Highway are also Heritage Listed, with one used as a meditation centre with grouped dwellings behind. Further development of these properties is not expected in at least the short or medium term.
- Further east on Canning Highway is a swimming school with large carpark and on the corner of Staton Street is a small group of single storey shops (Category C in the MHI) with carpark to the rear. These properties are starting to age and may have potential to be renovated or redeveloped. No residential use currently exists in this vicinity. The group of shops includes three separate properties that are under single ownership. It is considered that these are worthy of further investigation for further development including possible additional dwellings.

Non-conforming and Non-Complying Uses

It is worthy to note that a number of residential properties have been developed to a higher density than would otherwise be permitted under current zoning and R coding. These were constructed prior to current requirements coming into effect and are rightful, but non-conforming or non-complying uses resulting in approximately 284 dwellings.

These include (yet may not be limited to):

Property	No. of existing units	No. of units to otherwise fully conform	R-Code	Additional provided by not conforming
6 properties Osborne Road	96	20	@ R12.5	76
6 properties Alexandra Road	64	20	@ R12.5	44
1 property Wolsley Road	12	2	@ R12.5	10
2 properties Preston Point Road	31	4	@ R12.5	27
3 properties Preston Point Road	60	34	@ R30	26
2 properties Tingira Circle	23	17	@R30	6
2 properties Canning Highway	32	18	@ R12.5/40	14
1 property Canning Highway	24	16	@ R20/40	8
1 property Stratford Street	15	14	@ R12.5/40	1
1 property Angwin Street	35	17	@ R12.5/40	18
1 property East Street	64	23	@ R40	41
1 property Petra Street	8	2	@ R12.5	6
1 property Fortescue Street	6	2	@ R12.5	4
1 property Pier Street	7	4	@ R30	3
Total	477	193		284

Under the provisions of Clause 4.8 – 4.12 of LPS 3:

- Planning approval must be granted prior to altering or extending a non-conforming use or changing from one non-conforming use to another.
- Where the use is discontinued for a period of six months, the land must thereafter be used in conformity with the provisions of the Scheme.
- Council may effect discontinuance of the non-conforming use by purchasing the land or payment of compensation.
- Where a building is destroyed to 75 per cent or more of its value, the building is not be repaired, rebuilt or altered to be used for a non-conforming use without prior planning approval.

Furthermore, Clause 5.3.3 of LPS 3 states that:

- Where a lot contains existing authorised development which exceeds the prescribed density coding, Council may permit redevelopment of the lot to the same density as the existing development, or of a different form than otherwise permitted, whereby:
 - In Council's opinion the proposal contributes more positively than the existing building to the scale and character of the streetscape , the improvement of the amenity of the area and the objectives of the precinct; and
 - The proposal is advertised for public comment if there is potential to have a significant effect on the amenity of adjoining land.

These uses provide a significant amount of density development and varied dwelling types within the Town. In order to more securely protect their important function, it may be worthy to investigate changes to LPS 3 to bring them into compliance, or to increase density codes to ensure replacement developments of a similar density (other than relying on Clause 5.3.3 of LPS 3).

In addition, it is interesting that a number of these non-conforming and non-complying uses are located in the vicinity of the block bound by Canning Highway, Osborne Road, Wolsley Road and Alexandra Road. It may be worthy to investigate a higher density code for this entire area and possibly for some properties on the opposite sides of these streets.

Additional Uses

Additional Use rights under Schedule 2 of LPS 3 give higher density development allowances to a number of properties than would otherwise be permitted within the base R Code that applies to the land, subject to conditions.

Additional Uses provided potential for 23 dwellings in addition to what would otherwise be permitted as follows:

Additional Use No.	Location	Dwellings at base code	Dwellings at Additional Use	Additional Potential
A9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, between Glyde Street and East Street	6 @R20	14+ @R40	8+
A10	Lots 217, 218, 219, 256, 257 and 218 bounded by View terrace, Penshurst Street and Pier Street	8 @R12.5 & R17.5	12 @R30	4
A12	Lot 4 Pier Street	1 @R12.5	12 NA	11
Total		15	38	23

It is noted, that not all properties have yet developed to their full potential.

Additional Use A9 is considered to be a site worthy of further investigation. This group of properties is under single landownership and is located at one of the entry points to the Town of East Fremantle. It has the potential for river views and current land use has not reached full potential. It is suggested that whilst this property has potential under current planning controls, there may be an opportunity to seek higher density development.

Future projects

Additional dwellings may be expected as a result of the following projects which are in various stages of proposal/approval.

1. Former Woodside Hospital	<p>The former Woodside Maternity Hospital at 24 Dalgety Street was built in 1897 as a grand residence, which was later converted into flats in the 1920s. It began operating as a hospital in the mid-1940s, and in 1951, the Western Australian Government acquired the site and converted the building into a maternity hospital.</p> <p>The old hospital was permanently entered into the State Register of Heritage Places in 1998 before closing in 2006. The site was recently sold by the State Government to a private joint venture formed by Hall & Prior Health & Aged Care Group and Fresh Fields Projects, who have entered into a Heritage Agreement, which will ensure the heritage buildings are appropriately maintained in perpetuity.</p> <p>It is intended to be redeveloped as an aged care facility. No application for planning approval has been made and no further details are available at this stage. The site is zoned Residential R15.</p>
2. Amendment No. 14 to Local Planning Scheme No. 3	<p>Amendment No. 14 involves application of a Special Control Area over the Mixed Use zoned properties on the corner of Canning Highway, Sewell Street and St Peters Road to support mixed use development at a prescribed height and other specific development standards.</p> <p>The properties are under single party ownership. The site is affected by PRR reserve under the MRS (Canning Highway) which also restricts vehicular access.</p> <p>Adopted by Council in April 2018 (with modifications), the amendment awaits final consideration by the WAPC and Minister for Planning. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 80 dwelling units. A development application would need to follow.</p>

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|-------|---|---|
| 3. | Amendment No. 15 to Local Planning Scheme No. 3 | <p>Amendment No. 15 involves the addition of development provisions relating to the Special Zone - Royal George Hotel to limit height and provide other specific development standards.</p> <p>The Hotel is a permanent entry in the State Heritage Register, classified by the National Trust, listed on the LPS 3 Heritage List and a Category A classified property on the Municipal Heritage Inventory. The site was recently sold by the State Government to a private developer and is subject to a Heritage Agreement and the hotel building is to be refurbished accordingly.</p> <p>The new owner intends to use the existing hotel building for a mix of commercial and accommodation uses and to develop the small area of vacant land (approximately 850m²) to the rear of the hotel building.</p> <p>Adopted by Council in June 2018 (with modifications), the amendment awaits final consideration by the WAPC and Minister for Planning. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 20 dwelling units. A development application would need to follow.</p> |
| <hr/> | | |
| 4. | East Fremantle Oval Precinct | <p>East Fremantle Oval Precinct (oval and adjacent reserves) is the subject of a Vision/Master Plan study (commenced 2018) which is co-funded by the Department of Local Government, Sport and Cultural Industries and the Town of East Fremantle.</p> <p>Without pre-empting the options, the study may (or may not) include investigation of potential residential development over a portion of the site. Amendments under the MRS, Land Administration Act and changes to LPS 3 together with development applications would most likely be required to implement a finalised Vision/Master Plan.</p> |
| <hr/> | | |
| 5. | Leeuwin Barracks | <p>The Leeuwin Barracks site on Riverside Road is earmarked for sale by the Department of Defence.</p> <p>To provide the new owner and the Town with a guide for future planning over the site, the Town of East Fremantle with support from the Department of Defence, oversaw development of a non-statutory Vision Plan (by consultants TPG Placematch) Council endorsed the plan in December 2016.</p> <p>The Vision Plan concept includes possible development of approximately 1,440 apartments. Prior to development, a number of planning processes will be required such as changes to the site's current zoning and structure planning as well as development approvals. The Department of Defence is considering action to progress some planning activities, in consultation with the WA Government and Council to assist any prospective future owner with development opportunities.</p> |
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Further Investigation Areas

In addition to the future projects mentioned in previous sections of this report, a number of sites have been identified as worthy of investigation to potentially provide additional dwellings. Suggestions have already been made throughout this report and are listed as follows, together with additional general investigation themes (note that some sites may be included in more than one investigation area):

Zone	Site	Reason	Considerations
Residential	1. Residential R15 - Woodside Site (24 Dalgety Street)	Site is large (1 ha) with dual street frontage and could readily support significantly higher density development	Heritage Listings
	2. Residential R17.5 – Corner lots	Clause 5.3.1 of LPS 3 allows for development of Residential R12.5 properties up to a density of R20 on corner lots in certain circumstances. This may also reasonably apply to R17.5 properties. The R17.5 properties were also previously R12.5 and the bonus corner lot density did also apply to them, however, when Amendment 11 changed the lots to R17.5, the corner lot bonus right was lost.	Streetscape amenity and access.
	3. Residential R20 with Additional Use R40 (A9) - East Street/Canning Highway/Glyde Street site (7-27 Canning Highway)	This group of properties is predominantly under single ownership (MRWA) and is located at one of the entry points to the Town of East Fremantle. It has the potential for river views and current land use has not reached full potential. It is suggested that whilst this property already has potential under current planning controls, there may be an opportunity to seek higher density development.	Canning Highway reserve land requirement and access.
	4. Non-conforming and Non-complying use higher density residential unit sites	These uses provide significant amount of density development and variety of dwelling types within the Town. In order to protect their important function, it may be fortuitous to bring them into compliance, or increase density codes to ensure future replacement developments of a similar density.	Streetscape amenity and car parking.
	5. General area bound by Canning Highway, Osborne Road, Wolsley Road and Alexandra Road	This area includes a number of non-conforming uses and it may be worth investigating a higher density code for this entire area and possibly for some properties on the opposite sides of these streets.	Heritage Listings, Canning Highway reserve land requirement and access, streetscape amenity, car parking.
Mixed Use	6. Canning Highway	Is in close proximity to the high frequency transit route (bus along Canning Highway), Town Centre and the George Street Precinct. An innovative and coordinated approach to further residential development would be required.	Heritage Listings, Canning Highway reserve land requirement and access.
	7. George Street Precinct	Is in close proximity to the high frequency transit route (bus along Canning Highway), Town Centre and the Canning Highway Mixed Use area. An innovative approach to further residential development would be required.	Heritage Listings and car parking.
Special Business	8. Portion of District Activity Centre 254, 256 and 257 Canning Highway and 93 Petra Street	All four properties are under single ownership, are identified as part of a District Activity Centre (together with adjacent land located within the City of Melville) and are in close proximity to the high frequency transit route (bus along Canning Highway). LPS 3 allows for a residential land use component. Current development potential is limited due to encroachment by the PRR Reserve under the MRS (Canning Highway), however, if the land requirement for this reserve is reduced opportunity for development will significantly increase. It may also be worthy to investigate extension of the Special Business Zone within a 400m catchment.	Canning Highway land requirement and access and coordination with the City of Melville regarding a future District Centre Activity Centre structure plan.

Zone	Site	Reason	Considerations
Town Centre	9. Supermarket site - 6 Silas Street	Showing signs of age and in need of improvements. LPS 3 allows for a residential land use component.	Compatibility of land uses and car parking.
	10. Commercial tenancies - 155 Canning Highway	Showing signs of age and in need of improvements. Buildings lack cohesion in terms of architectural style or accessibility. LPS 3 allows for a residential land use component.	Compatibility of land uses, car parking, multiple landowners.
	11. Swimming Centre and group of shops - 160-172 Canning Highway	Near the north-west corner of Canning Highway and Staton Road Canning Highway is a swimming school with large carpark and a small group of single storey shops with carpark to the rear. Showing signs of age and in need of improvements. LPS 3 allows for a residential land use component. The group of shops includes three separate properties that are under single ownership.	Heritage Listings (Category C in MHI), Canning Highway reserve land requirement and access, compatibility of land uses and car parking
	12. Carpark - 25 May Street	Possible potential to make better use of the carpark area by including additional building levels above.	Car parking requirements of existing and future land uses.
	13. Old post office site, old police station site, Town of East Fremantle administration site and Crown Reserve land - 101, 133 and 135 Canning Highway	This heritage precinct located between Stirling Highway and Council Place comprises of the old post office, the old police station, the Town Hall, Dovenby House, associated car parking, accessways and open landscaped area. LPS 3 allows for a residential land use component. The post office site (affected by Stirling Highway PRR reserve) is currently owned by MRWA, however, it is understood that the part of the site not affected by the PRR reserve is earmarked for sale. The police station is reserved and under the control of the Town of East Fremantle, whilst the remainder of the area is not subject to a reserve it is under the control of the Town of East Fremantle (apart from a narrow strip of land that is Crown Reserve).	Heritage Listings, Canning Highway land requirement and access, Compatibility of land uses, noise impacts from Stirling Highway, Crown reserve purpose and any land management orders.
Primary Regional Road Reserve (MRS), Residential and Special Business	14. Land subject to a possible amendment to the MRS to reduce the width of the Primary Regional Road reserve for Canning Highway between Osborne Road/Allen Street and Petra Street - includes Residential R12.5/40 and Special Business land	Should this amendment proceed, additional dwelling development potential would increase for some of the properties zoned Residential R12.5/40 and all of the properties within the Special Business zone. This land is recommended for further investigation, pending the outcome of the proposed MRS amendment.	Heritage Listings and Canning Highway access.
Primary Regional Road Reserve (MRS)	15. Vacant land within the PRR Reserve under the MRS for Stirling Highway	Expanses of vacant land alongside Stirling Highway are owned by MRWA and are reserved as Primary Regional Road. It may be worth investigating whether this land is needed for the purpose of which it is reserved.	Noise impacts from Stirling Highway and regulatory changes to land management.
Various	16. General investigation of publicly owned land, preferably freehold, no longer required or underutilised	An investigation of properties owned by, or under the control of, the Town of East Fremantle and possibly other public authorities may identify potential sites for development for residential purposes. May currently be used for public or community purposes and may involve the need for alternative arrangements and changes under various regulations.	Regulatory changes to land management.
Various	17. General investigation of 400m catchment areas in relation to the Town Centre, the District Activity Centre and the high frequency bus routes along Canning Highway and Marmion Street.	In accordance with State policy (Transit Oriented Development), higher density is encouraged within 400m (walking) catchment of high frequency bus routes and activity centres.	Heritage Listings, Canning Highway reserve land requirement and access, multiple landowners.
Various	18. Increase density for selected sites using Additional Use rights	Applying Additional Use rights under LPS 3 is a tool that could be investigated to increase residential density for suitably identified development sites.	Adequate development standards and provisions.

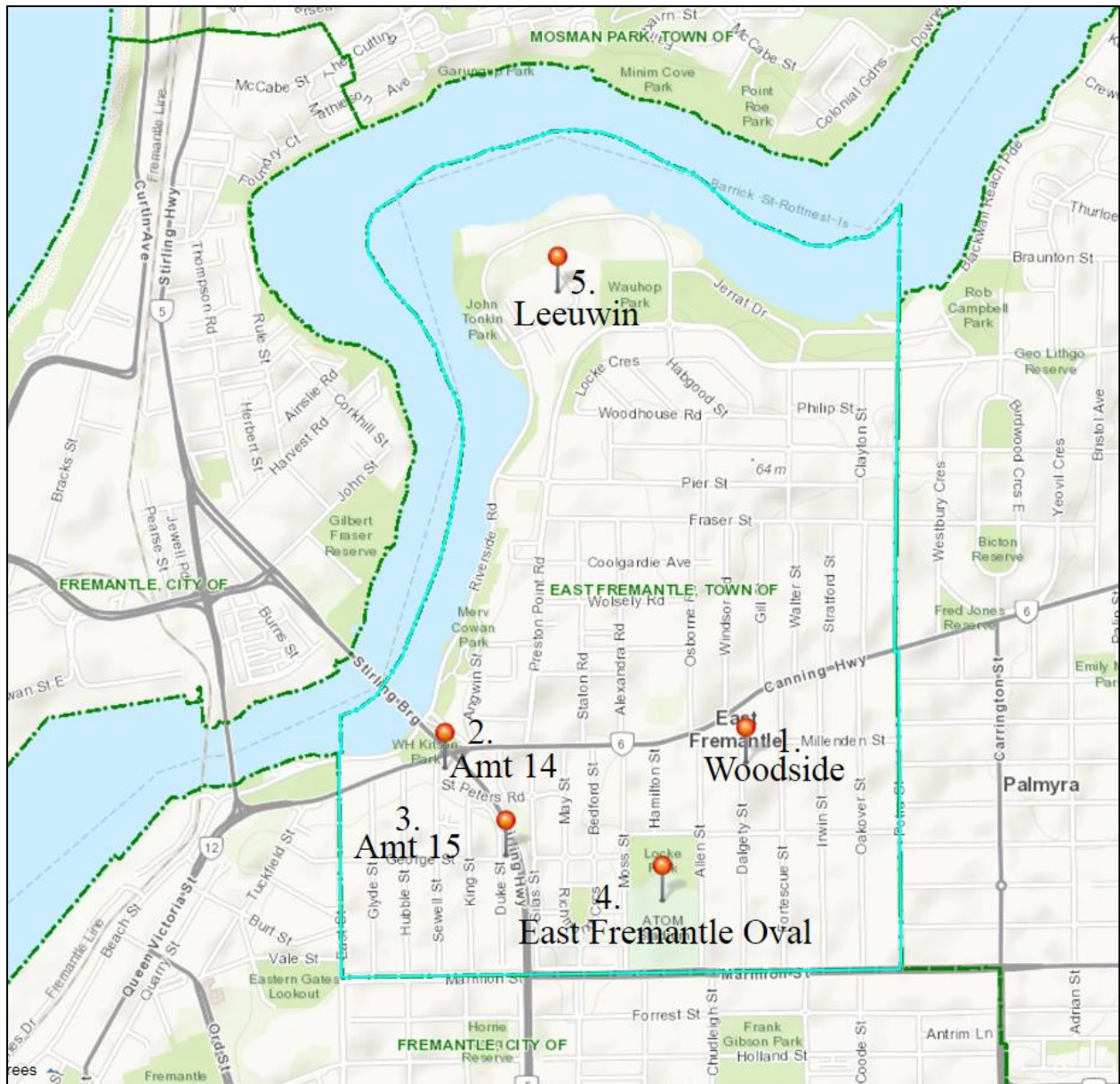
Recommendations

1. It may be reasonable to seek from the Western Australian Planning Commission (WAPC) a revision of the 890 additional dwellings target. This study shows that the potential for additional dwellings is significantly limited and a lesser target would be more realistically achievable (suggested between 450 – 600 additional dwellings).

Alternatively, should the Leeuwin Barracks project eventuate, the WAPC could include any residential development as contributing to reaching the additional dwelling target. Even at a take up rate of 50 per cent, some 700 additional dwellings could be provided if development occurs similar to the Council-endorsed vision plan.

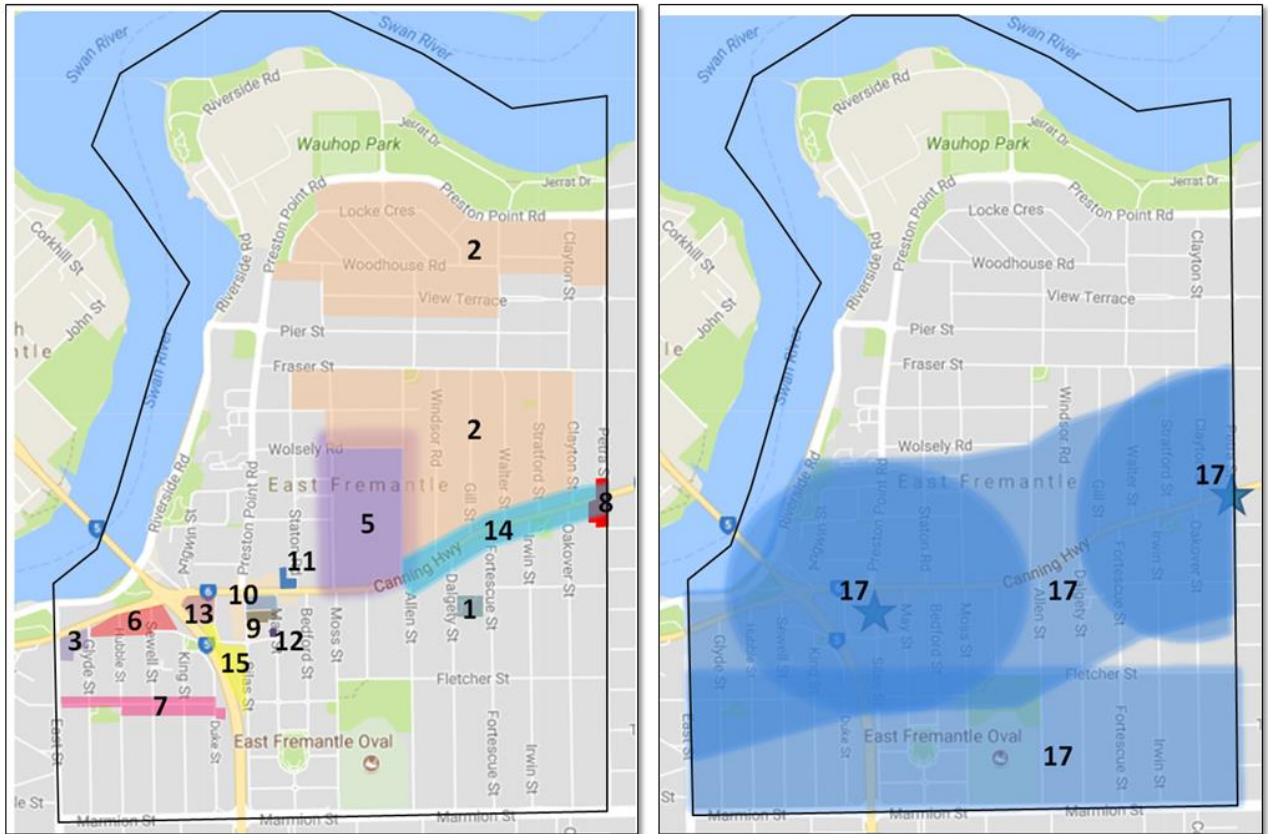
2. That the Town of East Fremantle consider further investigation of sites for potential residential dwellings development as outlined in the previous section of this report entitled “Further Investigation Areas”.
3. That the Town of East Fremantle take the necessary steps to accommodate the findings of this study, together with the findings of the recommended further investigation, within its Local Planning framework such as the Local Planning Strategy, Local Planning Scheme No. 3 and Local Planning Policies.

Appendix 1 – Future Projects



1. The former **Woodside** Hospital site at 24 Dalgety Street is proposed for redevelopment as a private aged care facility.
2. **Amendment No. 14** involves application of a Special Control Area over the Mixed Use zoned properties on the corner of Canning Highway, Sewell Street and St Peters Road to support mixed use development at a prescribed height and other specific development standards. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 80 dwelling units.
3. **Amendment No. 15** involves the addition of development provisions relating to the Special Zone -Royal George Hotel to limit height and provide other specific development standards. Should this amendment be finalised as proposed, it is estimated that the amendment proposal may allow for approximately 20 dwelling units.
4. **East Fremantle Oval Precinct** and adjacent reserves is the subject of a Vision/Master Plan study (commenced early 2018) which is co-funded by the Department of Local Government, Sport and Cultural Industries and the Town of East Fremantle. Without pre-empting the options, the study may (or may not) include investigation of potential residential development.
5. The **Leeuwin** Barracks site on Riverside Road is earmarked for sale by the Department of Defence. The Vision Plan concept includes possible development of approximately 1,440 apartments.

Appendix 2 – Potential Investigation Areas



1. Woodside Site - Dalgety Street
2. Residential R17.5 – Corner lots
3. East Street/ Canning Highway/Glyde Street site (7-27 Canning Highway)
4. Non-conforming and Non-complying use higher density residential unit sites (various - not shown)
5. General area bound by Canning Highway, Osborne Road, Wolsley Road and Alexandra Road
6. Mixed Use Zone - Canning Highway
7. Mixed Use Zone - George Street
8. Portion of District Activity Centre – Petra Street/Canning Highway
9. Supermarket site - 6 Silas Street
10. Commercial tenancies - 155 Canning Highway
11. Swimming Centre and group of shops - 160-172 Canning Highway
12. Carpark - 25 May Street
13. Old post office site, police station site, Town of East Fremantle administration site and Crown Reserve land - 101, 133 and 135 Canning Highway
14. Possible amendment to the MRS to reduce Primary Regional Road Reserve for Canning Highway
15. Vacant land within the MRS Primary Regional Road Reserve for Stirling Highway
16. General investigation of publicly owned land, preferably freehold, no longer required or underutilised (yet to be identified)
17. General investigation of 400m walking catchment areas for the Town Centre, District Activity Centre and high frequency bus routes (Canning Highway and Marmion Street)
18. Increase density for selected sites using Additional Use rights (yet to be determined)

12.1.3 Basic Amendment No. 16 to Local Planning Scheme No. 3 – To Rectify Typographical Errors in the Scheme Text

Owner	Various
Applicant	Town of East Fremantle
File ref	TPS3A16
Prepared by	Christine Catchpole, Senior Planning Officer
Supervised by	Andrew Malone, Executive Manager Regulatory Services
Meeting Date:	21 August 2018
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

For Council to consider the Town Planning Committee (TPC) recommendation (Resolution TP100818) to prepare basic Amendment No 16 to Local Planning Scheme No 3 to rectify typographical errors in the Scheme Text.

Executive Summary

The Town Planning Committee at its meeting on 7 August 2018 recommended the preparation of basic Amendment No 16 to Local Planning Scheme No 3 for referral to the Environmental Protection Authority and subsequently to submit the Amendment documentation to the WA Planning Commission for consideration.

(Refer to Town Planning Committee minutes (pp 74-78) to review the full report and resolution.)

This matter has been referred to Council as the Town Planning Committee does not have delegated authority to determine matters of a strategic nature.

12.1.3 COMMITTEE RECOMMENDATION

That Council:-

- (1) Pursuant to section 75 of the *Planning and Development Act, 2005* prepares basic Scheme Amendment No. 16 to Local Planning Scheme No.3 to rectify typographical errors in the Scheme Text:**
- (i) Modify the Zoning Table to amend the symbols for the following uses in the Residential zone column:**
 - (a) consulting rooms from 'X/D¹' to 'X/A¹';**
 - (b) grouped dwelling from 'D' to 'D²';**
 - (c) multiple dwelling from 'X/A²' to 'X/A³';**
 - (d) office from 'X/D¹' to 'X/A¹'; and**
 - (e) telecommunications infrastructure from 'A³' to 'A';**
 - (ii) Modify the Zoning Table Footnotes as follows:**
 - (a) in Footnote 1. replace 'D' with 'A'; and**
 - (b) in Footnote 2. replace 'R1.5' with 'R12.5'; and**
 - (iii) Modify Schedule 10 by replacing Clause '5.8.2' with '5.8.5';**

- (2) Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 16 is a basic Scheme Amendment, as the amendment is to correct an administrative error;**
- (3) Pursuant to section 81 of the Planning and Development Act, 2005, refers basic Amendment No. 16 to the Environmental Protection Authority; and**
- (4) Pursuant to Regulation 62(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, authorises the affixing of the common seal and endorses signing of the Amendment documentation by the Mayor and the Chief Executive Officer.**

12.2 FINANCE REPORTS

12.2.1 Unaudited Annual Financial Report for Year Ended 30 June 2018

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	21 August 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Unaudited Annual Financial Report for the Year Ended 30 June 2018

Purpose

For Council to receive the Unaudited Annual Financial Report for the Year Ended 30 June 2018.

Executive Summary

In accordance with section 6.4 of the *Local Government Act 1995* (the Act) a local government is to prepare an annual financial report for the preceding financial year.

The annual financial report is to be submitted to the Auditor by the 30 September following each financial year with the accounts of the local government to be balanced.

The Annual Financial Report for the Year Ended 30 June 2018 was submitted to the Auditor on the 8 August 2018, with the end of year audit conducted on-site on the 13/14 August 2018.

Background

At the June 2018 Ordinary Meeting, Council resolved to approve the deferral of the June 2018 Monthly Financial Report until the August 2018 Meeting. This was to allow for the end of year accounts to be wholly balanced.

Consultation

It is proposed that the Audit Committee be convened to meet with the Auditor to discuss the Annual Financial Report and Auditor's Report when received.

Statutory Environment

Section 6.4 of the *Local Government Act 1995 (As amended)* – Annual Financial Report

The content of the Annual Financial Report is prescribed in regulations 36-50 of the *Local Government (Financial Management) Regulations 1996 (As amended)*

Policy Implications

Significant accounting policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

Financial Implications

There are no significant financial implications associated with this report.

Strategic Implications

4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.

Site Inspection

Not applicable

Comment

The annual financial report has been prepared in accordance with the requirements of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

After the annual financial report has been audited in accordance with the Act, the Chief Executive Officer is to sign the declaration on page 2.

A copy of the annual financial report of a local government is to be submitted to the Department within 30 days of the receipt by the local government’s Chief Executive Officer of the auditor’s report on that financial report.

Pursuant to section 7.12A of the Act, a local government is to meet with the auditor of the local government at least once in every year. A local government must –

- examine an audit report received by the local government;
- determine if any matters raised by the audit report require action to be undertaken by the local government; and
- ensure that appropriate action is taken in respect of those matters.

Carryovers from 2017/18

The Operations Manager has requested that the following budgeted capital projects from 2017/18 be revoted into the 2018/19 Budget, as the budgets were not expended and the projects remain a priority.

Account Number	Project Description	Unspent 17/18	Amended Budget 18/19
E14604	Depot Admin Building and Surrounds	\$30,000	(\$30,000)
E10607	Sumpton Green Fence Replacement	\$25,000	(\$25,000)
E11708	Richmond Raceway Security Bars	\$15,000	(\$15,000)
E11709	EFFC – Upgrade of Toilets	\$20,000	(\$20,000)
	TOTAL		(\$90,000)

In order to maintain a balanced 2018/19 Budget, it is proposed that the above projects be funded as follows:

- Defer the Fraser Street Resurfacing Project \$46,000
- Identified savings against Bore Pump Replacement – Sporting Fields \$16,668
- Improved carried forward surplus position 18/19 Budget \$782,557 \$27,332
versus unaudited 17/18 Annual Financial Report \$809,889

12.2.1 OFFICER RECOMMENDATION

That Council:

1. receives the unaudited Annual Financial Report for the Year Ended 30 June 2018;
2. notes that the end of year audit was conducted on 13/14 August 2018;
3. following receipt of the Auditor's Report, requests the Chief Executive Officer:
 - (i) submit a copy of the Annual Financial Report to the Department within 30 days;
 - (ii) schedule a meeting of the Audit Committee to meet with the Auditor to discuss the Audit Report as required by section 7.12A of the *Local Government Act 1995*.
4. pursuant to section 6.8 of the *Local Government Act 1995*, resolved to amend the 2018/19 Budget as follows, resulting in a nil change in budgeted net current assets as at 30 June 2019:

Account Number	Description	Original Budget 18/19	Amended Budget 18/19	Change in Net Current Assets
E14604	Depot Admin Building and Surrounds	(\$75,385)	(\$105,385)	(\$30,000)
E10607	Sumpton Green Fence Replacement	\$0	(\$25,000)	(\$25,000)
E11708	Richmond Raceway Security Bars	\$0	(\$15,000)	(\$15,000)
E11709	EFFC – Upgrade of Toilets	\$0	(\$20,000)	(\$20,000)
E12710	Fraser Street – Asphalt Resurface	(\$46,000)	\$0	\$46,000
E11712	Bore Replacement – Parks and Ovals	(\$66,000)	(\$49,332)	\$16,668
	Carried Forward Surplus 1 July 2018	\$782,857	\$809,889	\$27,332
		Change in Net Current Assets		\$0

Absolute Majority Required for Part 4

Town of East Fremantle
FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

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Principal place of business:
135 Canning Highway
East Fremantle 6158

**Town of East Fremantle
FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

**LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

STATEMENT BY CHIEF EXECUTIVE OFFICER

The attached financial report of the Town of East Fremantle being the annual financial report and supporting notes and other information for the financial year ended 30th June 2018 are in my opinion properly drawn up to present fairly the financial position of the Town of East Fremantle at 30th June 2018 and the results of the operations for the financial year then ended in accordance with the Australian Accounting Standards and comply with the provisions of the *Local Government Act 1995* and the regulations under that Act.

Signed as authorisation of issue on the [REDACTED] day of [REDACTED] 2018

Gary Tuffin
Chief Executive Officer

STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE YEAR ENDED 30TH JUNE 2018

	NOTE	2018 Actual \$	2018 Budget \$	2017 Actual \$
Revenue				
Rates	24	7,583,304	7,545,075	7,370,900
Operating grants, subsidies and contributions	2	1,238,605	1,066,056	1,476,719
Fees and charges	2	1,220,784	1,340,990	1,372,970
Interest earnings	2	216,943	204,883	235,921
Other revenue	2	162,294	101,500	70,949
		<u>10,421,930</u>	<u>10,258,504</u>	<u>10,527,459</u>
Expenses				
Employee costs		(3,527,962)	(3,797,107)	(3,267,301)
Materials and contracts		(3,333,254)	(4,841,117)	(4,147,089)
Utility charges		(292,551)	(275,150)	(154,131)
Depreciation on non-current assets	8(b)	(2,700,093)	(2,438,301)	(2,614,799)
Insurance expenses		(207,943)	(183,782)	(178,159)
Other expenditure		(735,280)	(478,270)	(201,475)
		<u>(10,797,083)</u>	<u>(12,013,727)</u>	<u>(10,562,954)</u>
		(375,153)	(1,755,223)	(35,495)
Non-operating grants, subsidies and contributions	2	68,975	68,685	80,000
Profit on asset disposals	8(a)	15,021	12,900	44,057
(Loss) on asset disposals	8(a)	(3,076)	0	(127,872)
Net result		(294,233)	(1,673,638)	(39,310)
Other comprehensive income				
<i>Items that will not be reclassified subsequently to profit or loss</i>				
Changes on revaluation of non-current assets	9	(6,967,432)	0	778,856
Total other comprehensive income		(6,967,432)	0	778,856
Total comprehensive income		(7,261,665)	(1,673,638)	739,546

This statement is to be read in conjunction with the accompanying notes.

**STATEMENT OF COMPREHENSIVE INCOME
BY PROGRAM
FOR THE YEAR ENDED 30TH JUNE 2018**

	NOTE	2018 Actual	2018 Budget	2017 Actual
		\$	\$	\$
Revenue	2			
Governance		76,429	13,200	46,751
General purpose funding		8,091,136	7,929,114	8,010,490
Law, order, public safety		32,299	30,560	29,214
Health		14,949	12,340	12,545
Education and welfare		947,418	904,040	937,073
Housing		80,722	88,800	86,034
Community amenities		214,944	193,600	314,831
Recreation and culture		406,954	436,965	418,108
Transport		392,910	424,785	410,220
Economic services		90,411	194,800	210,644
Other property and services		73,758	30,300	51,549
		10,421,930	10,258,504	10,527,459
Expenses	2			
Governance		(951,811)	(1,090,031)	(901,975)
General purpose funding		(75,186)	(83,324)	(106,908)
Law, order, public safety		(100,817)	(134,097)	(94,869)
Health		(157,058)	(209,881)	(184,286)
Education and welfare		(1,160,679)	(1,336,370)	(1,163,888)
Housing		(36,276)	(58,228)	(31,798)
Community amenities		(2,191,691)	(2,508,795)	(2,416,560)
Recreation and culture		(2,864,048)	(3,589,657)	(2,479,975)
Transport		(2,972,147)	(2,697,702)	(2,909,367)
Economic services		(80,523)	(146,403)	(156,903)
Other property and services		(206,847)	(159,239)	(116,425)
		(10,797,083)	(12,013,727)	(10,562,954)
		(375,153)	(1,755,223)	(35,495)
Non-operating grants, subsidies and contributions	2	68,975	68,685	80,000
Profit on disposal of assets	8(a)	15,021	12,900	44,057
(Loss) on disposal of assets	8(a)	(3,076)	0	(127,872)
		80,920	81,585	(3,815)
Net result		(294,233)	(1,673,638)	(39,310)
Other comprehensive income				
<i>Items that will not be reclassified subsequently to profit or loss</i>				
Changes on revaluation of non-current assets	9	(6,967,432)	0	778,856
Total other comprehensive income		(6,967,432)	0	778,856
Total comprehensive income		(7,261,665)	(1,673,638)	739,546

This statement is to be read in conjunction with the accompanying notes.

**STATEMENT OF FINANCIAL POSITION
AS AT 30TH JUNE 2018**

	NOTE	2018	2017
		\$	\$
CURRENT ASSETS			
Cash and cash equivalents	3	3,478,644	4,892,311
Trade and other receivables	6	377,166	281,256
TOTAL CURRENT ASSETS		3,855,810	5,173,567
NON-CURRENT ASSETS			
Other receivables	6	28,590	57,438
Property, plant and equipment	7	19,260,483	17,431,317
Infrastructure	8	45,848,514	53,515,735
TOTAL NON-CURRENT ASSETS		65,137,587	71,004,490
TOTAL ASSETS		68,993,397	76,178,057
CURRENT LIABILITIES			
Trade and other payables	10	359,978	274,648
Short term borrowings	11	0	0
Current portion of long term borrowings	12	0	0
Provisions	13	603,309	657,407
TOTAL CURRENT LIABILITIES		963,287	932,055
NON-CURRENT LIABILITIES			
Long term borrowings	12	0	0
Provisions	13	54,224	8,451
TOTAL NON-CURRENT LIABILITIES		54,224	8,451
TOTAL LIABILITIES		1,017,511	940,506
NET ASSETS		67,975,886	75,237,551
EQUITY			
Retained surplus		23,163,031	22,288,168
Reserves - cash backed	5	2,082,634	3,251,730
Revaluation surplus	9	42,730,221	49,697,653
TOTAL EQUITY		67,975,886	75,237,551

This statement is to be read in conjunction with the accompanying notes.

**STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30TH JUNE 2018**

	NOTE	RESERVES			TOTAL EQUITY
		RETAINED SURPLUS	CASH BACKED	REVALUATION SURPLUS	
		\$	\$	\$	\$
Balance as at 1 July 2016		22,127,123	3,452,085	48,918,797	74,498,005
Comprehensive income					
Net result		(39,310)	0	0	(39,310)
Changes on revaluation of assets	9	0	0	778,856	778,856
Total comprehensive income		(39,310)	0	778,856	739,546
Transfers from/(to) reserves		200,355	(200,355)	0	0
Balance as at 30 June 2017		22,288,168	3,251,730	49,697,653	75,237,551
Comprehensive income					
Net result		(294,233)	0	0	(294,233)
Changes on revaluation of assets	9	0	0	(6,967,432)	(6,967,432)
Total comprehensive income		(294,233)	0	(6,967,432)	(7,261,665)
Transfers from/(to) reserves		1,169,096	(1,169,096)	0	0
Balance as at 30 June 2018		23,163,031	2,082,634	42,730,221	67,975,886

This statement is to be read in conjunction with the accompanying notes.

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30TH JUNE 2018**

	NOTE	2018 Actual	2018 Budget	2017 Actual
		\$	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts				
Rates		7,571,106	7,720,075	7,348,269
Operating grants, subsidies and contributions		1,188,320	1,152,181	1,419,063
Fees and charges		1,220,784	1,340,990	1,372,970
Interest earnings		212,363	204,883	235,921
Goods and services tax		0	27,698	648,213
Other revenue		162,294	101,500	70,949
		10,354,867	10,547,327	11,095,385
Payments				
Employee costs		(3,524,971)	(3,797,107)	(3,342,708)
Materials and contracts		(3,259,240)	(4,815,269)	(4,408,119)
Utility charges		(292,551)	(275,150)	(154,131)
Insurance expenses		(207,943)	(183,782)	(178,159)
Goods and services tax		0	0	(600,488)
Other expenditure		(735,280)	(478,270)	(201,475)
		(8,019,985)	(9,549,578)	(8,885,080)
Net cash provided by (used in) operating activities	14	2,334,882	997,749	2,210,305
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for purchase of property, plant & equipment		(2,452,370)	(2,792,360)	(827,370)
Payments for construction of infrastructure		(1,453,064)	(1,659,488)	(1,328,385)
Non-operating grants, subsidies and contributions		68,975	68,685	80,000
Proceeds from sale of fixed assets		87,909	54,181	179,775
Net cash provided by (used in) investment activities		(3,748,550)	(4,328,982)	(1,895,980)
CASH FLOWS FROM FINANCING ACTIVITIES				
Repayment of long term borrowings		0	0	0
Proceeds from self supporting loans		0	0	0
Proceeds from new long term borrowings		0	500,000	0
Net cash provided by (used in) financing activities		0	500,000	0
Net increase (decrease) in cash held		(1,413,667)	(2,831,233)	314,325
Cash at beginning of year		4,892,311	4,840,751	4,577,986
Cash and cash equivalents at the end of the year	14	3,478,644	2,009,518	4,892,311

This statement is to be read in conjunction with the accompanying notes.

**RATE SETTING STATEMENT
FOR THE YEAR ENDED 30TH JUNE 2018**

NOTE	2018 Actual	2018 Budget	2017 Actual
	\$	\$	\$
OPERATING ACTIVITIES			
Net current assets at start of financial year - surplus/(deficit)			
	989,782	1,364,725	504,265
	989,782	1,364,725	504,265
Revenue from operating activities (excluding rates)			
Governance	76,429	13,200	54,459
General purpose funding	507,832	384,039	639,590
Law, order, public safety	32,299	30,560	29,214
Health	14,949	12,340	16,599
Education and welfare	947,418	904,040	941,236
Housing	80,722	88,800	86,034
Community amenities	214,944	193,600	314,831
Recreation and culture	411,590	442,865	432,948
Transport	402,424	431,785	423,512
Economic services	90,411	194,800	210,644
Other property and services	74,629	30,300	51,549
	2,853,647	2,726,329	3,200,616
Expenditure from operating activities			
Governance	(951,811)	(1,090,031)	(901,975)
General purpose funding	(75,186)	(83,324)	(106,908)
Law, order, public safety	(100,817)	(134,097)	(94,869)
Health	(157,058)	(209,881)	(184,286)
Education and welfare	(1,160,679)	(1,336,370)	(1,163,888)
Housing	(36,276)	(58,228)	(31,798)
Community amenities	(2,194,767)	(2,508,795)	(2,417,513)
Recreation and culture	(2,864,048)	(3,589,657)	(2,606,408)
Transport	(2,972,147)	(2,697,702)	(2,909,853)
Economic services	(80,523)	(146,403)	(156,903)
Other property and services	(206,847)	(159,240)	(116,425)
	(10,800,159)	(12,013,728)	(10,690,826)
Operating activities excluded			
(Profit) on disposal of assets	8(a) (15,021)	(12,900)	(44,057)
Loss on disposal of assets	8(a) 3,076	0	127,872
Movement in cash-backed leave reserve	0	0	35,997
Movement in deferred pensioner rates (non-current)	28,848	0	13,435
Movement in employee benefit provisions (non-current)	45,773	0	(50,421)
Depreciation and amortisation on assets	8(b) 2,700,093	2,438,301	2,614,799
Amount attributable to operating activities	(4,193,961)	(5,497,273)	(4,288,320)
INVESTING ACTIVITIES			
Non-operating grants, subsidies and contributions	68,975	68,685	80,000
Proceeds from disposal of assets	8(a) 87,909	54,181	179,775
Purchase of land held for resale	0	0	0
Purchase of property, plant and equipment	7(b) (2,452,370)	(2,792,360)	(827,370)
Purchase and construction of infrastructure	8(b) (1,453,064)	(1,659,488)	(1,328,385)
Amount attributable to investing activities	(3,748,550)	(4,328,982)	(1,895,980)
FINANCING ACTIVITIES			
Repayment of long term borrowings	12 0	0	0
Proceeds from new long term borrowings	12 0	500,000	0
Proceeds from self supporting loans	12 0	0	0
Transfers to reserves (restricted assets)	5 (399,562)	(259,082)	(1,830,326)
Transfers from reserves (restricted assets)	5 1,568,658	2,040,262	2,030,681
Amount attributable to financing activities	1,169,096	2,281,180	200,355
Surplus(deficiency) before general rates	(6,773,415)	(7,545,075)	(5,983,945)
Total amount raised from general rates	24 7,583,304	7,545,075	7,370,900
Net current assets at June 30 c/fwd - surplus/(deficit)	26 809,889	0	1,386,955

This statement is to be read in conjunction with the accompanying notes.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

1. BASIS OF PREPARATION

The financial report comprises general purpose financial statements which have been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

CRITICAL ACCOUNTING ESTIMATES (Continued)

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Town of East Fremantle controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears in Note 28.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

2. REVENUE AND EXPENSES

(a) Revenue

Other revenue

Reimbursements and recoveries
Other

Fees and Charges

Governance
General purpose funding
Law, order, public safety
Health
Education and welfare
Housing
Community amenities
Recreation and culture
Transport
Economic services
Other property and services

	2018 Actual	2017 Actual
	\$	\$
	161,371	67,617
	0	3,332
	161,371	70,949
	36,921	14,243
	49,331	58,485
	32,299	29,214
	14,949	12,545
	84,433	94,695
	80,722	86,034
	319,562	164,831
	129,964	298,488
	370,237	379,976
	90,207	210,435
	12,159	24,024
	1,220,784	1,372,970

There were no changes during the year to the amount of the fees or charges detailed in the original budget.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

2. REVENUE AND EXPENSES (Continued)

(a) Revenue (Continued)

Grant Revenue

Grants, subsidies and contributions are included as operating revenues in the Statement of Comprehensive Income:

	2018	2017
	\$	\$
Operating grants, subsidies and contributions		
Governance	0	0
General purpose funding	223,578	345,184
Law, order, public safety	0	0
Health	0	0
Education and welfare	861,436	842,378
Housing	0	0
Community amenities	0	150,000
Recreation and culture	101,714	110,277
Transport	21,877	28,880
Economic services	0	0
Other property and services	30,000	0
	1,238,605	1,476,719
Non-operating grants, subsidies and contributions		
Governance	0	0
General purpose funding	0	0
Law, order, public safety	0	0
Health	0	0
Education and welfare	0	0
Housing	0	0
Community amenities	0	0
Recreation and culture	0	80,000
Transport	68,975	0
Economic services	0	0
Other property and services	0	0
	68,975	80,000
Total grants, subsidies and contributions	1,307,580	1,556,719

SIGNIFICANT ACCOUNTING POLICIES

Grants, Donations and Other Contributions

Grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over

Interest earnings

- Reserve funds
- Other funds
- Other Interest Revenue

Grants, Donations and Other Contributions (Continued)

a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 23.

That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operations.

	2018 Actual	2018 Budget	2017 Actual
	\$	\$	\$
- Reserve funds	83,346	64,083	86,618
- Other funds	52,673	72,000	72,815
- Other Interest Revenue	80,924	68,800	76,488
	216,943	204,883	235,921

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**2. REVENUE AND EXPENSES (Continued)****(b) Expenses****Auditors remuneration**

- Audit of the Annual Financial Report
- Other Services

	2018	2017
	\$	\$
	10,385	10,330
	1,850	6,740
	12,235	17,070

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

3. CASH AND CASH EQUIVALENTS

	NOTE	2018	2017
		\$	\$
Unrestricted		1,396,010	1,640,581
Restricted		2,082,634	3,251,730
		<u>3,478,644</u>	<u>4,892,311</u>
The following restrictions have been imposed by regulations or other externally imposed requirements:			
Leave Reserve	5	407,665	397,173
Plant Replacement Reserve	5	259,150	252,480
Civic Building Reserve	5	15,183	1,228,809
Office Reserve	5	9,121	147,992
Legal Costs Reserve	5	142,480	138,812
HACC Reserve	5	217,037	211,451
Strategic Plan Reserve	5	564,668	550,135
Arts and Sculpture Reserve	5	192,022	143,170
Unspent Grant and Restricted Cash Reserve	5, 23	75,000	181,708
Waste Reserve	5	200,308	0
		<u>2,082,634</u>	<u>3,251,730</u>

SIGNIFICANT ACCOUNTING POLICIES

Cash and cash equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk

Cash and cash equivalents (Continued)

of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

4. INVESTMENTS

Financial assets at fair value through profit and loss

2018	2017
\$	\$
0	0

SIGNIFICANT ACCOUNTING POLICIES

Classification and subsequent measurement

(i) Financial assets at fair value through profit and loss
Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss. Assets in this category are classified as current assets.

(ii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Town has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets, where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iii) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Impairment

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

SIGNIFICANT ACCOUNTING POLICIES (Continued)

Impairment (Continued)

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Town becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Town commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and subsequent measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or at cost.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments and any reduction for impairment; and
- (c) plus or minus the cumulative amortisation of the difference, (if any), between the amount initially recognised and the maturity amount calculated using the effective interest rate method.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Town no longer has any significant continual involvement in the risks and benefits associated with the asset.

5. RESERVES - CASH BACKED

	2018		2018		2018		2018		2018		2017		2017	
	Actual	Actual	Actual	Budget	Budget	Budget	Budget	Actual	Actual	Actual	Actual	Actual	Actual	Actual
	Opening	Transfer	Actual	Opening	Transfer	Opening	Transfer	Opening	Transfer	Opening	Transfer	Opening	Transfer	Closing
	Balance	to	Balance	Balance	(from)	Balance	(from)	Balance	(from)	Balance	to	Balance	(from)	Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	397,173	10,492	0	397,173	0	397,173	9,929	407,102	0	361,176	35,997	397,173	0	397,173
Plant Replacement Reserve	252,480	6,670	0	259,150	0	252,480	6,312	258,792	0	254,369	147,111	252,480	(149,000)	252,480
Civic Building Reserve	1,228,809	30,543	(1,244,169)	15,183	1,228,809	1,228,809	15,360	0	(1,244,169)	899,657	329,152	1,228,809	0	1,228,809
Office Reserve	147,992	3,910	(142,781)	9,121	147,992	147,992	1,850	0	(149,842)	143,967	4,025	147,992	0	147,992
Legal Costs Reserve	138,812	3,667	0	142,479	0	138,813	3,470	142,283	0	135,038	3,774	138,812	0	138,812
HACC Reserve	211,451	5,586	0	217,037	0	211,451	5,286	216,737	0	205,700	5,751	211,451	0	211,451
Strategic Plan Reserve	550,135	14,533	0	564,668	0	550,134	163,753	253,887	(460,000)	1,003,383	1,242,152	550,135	(1,695,400)	550,135
Arts and Sculpture Reserve	143,170	48,852	0	192,022	0	143,170	48,579	191,749	0	95,014	48,156	143,170	0	143,170
Unspent Grant and Restricted Cash Reserve	181,708	75,000	(181,708)	75,000	(181,708)	181,708	4,543	0	(186,251)	353,781	14,208	181,708	(186,281)	181,708
Waste Reserve	0	200,308	0	200,308	0	200,308	0	0	0	0	0	0	0	0
	3,251,730	399,562	(1,568,658)	2,082,634	3,251,730	259,082	(2,040,262)	1,470,550	3,452,085	1,830,326	(2,030,681)	3,251,730		

All of the reserve accounts are supported by money held in financial institutions and match the amount shown as restricted cash in Note 3 to this financial report.

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside and their anticipated date of use are as follows:

Name of Reserve	Anticipated date of use	Purpose of the reserve
Leave Reserve	June 18	The purpose to provide coverage in relation to accumulated leave obligations.
Plant Replacement Reserve	June 18	The purchase and replacement of major plant.
Civic Building Reserve	June 18	The purpose of maintaining civic buildings.
Office Reserve	June 18	The purpose of IT infrastructure and other office equipment.
Legal Costs Reserve	June 18	The purpose of funding legal obligations.
HACC Reserve	June 18	The retention of unspent HACC program funds and HACC asset replacement.
Strategic Plan Reserve	June 18	The purpose of maintaining infrastructure and the provision of strategic plans.
Arts and Sculpture Reserve	June 18	The provision of art and sculpture.
Unspent Grant and Restricted Cash Reserve	June 18	The retention of unspent specific purpose grants and moneys.
Waste Reserve	June 18	To fund and support waste management services.

Reserve Transfers are processed at the end of each month against year to date actual expenditure, or alternatively, at the end of the financial year based on full project expenditure, should cash-flow allow.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

6. TRADE AND OTHER RECEIVABLES

Current

	2018	2017
	\$	\$
Rates outstanding	191,475	150,429
Sundry debtors	181,112	131,427
GST receivable	0	0
Loans receivable - clubs/institutions	0	0
Less Provision for Doubtful Debts	0	(600)
Accrued Income	4,579	0
	<u>377,166</u>	<u>281,256</u>
Non-current		
Rates outstanding - pensioners	28,590	57,438
Loans receivable - clubs/institutions	0	0
	<u>28,590</u>	<u>57,438</u>

Information with respect the impairment or otherwise of the totals of rates outstanding and sundry debtors is as follows:

Rates outstanding

Includes:

Past due and not impaired	191,475	150,429
Impaired	0	0

Sundry debtors

Includes:

Past due and not impaired	181,112	131,427
Impaired	0	0

SIGNIFICANT ACCOUNTING POLICIES

Trade and other receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

Classification and subsequent measurement

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

7. PROPERTY, PLANT AND EQUIPMENT

	2018	2017
	\$	\$
Land and buildings		
Land at:		
- Independent valuation 2017 - level 2	4,451,000	4,451,000
	4,451,000	4,451,000
Total land	4,451,000	4,451,000
Buildings - non-specialised at:		
- Independent valuation 2017 - level 2	541,000	541,000
- Additions after valuation - cost	0	0
Less: accumulated depreciation	(13,514)	0
	527,486	541,000
Buildings - specialised at:		
- Independent valuation 2017 - level 3	11,508,900	11,508,900
- Additions after valuation - cost	1,995,889	0
Less: accumulated depreciation	(292,207)	0
	13,212,582	11,508,900
Total buildings	13,740,068	12,049,900
Total land and buildings	18,191,068	16,500,900
Furniture and equipment at:		
- Management valuation 2016 - level 2	449,703	298,586
- Additions after valuation - cost	226,982	151,117
Less: accumulated depreciation	(323,078)	(264,935)
	353,607	184,768
Plant and equipment at:		
- Management valuation 2016 - level 2	1,607,090	1,443,123
- Additions after valuation - cost	229,499	399,982
Less: accumulated depreciation	(1,120,781)	(1,097,456)
	715,808	745,649
Total property, plant and equipment	19,260,483	17,431,317

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

7. PROPERTY, PLANT AND EQUIPMENT (Continued)

(b) Movements in Carrying Amounts

Movement in the carrying amounts of each class of property, plant and equipment between the beginning and the end of the current financial year.

	Buildings - non-specialised		Buildings - specialised		Total buildings	Total land and buildings	Furniture and equipment	Plant and equipment	Total property, plant and equipment
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Balance at 1 July 2016	3,992,000	1,143,988	10,749,545	11,893,533	15,885,533	75,159	676,392	16,637,084	
Additions	0	0	276,270	276,270	276,270	151,117	399,983	827,370	
(Disposals)	0	0	(126,433)	(126,433)	(126,433)	0	(137,155)	(263,588)	
Revaluation increments/ (decrements) transferred to revaluation surplus	459,000	(8,632)	328,488	319,856	778,856	0	0	778,856	
Revaluation (loss)/ reversals transferred to profit or loss	0	0	0	0	0	0	0	0	
Impairment (losses)/reversals	0	0	0	0	0	0	0	0	
Depreciation (expense)	0	(14,849)	(298,477)	(313,326)	(313,326)	(41,508)	(193,569)	(548,403)	
Transfers	0	(579,507)	579,507	0	0	0	0	0	
Carrying amount at 30 June 2017	4,451,000	541,000	11,508,900	12,049,900	16,500,900	184,768	745,649	17,431,317	
Additions	0	0	1,995,889	1,995,889	1,995,889	226,982	229,499	2,452,370	
(Disposals)	0	0	0	0	0	0	(75,965)	(75,965)	
Revaluation increments/ (decrements) transferred to revaluation surplus	0	0	0	0	0	0	0	0	
Revaluation (loss)/ reversals transferred to profit or loss	0	0	0	0	0	0	0	0	
Impairment (losses)/reversals	0	0	0	0	0	0	0	0	
Depreciation (expense)	0	(13,514)	(292,207)	(305,722)	(305,722)	(58,143)	(183,375)	(547,240)	
Transfers	0	0	0	0	0	0	0	0	
Carrying amount at 30 June 2018	4,451,000	527,486	13,212,582	13,740,067	18,191,067	353,607	715,808	19,260,483	

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

7. PROPERTY, PLANT AND EQUIPMENT (Continued)

(c) Fair Value Measurements

Asset Class	Fair Value Hierarchy	Valuation Technique	Basis of Valuation	Date of Last Valuation	Inputs Used
Land and buildings					
Land	Level 2	Market approach using recent observable market data for similar properties/income approach using discount cash flow methodology.	Independent Registered Valuers	June 2017	Price per hectare / market borrowing rate.
Buildings - non-specialised	Level 2	Market approach using recent observable market data for similar properties/income approach using discount cash flow methodology.	Independent Registered Valuers	June 2017	Price per square metre / market borrowing rate.
Buildings - specialised	Level 3	Improvements to land using cost approach of depreciated replacement cost.	Independent Registered Valuers	June 2017	Improvements to land using construction costs and current condition (level 2), residual values and remaining useful life assessment (level 3) inputs.
Furniture and equipment					
	Level 3	Cost approach using depreciated replacement cost.	Management Valuation	June 2016	Purchase costs and current condition (level 2), residual values and remaining useful life assessment (level 3) inputs.
Plant and equipment					
	Level 2	Market approach using recent observable market data for similar items.	Management Valuation	June 2016	Price per item.

Level 3 inputs are based on assumptions with regards to future values and patterns of consumption utilising current information. If the basis of these assumptions were varied, they have the potential to result in a significantly higher or lower fair value measurement.

During the period there were no changes in the valuation techniques used by the local government to determine the fair value of property, plant and equipment using either level 2 or level 3 inputs.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

8. INFRASTRUCTURE

	2018	2017
	\$	\$
Infrastructure - Roads		
- Management valuation 2018 - level 3	30,262,252	33,356,000
- Additions after valuation - cost	0	891,381
Less: accumulated depreciation	0	(1,226,497)
	<u>30,262,252</u>	<u>33,020,884</u>
Infrastructure - Footpaths		
- Management valuation 2018 - level 3	5,295,493	4,718,000
- Additions after valuation - cost	0	314,811
Less: accumulated depreciation	0	(632,792)
	<u>5,295,493</u>	<u>4,400,019</u>
Infrastructure - Drainage		
- Management valuation 2018 - level 3	1,891,566	2,998,000
- Additions after valuation - cost	0	0
Less: accumulated depreciation	0	(273,964)
	<u>1,891,566</u>	<u>2,724,036</u>
Infrastructure - Parks and Ovals		
- Management valuation 2018 - level 3	5,176,090	8,610,000
- Additions after valuation - cost	0	645,928
Less: accumulated depreciation	0	(1,280,323)
	<u>5,176,090</u>	<u>7,975,605</u>
Infrastructure - Car Parks		
- Management valuation 2018 - level 3	3,107,182	3,013,000
- Additions after valuation - cost	0	67,623
Less: accumulated depreciation	0	(110,449)
	<u>3,107,182</u>	<u>2,970,174</u>
Infrastructure - Other Improvements		
- Management valuation 2018 - level 3	115,931	2,973,000
- Additions after valuation - cost	0	0
Less: accumulated depreciation	0	(547,983)
	<u>115,931</u>	<u>2,425,017</u>
Total infrastructure	<u>45,848,514</u>	<u>53,515,735</u>

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

8. INFRASTRUCTURE (Continued)

(b) Movements in Carrying Amounts

Movement in the carrying amounts of each class of infrastructure between the beginning and the end of the current financial year.

	Infrastructure - Roads	Infrastructure - Footpaths	Infrastructure - Drainage	Infrastructure - Parks and Ovals	Infrastructure - Car Parks	Infrastructure - Other Improvements	Total Infrastructure
	\$	\$	\$	\$	\$	\$	\$
Balance at 1 July 2016	33,160,067	4,513,938	2,861,018	8,061,713	2,958,002	2,699,008	54,253,746
Additions	495,733	206,329	0	558,700	67,623	0	1,328,385
(Disposals)	0	0	0	0	0	0	0
(Decrements) Transferred to revaluation Surplus	0	0	0	0	0	0	0
Reversals through profit or loss	0	0	0	0	0	0	0
Impairment (Losses)/Reversals	0	0	0	0	0	0	0
Depreciation (Expense)	(634,916)	(320,248)	(136,982)	(644,808)	(55,451)	(273,991)	(2,066,396)
Transfers	0	0	0	0	0	0	0
Carrying amount at 30 June 2017	33,020,884	4,400,019	2,724,036	7,975,605	2,970,174	2,425,017	53,515,735
Additions	235,012	352,202	0	839,018	26,832	0	1,453,064
(Disposals)	0	0	0	0	0	0	0
(Decrements) Transferred to revaluation Surplus	(2,327,671)	876,041	(695,488)	(2,955,908)	170,688	(2,035,094)	(6,967,432)
Reversals through profit or loss	0	0	0	0	0	0	0
Impairment (Losses)/Reversals	0	0	0	0	0	0	0
Depreciation (Expense)	(665,973)	(332,769)	(136,982)	(682,625)	(60,512)	(273,992)	(2,152,853)
Transfers	0	0	0	0	0	0	0
Carrying amount at 30 June 2018	30,262,252	5,295,493	1,891,566	5,176,090	3,107,182	115,931	45,848,514

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

8. INFRASTRUCTURE (Continued)

(c) Fair Value Measurements

Asset Class	Fair Value Hierarchy	Valuation Technique	Basis of Valuation	Date of Last	Inputs Used
Infrastructure - Roads	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.
Infrastructure - Footpaths	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.
Infrastructure - Drainage	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.
Infrastructure - Parks and Ovals	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.
Infrastructure - Car Parks	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.
Infrastructure - Other Improvement:	Level 3	Cost approach using depreciated replacement cost.	Independent Registered Valuation	June 2018	Construction cost and current condition (level 2), residual value and remaining useful life assessments (level 3) inputs.

Level 3 inputs are based on assumptions with regards to future values and patterns of consumption utilising current information. If the basis of these assumptions were varied, they have the potential to result in a significantly higher or lower fair value measurement.

During the period there were no changes in the valuation techniques used to determine the fair value of infrastructure using level 3 inputs.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

8. FIXED ASSETS

SIGNIFICANT ACCOUNTING POLICIES

Fixed assets

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Initial recognition and measurement between mandatory revaluation dates

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Town includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework, are recognised at cost and disclosed as being at fair value as management believes cost approximates fair value. They are subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework.

Revaluation

The fair value of fixed assets is determined at least every three years in accordance with the regulatory framework. At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is considered to be in accordance with *Local Government (Financial Management) Regulation 17A (2)* which requires property, plant and equipment to be shown at fair value.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Land under control

In accordance with Local Government (Financial Management) Regulation 16(a)(ii), the Town was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of State or Regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.

Land under roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Town.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

8. FIXED ASSETS (Continued)

(a) Disposals of Assets

The following assets were disposed of during the year.

	Actual Net Book Value	Actual Sale Proceeds	Actual Profit	Actual Loss	Budget Net Book Value	Budget Sale Proceeds	Budget Profit	Budget Loss
	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment								
Community amenities								
Toyota Camry Atara 1GET820	21,258	18,182	0	(3,076)	0	0	0	0
Recreation and culture								
Toro Z Master 7000 Mower 1EIT135	2,364	7,000	4,636	0	2,000	7,900	5,900	0
Transport								
2008 Mitsubishi Fuso Canter Truck - 1DBR865	13,213	22,727	9,514	0	15,727	22,727	7,000	0
Other property and services								
Volkswagen Amarok 1EWA247	16,696	17,273	577	0	0	0	0	0
Holden Colorado 1EOU809	22,433	22,727	294	0	23,554	23,554	0	0
	75,965	87,909	15,021	(3,076)	41,281	54,181	12,900	0

(b) Depreciation

	2018	2017
	\$	\$
Buildings - non-specialised	13,514	14,849
Buildings - specialised	292,207	298,477
Furniture and equipment	58,143	41,508
Plant and equipment	183,375	193,569
Infrastructure - Roads	665,973	634,916
Infrastructure - Footpaths	332,769	320,248
Infrastructure - Drainage	136,982	136,982
Infrastructure - Parks and Ovals	682,625	644,808
Infrastructure - Car Parks	60,512	55,451
Infrastructure - Other Improvements	273,992	273,991
	2,700,093	2,614,799

SIGNIFICANT ACCOUNTING POLICIES

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

- Restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount; or
- Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Depreciation rates

Major depreciation periods used for each class of depreciable asset are:

Buildings	40 to 50 years
IT Equipment	4 years
Furniture and Equipment	10 years
Plant and Equipment - HACC Buses	12 years
Plant and Equipment - Heavy Fleet	11 years
Plant and Equipment - Light Fleet	5 years
Plant and Equipment - Other	5 years

Depreciation (Continued)

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise.

Depreciation rates

Major depreciation periods used for each class of depreciable asset are:

	Ave Depn		Ave Depn
Drainage - Pit	1.67%	Parks and Ovals - Amenities	6.31%
Drainage - Pipe	1.97%	Parks and Ovals - Lighting	4.88%
Footpaths	1.49%	Parks and Ovals - Playgrounds	3.00%
Road - Kerbing	1.59%	Parks and Ovals - Irrigation	1.97%
Road - Sealed Pavement	1.33%	Parks and Ovals - Turf	93.21%
Road - Subgrade	NA		
Road - Surface	4.00%		
Road - Table Drain	2.50%		

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

9. REVALUATION SURPLUS

	2018		2018		2018		2017		2017		2017	
	Opening Balance	Revaluation Increment	Revaluation (Decrement)	Movement on Revaluation	Closing Balance	Opening Balance	Revaluation Increment	Revaluation (Decrement)	Movement on Revaluation	Total	Revaluation	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Revaluation surplus - Land	3,961,000	0	0	0	3,961,000	3,502,000	459,000	0	0	459,000	0	3,961,000
Revaluation surplus - Buildings - non-specialised	503,771	0	0	0	503,771	512,403	0	(8,632)	(8,632)	(8,632)	0	503,771
Revaluation surplus - Buildings - specialised	5,330,703	0	0	0	5,330,703	5,002,215	328,488	0	0	328,488	0	5,330,703
Revaluation surplus - Plant and equipment	222,818	0	0	0	222,818	222,818	0	0	0	0	0	222,818
Revaluation surplus - Infrastructure - Roads	26,166,712	0	(2,327,671)	(2,327,671)	23,839,041	26,166,712	0	0	0	0	0	26,166,712
Revaluation surplus - Infrastructure - Footpaths	1,717,848	876,041	0	876,041	2,593,889	1,717,848	0	0	0	0	0	1,717,848
Revaluation surplus - Infrastructure - Drainage	1,753,269	0	(695,488)	(695,488)	1,057,781	1,753,269	0	0	0	0	0	1,753,269
Revaluation surplus - Infrastructure - Parks and Ovals	6,113,988	0	(2,955,908)	(2,955,908)	3,158,080	6,113,988	0	0	0	0	0	6,113,988
Revaluation surplus - Infrastructure - Carparks	1,198,359	170,688	0	170,688	1,369,047	1,198,359	0	0	0	0	0	1,198,359
Revaluation surplus - Infrastructure - Other	2,729,185	0	(2,035,094)	(2,035,094)	694,091	2,729,185	0	0	0	0	0	2,729,185
	49,697,653	1,046,729	(8,014,161)	(6,967,432)	42,730,221	48,918,797	787,488	(8,632)	778,856	778,856	0	49,697,653

Movements on revaluation of fixed assets are not able to be reliably attributed to a program as the assets were revalued by class as provided for by AASB 116 Aus 40.1.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

10. TRADE AND OTHER PAYABLES

Current

Sundry creditors
Accrued salaries and wages
ATO liabilities

	2018	2017
	\$	\$
	269,784	195,770
	90,194	78,878
	0	0
	<u>359,978</u>	<u>274,648</u>

SIGNIFICANT ACCOUNTING POLICIES

Trade and other payables

Trade and other payables represent liabilities for goods and services provided to the Town prior to the end of the financial year that are unpaid and arise when the Town becomes obliged to make future payments in respect

Trade and other payables (Continued)

of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

11. SHORT-TERM BORROWINGS

Unsecured

Bank overdraft
Represented by:
Unrestricted – Municipal bank overdraft
Restricted funds held

	0	0
	0	0
	125,000	181,708
	<u>125,000</u>	<u>181,708</u>

The following restrictions have been imposed by regulations or other externally imposed requirements:

Unspent Grants	125,000	181,708
Unspent Loans	0	0
	<u>125,000</u>	<u>181,708</u>

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

12. INFORMATION ON BORROWINGS

(a) Borrowings

Current
Non-current

2018	2017
\$	\$
0	0
0	0
0	0

The Town does have any borrowings other than a bank overdraft facility and corporate business card facility.

(b) Undrawn Borrowing Facilities

Credit Standby Arrangements

Bank overdraft limit
Bank overdraft at balance date
Credit card limit
Credit card balance at balance date
Total amount of credit unused

2018	2017
\$	\$
100,000	100,000
0	0
5,000	5,000
5,000	5,000
110,000	110,000

Loan facilities

Loan facilities - current
Loan facilities - non-current
Total facilities in use at balance date

0	0
0	0
0	0

Unused loan facilities at balance date

NIL	NIL
-----	-----

SIGNIFICANT ACCOUNTING POLICIES

Financial liabilities

Financial liabilities are recognised at fair value when the Town becomes a party to the contractual provisions to the instrument.

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

Borrowing costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

13. PROVISIONS

Opening balance at 1 July 2017

Current provisions
Non-current provisions

Additional provision

Balance at 30 June 2018

Comprises

Current
Non-current

	Provision for Annual Leave	Provision for Long Service Leave	Total
	\$	\$	\$
	312,823	344,584	657,407
	0	8,451	8,451
	312,823	353,035	665,858
	43,151	(51,476)	(8,325)
	355,974	301,559	657,533
	355,974	247,335	603,309
	0	54,224	54,224
	355,974	301,559	657,533

SIGNIFICANT ACCOUNTING POLICIES

Employee benefits

Short-term employee benefits

Provision is made for the Town's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Town's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Town's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other long-term employee benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate

Other long-term employee benefits (Continued)

anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Town's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Town does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Provisions

Provisions are recognised when the Town has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

14. NOTES TO THE STATEMENT OF CASH FLOWS

Reconciliation of Cash

For the purposes of the Statement of Cash Flows, cash includes cash and cash equivalents, net of outstanding bank overdrafts. Cash at the end of the reporting period is reconciled to the related items in the Statement of Financial Position as follows:

	2018 Actual	2018 Budget	2017 Actual
	\$	\$	\$
Cash and cash equivalents	3,478,644	2,009,518	4,892,311
Reconciliation of Net Cash Provided By Operating Activities to Net Result			
Net result	(294,233)	(1,673,638)	(39,310)
Non-cash flows in Net result:			
Depreciation	2,700,093	2,438,301	2,614,799
(Profit)/loss on sale of asset	(11,945)	(12,900)	83,815
Changes in assets and liabilities:			
(Increase)/decrease in receivables	(67,063)	288,823	(32,562)
Increase/(decrease) in payables	85,330	25,848	(265,601)
Increase/(decrease) in provisions	(8,325)	0	(70,836)
Grants contributions for the development of assets	(68,975)	(68,685)	(80,000)
Net cash from operating activities	2,334,882	997,749	2,210,305

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

15. TOTAL ASSETS CLASSIFIED BY FUNCTION AND ACTIVITY

	2018	2017
	\$	\$
Governance	5,868,821	7,613,091
General purpose funding	1,631,757	5,231,005
Law, order, public safety	0	0
Health	30,713	31,500
Education and welfare	1,352,190	1,215,295
Housing	232,050	238,000
Community amenities	429,062	90,500
Recreation and culture	12,851,107	17,910,448
Transport	45,024,566	43,115,113
Economic services	0	0
Other property and services	1,573,131	733,105
	68,993,397	76,178,057

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

16. CONTINGENT LIABILITIES

(a) Regional Resource Recovery Centre (RRRC) - Lending Facility

The Town is a project participant in the RRRC. The project was established through the Southern Metropolitan Regional Council (SMRC) and involves the Cities of Cockburn, Fremantle, Melville and the Town of East Fremantle in the development of a municipal waste processing, recycling and green waste facility at Canning Vale. The Town's estimated share of the project funding and liability is based on population percentages.

		2018	2017
Liability Share	\$	502,720	595,439
Liability Sharing Ratio	%	3.05	3.06

(b) Southern Metropolitan Regional Council (SMRC) - Office Project

The Town is a project participant in the SMRC Office Project. The project was established through the Southern Metropolitan Regional Council (SMRC) and involves the Cities of Cockburn, Fremantle, Kwinana, Melville and the Town of East Fremantle in the development of an independent centre at 9 Aldous Place, Booragoon. The Town's estimated share of the project funding and liability is based on population percentages.

		2018	2017
Liability Share	\$	47,700	48,060
Liability Sharing Ratio	%	2.65	2.67

(c) Bank Guarantee

The Town has provided a bank guarantee in favour of the Department of Parks and Wildlife for the amount of \$41,675. The bank guarantee has been issued in accordance with the requirements of the Riverbed lease for the boat pens in the Swan River, East Fremantle.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

17. CAPITAL COMMITMENTS

2018	2017
\$ 0	\$ 0

The Town did not have any capital or leasing commitments at the reporting date.

SIGNIFICANT ACCOUNTING POLICIES

Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Town, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leases (Continued)

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

18. JOINT VENTURE ARRANGEMENTS

South Metropolitan Regional Council

The Town is a member of the SMRC which was established as a joint venture through the SMRC with the Cities of Cockburn, Fremantle, Kwinana, Melville and the Town of East Fremantle.

The Town's estimated share of the project funding and liability is based on population percentages.

		2018	2017
Equity Share	\$	80,982	82,869
Equity Sharing Ratio	%	2.90	2.65

Regional Resource Recovery Centre (RRRC)

The Town is a member of the SMRC which was established as a joint venture through the SMRC with the Cities of Cockburn, Fremantle, Kwinana, Melville and the Town of East Fremantle. The RRRC joint venture's principal activity is the development of a municipal waste processing, recycling and green waste facility at Canning Vale.

Pursuant to a resolution of the City of Cockburn on 9 June 2016, the City of Cockburn as a participant under the RRRC Project Agreement, gave notice of its intention to withdraw from the RRC Project effective from 30 June 2017.

The Town's estimated share of the project funding and liability is based on population percentages.

		2018	2017
Equity Share	\$	502,530	385,199
Equity Sharing Ratio	%	5.32	3.05

South West Group

The Town is a member participant in the South West Group comprising the Cities of Melville, Cockburn, Fremantle, Rockingham and the Town's of Kwinana and East Fremantle.

The Town's estimated share of the project funding and liability is based on population percentages.

		2018	2017
Equity Share	\$	27,726	9,180
Equity Sharing Ratio	%	7.70	7.70%

SIGNIFICANT ACCOUNTING POLICIES

Interests in joint arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint ventures with an interest to net assets are classified as a joint venture and accounted for using the equity method.

Interests in joint arrangements (Continued)

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Town's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018****19. Investment in Associates**

The Town does not hold significant influence over any entities.

SIGNIFICANT ACCOUNTING POLICIES**Investment in associates**

An associate is an entity over which the Town has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for in the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Town's share of net assets of the associate. In addition, the Town's share of the profit or loss of the associate is included in the Town's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Town's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

SIGNIFICANT ACCOUNTING POLICIES (Continued)**Investment in associates (Continued)**

Profits and losses resulting from transactions between the Town and the associate are eliminated to the extent of the Town's interest in the associate. When the Town's share of losses in an associate equals or exceeds its interest in the associate, the Town discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Town will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

20. RELATED PARTY TRANSACTIONS

Elected Members Remuneration

The following fees, expenses and allowances were paid to council members and/or the Mayor/President.

	2018 Actual	2018 Budget	2017 Actual
	\$	\$	\$
Meeting Fees	146,861	149,040	149,000
Mayor/President's allowance	15,600	15,600	15,600
Deputy Mayor/President's allowance	3,900	3,900	3,900
Telecommunications allowance	25,081	27,000	25,910
	191,442	195,540	194,410

Key Management Personnel (KMP) Compensation Disclosure

The total of remuneration paid to KMP of the Town during the year are as follows:

	2018	2017
	\$	\$
Short-term employee benefits	546,738	754,773
Post-employment benefits	64,652	0
Other long-term benefits	40,324	0
Termination benefits	0	90,167
	651,714	844,940

Short-term employee benefits

These amounts include all salary, paid leave, fringe benefits and cash bonuses awarded to KMP except for details in respect to fees and benefits paid to elected members which may be found above.

Post-employment benefits

These amounts are the current-year's estimated cost of providing for the Town's superannuation contributions made during the year.

Other long-term benefits

These amounts represent long service benefits accruing during the year.

Termination benefits

These amounts represent termination benefits paid to KMP (Note: may or may not be applicable in any given year).

Transactions with related parties

Transactions between related parties, and the Town are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

No outstanding balances or provisions for doubtful debts or guaranties exist in relation to related parties at year end.

The following transactions occurred with related parties:

	2018	2017
	\$	\$
Sale of goods and services	0	0
Purchase of goods and services	0	0
Joint venture entities:		
Distributions received from joint venture entities	0	0
Amounts outstanding from related parties:		
Trade and other receivables	0	0
Loans to associated entities	0	0
Loans to key management personnel	0	0
Amounts payable to related parties:		
Trade and other payables	0	0
Loans from associated entities	0	0

Related Parties**The Town's main related parties are as follows:***i. Key management personnel*

Any person(s) having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any elected member, are considered key management personnel.

Key management personnel for the Town include Elected Members, the Chief Executive Officer, the Executive Manager Services, the Executive Manager Regulatory Services and the Operations Manager.

ii. Entities subject to significant influence by the Town

An entity that has the power to participate in the financial and operating policy decisions of an entity, but does not have control over those policies, is an entity which holds significant influence. Significant influence may be gained by share ownership, statute or agreement.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

21. MAJOR LAND TRANSACTIONS

The Town did not participate in any major land transactions during the 2017/18 financial year.

22. TRADING UNDERTAKINGS AND MAJOR TRADING UNDERTAKINGS

The Town did not participate in any trading undertakings or major trading undertakings during the 2017/18 financial year.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

23. CONDITIONS OVER GRANTS/CONTRIBUTIONS

Grant/Contribution	Opening Balance⁽¹⁾ 1/07/16	Received⁽²⁾ 2016/17	Expended⁽³⁾ 2016/17	Closing Balance⁽¹⁾ 30/06/17	Received⁽²⁾ 2017/18	Expended⁽³⁾ 2017/18	Closing Balance 30/06/18
	\$	\$	\$	\$	\$	\$	\$
Education and welfare							
DoH Hacc Non-Operating Plant Replacement	88,140	0	(88,140)	0	0	0	0
DoH Hacc Non-Operating Capital Grant	0	14,208	0	14,208	0	(14,208)	0
Community amenities							
Waste Authority - Better Bins Kerbside Collection	0	0	0	0	50,000	0	50,000
Recreation and culture							
DopW Swan River Trust Erosion Control	167,500	0	0	167,500	0	(167,500)	0
DSR East Fremantle Oval Redevelopment	0	0	0	0	75,000	0	75,000
Transport							
DolRD Roads to Recovery	98,141	0	(98,141)	0	68,975	(68,975)	0
Total	353,781	14,208	(186,281)	181,708	193,975	(250,683)	125,000

Notes:

(1) - Grants/contributions recognised as revenue in a previous reporting period which were not expended at the close of the previous reporting period.

(2) - New grants/contributions which were recognised as revenues during the reporting period and which had not yet been fully expended in the manner specified by the contributor.

(3) - Grants/contributions which had been recognised as revenues in a previous reporting period or received in the current reporting period and which were expended in the current reporting period in the manner specified by the contributor.

(4) - The above grants have been restricted in Reserves as at 30 June 2018 - the DSR Grant has been restricted in the Unspent Grants and Contributions Reserve; and the Waste Authority Grant has been transferred into the Waste Reserve.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

24. RATING INFORMATION

(a) Rates

RATE TYPE	Rate in \$	Number of Properties	Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Budget Rate Revenue \$	Budget Interim Rate \$	Budget Back Rate \$	Budget Total Revenue \$
Differential general rate / general rate											
Gross rental valuations											
Residential	0.066640	2,987	89,795,466	5,987,495	72,584	0	6,060,079	5,975,768	15,000	0	5,990,768
Commercial	0.101204	122	12,143,348	1,228,955	0	0	1,228,955	1,254,762	0	0	1,254,762
Sub-Total		3,109	101,938,814	7,216,450	72,584	0	7,289,034	7,230,530	15,000	0	7,245,530
Minimum payment											
Minimum \$											
Gross rental valuations											
Residential	1,055	264	3,599,314	278,520	0	0	278,520	283,795	0	0	283,795
Commercial	1,575	10	135,755	15,750	0	0	15,750	15,750	0	0	15,750
Sub-Total		274	3,735,069	294,270	0	0	294,270	299,545	0	0	299,545
Discounts/Concessions											
		3,383	105,673,883	7,510,720	72,584	0	7,583,304	7,530,075	15,000	0	7,545,075
Total amount raised from general rate							<u>7,583,304</u>	<u>7,530,075</u>	<u>15,000</u>	<u>0</u>	<u>7,545,075</u>
Specified area rates							0	0	0	0	0
Ex-gratia rates							0	0	0	0	0
Totals							<u>7,583,304</u>	<u>7,530,075</u>	<u>15,000</u>	<u>0</u>	<u>7,545,075</u>

SIGNIFICANT ACCOUNTING POLICIES

Rates

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

25. RATING INFORMATION (Continued)

(b) Specified Area Rate

No specified area rates were imposed by the Town during the year ended 30 June 2018.

(c) Service Charges

No service charges were imposed by the Town during the year ended 30 June 2018.

(d) Discounts, Incentives, Concessions, & Write-offs

The Town did not grant any discounts, incentives, concessions or write-offs during the year ended 30 June 2018.

(e) Interest Charges & Instalments

Instalment Options	Date Due	Instalment Plan		Unpaid Rates	
		Admin Charge	Instalment Plan Interest Rate	Instalment Plan Interest	Rate
		\$	%	\$	%
Option One					
Single full payment	22-Aug-17	0	0.00%		11.00%
Option Two					
First instalment	22-Aug-17	0.00	5.50%		11.00%
Second instalment	30-Jan-18	16.50	5.50%		11.00%
Option Three					
First instalment	22-Aug-17	0.00	5.50%		11.00%
Second instalment	28-Nov-17	16.50	5.50%		11.00%
Third instalment	30-Jan-18	16.50	5.50%		11.00%
Fourth instalment	04-Apr-18	16.50	5.50%		11.00%
				2018	Budget
				\$	\$
Interest on unpaid rates				39,221	28,000
Interest on instalment plan				40,279	40,800
Charges on instalment plan				41,613	40,800
				121,113	109,600

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

26. NET CURRENT ASSETS

Composition of net current assets

	2018 2018 Carried Forward)	2018 (1 July 2017 Brought Forward)	2017 (30 June 2017 Carried Forward)
	\$	\$	\$
Surplus/(Deficit) 1 July 17 brought forward	809,889	989,782	1,386,955
CURRENT ASSETS			
Cash and cash equivalents			
Unrestricted	1,396,010	1,640,581	1,640,581
Restricted	2,082,634	3,251,730	3,251,730
Receivables			
Rates outstanding	191,475	150,429	150,429
Sundry debtors	181,112	131,427	131,427
GST receivable	0	0	0
Loans receivable - clubs/institutions	0	0	0
Less Provision for Doubtful Debts	0	(600)	(600)
Accrued Income	4,579	0	0
LESS: CURRENT LIABILITIES			
Trade and other payables			
Sundry creditors	(269,784)	(195,770)	(195,770)
Accrued interest on long term borrowings	0	0	0
Accrued salaries and wages	(90,194)	(78,878)	(78,878)
ATO liabilities	0	0	0
Provisions			
Provision for annual leave	(355,974)	(312,823)	(312,823)
Provision for long service leave	(247,335)	(344,584)	(344,584)
Unadjusted net current assets	2,892,523	4,241,512	4,241,512
Adjustments			
Less: Reserves - restricted cash	(2,082,634)	(3,251,730)	(3,251,730)
Add: Current portion of long term borrowings	0	0	0
Add: Staff Leave Reserve			397,173
Adjusted net current assets - surplus/(deficit)	809,889	989,782	1,386,955

Difference

There is a variance between the surplus/(deficit) 1 July 2017 brought forward position used in the 2018 audited financial report and the surplus/(deficit) carried forward position as disclosed in the 2017 audited financial report. The variance is explained by a change in the methodology to calculate net current assets, with the amount of the staff leave reserve not being added back to the calculation (as the previous methodology has been assessed to arbitrarily overstate the net current asset position due to a contra balancing entry required in the rate setting statement)

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

27. FINANCIAL RISK MANAGEMENT

The Town's activities expose it to a variety of financial risks including price risk, credit risk, liquidity risk and interest rate risk. The Town's overall risk management focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Town.

The Town does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by the finance area under policies approved by the Council.

The Town held the following financial instruments at balance date:

	Carrying Value		Fair Value	
	2018	2017	2018	2017
	\$	\$	\$	\$
Financial assets				
Cash and cash equivalents	3,478,644	4,892,311	3,478,644	4,892,311
Receivables	405,756	338,694	405,756	338,694
	<u>3,884,400</u>	<u>5,231,005</u>	<u>3,884,400</u>	<u>5,231,005</u>
Financial liabilities				
Payables	359,978	274,648	359,978	274,648
	<u>359,978</u>	<u>274,648</u>	<u>359,978</u>	<u>274,648</u>

Fair value is determined as follows:

Cash and cash equivalents, receivables, payables - estimated to the carrying value which approximates net market value.

Borrowings, held to maturity investments, estimated future cash flows discounted by the current market interest rates applicable to assets and liabilities with similar risk profiles.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

27. FINANCIAL RISK MANAGEMENT (Continued)

(a) Cash and Cash Equivalents

The Town's objective is to maximise its return on cash whilst maintaining an adequate level of liquidity and preserving capital. The finance area manages the cash portfolio. Council has an Investment Policy and the Policy is subject to review by Council. An Investment Report is provided to Council on a monthly basis setting out the make-up and performance of the portfolio.

The major risk associated with investments is price risk - the risk that the capital value of investments may fluctuate due to changes in market prices, whether these changes are caused by factors specific to individual financial instruments of their issuers or factors affecting similar instruments traded in a market.

Cash is subject to interest rate risk - the risk that movements in interest rates could affect returns.

Another risk associated with cash is credit risk – the risk that a contracting entity will not complete its obligations under a financial instrument resulting in a financial loss to the Town.

The Town manages these risks by diversifying its portfolio and only investing in investments authorised by Local Government (Financial Management) Regulation 19C.

	2018	2017
	\$	\$
Impact of a 10% ⁽¹⁾ movement in price of investments		
- Equity	13,602	12,231
- Statement of Comprehensive Income	13,602	12,231
Impact of a 1% ⁽¹⁾ movement in interest rates on cash		
- Equity	1,360	1,223
- Statement of Comprehensive Income	1,360	1,223

Notes:

⁽¹⁾ Sensitivity percentages based on management's expectation of future possible interest rate movements.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

27. FINANCIAL RISK MANAGEMENT (Continued)

(b) Receivables

The Town's major receivables comprise rates and annual charges and user charges and fees. The major risk associated with these receivables is credit risk – the risk that the debts may not be repaid. The Town manages this risk by monitoring outstanding debt and employing debt recovery policies. It also encourages ratepayers to pay rates by the due date through incentives.

Credit risk on rates and annual charges is minimised by the ability of the Town to recover these debts as a secured charge over the land, that is, the land can be sold to recover the debt. The Town is also able to charge interest on overdue rates and annual charges at higher than market rates, which further encourages payment.

The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

The Town makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subject to a re-negotiation of repayment terms.

The profile of the Town's credit risk at balance date was:

	2018	2017
	%	%
Percentage of rates and annual charges		
- Current	64.40%	100.00%
- Overdue	35.60%	0.00%
Percentage of other receivables		
- Current	55.00%	96.83%
- Overdue	45.00%	3.17%

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

27. FINANCIAL RISK MANAGEMENT (Continued)

(c) Payables and borrowings

Payables and borrowings are both subject to liquidity risk – that is the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due. The Town manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer. Payment terms can be extended and overdraft facilities drawn upon if required.

The contractual undiscounted cash flows of the Town's Payables and Borrowings are set out in the Liquidity Sensitivity Table below:

	Due within 1 year	Due between 1 & 5 years	Due after 5 years	Total contractual cash flows	Carrying values
	\$	\$	\$	\$	\$
2018					
Payables	359,978			359,978	359,978
Borrowings	0	0	0	0	0
	<u>359,978</u>	<u>0</u>	<u>0</u>	<u>359,978</u>	<u>359,978</u>
2017					
Payables	274,648	0	0	274,648	274,648
Borrowings	0	0	0	0	0
	<u>274,648</u>	<u>0</u>	<u>0</u>	<u>274,648</u>	<u>274,648</u>

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

28. TRUST FUNDS

Funds held at balance date over which the Town has no control and which are not included in the financial statements are as follows:

	1 July 2017	Amounts Received	Amounts Paid	30 June 2018
	\$	\$	\$	\$
Developer Bonds and Deposits	233,468	83,394	(89,178)	227,683
Developer Cash in Lieu	457,197	8,063	0	465,260
Mooring Pen Deposits	55,840	14,690	(16,830)	53,700
Other Bonds and Deposits	16,789	4,106	(1,520)	19,376
Unclaimed Monies	30,106	0	(730)	29,376
	793,400	132,634	(139,136)	795,395

29. NEW ACCOUNTING STANDARDS AND INTERPRETATIONS FOR APPLICATION IN FUTURE PERIODS

The AASB has issued a number of new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods, some of which are relevant to the Town.

Management's assessment of the new and amended pronouncements that are relevant to the Town, applicable to future reporting periods and which have not yet been adopted are set out as follows:

Title	Issued / Compiled	Applicable (1)	Impact
(i) AASB 9 Financial Instruments (incorporating AASB 2014-7 and AASB 2014-8)	December 2014	1 January 2018	Nil – The objective of this Standard is to improve and simplify the approach for classification and measurement of financial assets compared with the requirements of AASB 139. Given the nature of the financial assets of the Town, it is not anticipated the Standard will have any material effect.
(ii) AASB 15 Revenue from Contracts with Customers	December 2014	1 January 2019	This Standard establishes principles for entities to apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The effect of this Standard will depend on the nature of future transactions the Town has with those third parties it has dealings with. It may or may not be significant.
(iii) AASB 16 Leases	February 2016	1 January 2019	Under AASB 16 there is no longer a distinction between finance and operating leases. Lessees will now bring to account a right-to-use asset and lease liability into the statement of financial position for all leases. Effectively this means the vast majority of operating leases as defined by the current AASB 117 Leases which currently do not impact the statement of financial position will be required to be capitalised on the statement of financial position when AASB 16 is adopted. Currently, operating lease payments are expensed as incurred. This will cease and will be replaced by both depreciation and interest charges. Based on the current number of operating leases held by the Town, the impact is not expected to be significant.

Notes:

(1) Applicable to reporting periods commencing on or after the given date.

29. NEW ACCOUNTING STANDARDS AND INTERPRETATIONS FOR APPLICATION IN FUTURE PERIODS (Continued)

Title	Issued / Compiled	Applicable (1)	Impact
(iv) AASB 1058 Income of Not-for-Profit Entities (incorporating AASB 2016-7 and AASB 2016-8)	December 2016	1 January 2019	<p>These standards are likely to have a significant impact on the income recognition for NFP's. Key areas for consideration are:</p> <ul style="list-style-type: none"> - Assets received below fair value; - Transfers received to acquire or construct non-financial assets; - Grants received; - Prepaid rates; - Leases entered into at below market rates; and - Volunteer services. <p>Whilst it is not possible to quantify the financial impact (or if it is material) of these key areas until the details of future transactions are known, they will all have application to the Town's operations.</p>

Notes:

(1) Applicable to reporting periods commencing on or after the given date.

Adoption of New and Revised Accounting Standards

During the current year, the Town adopted all of the new and revised Australian Accounting Standards and Interpretations which were compiled, became mandatory and which were applicable to its operations.

Whilst many reflected consequential changes associate with the amendment of existing standards, the only new standard with material application is as follows:

- (i) AASB 2016-4 Amendments to Australian Accounting Standards - Recoverable Amount of Non-Cash-Generating Specialised Assets of Not-for-Profit Entities
1 January 2017
- (ii) AASB 2016-7 Amendments to Accounting Standards - Deferral of AASB 15 for Not-for-Profit Entities
1 January 2017

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

30. SIGNIFICANT ACCOUNTING POLICIES

a) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

b) Current and non-current classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Town's operational cycle. In the case of liabilities where the Town does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Town's intentions to release for sale.

c) Rounding off figures

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar. Amounts are presented in Australian Dollars.

d) Comparative figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When the Town applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statement, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

e) Budget comparative figures

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

f) Superannuation

The Town contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Town contributes are defined contribution plans.

g) Fair value of assets and liabilities

Fair value is the price that the Town would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. enforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset or liability (i.e. the market with the greatest volume and level of activity for the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

h) Fair value hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Town selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Town are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Town gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

i) Impairment of assets

In accordance with Australian Accounting Standards the Town's cash generating non-specialised assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another Standard (e.g. AASB 116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

For non-cash generating specialised assets such as roads, drains, public buildings and the like, no annual assessment is required. Rather AASB 116.31 applies and revaluations need only be made with sufficient regulatory to ensure the carrying value does not differ materially from that which would be determined using fair value at the ends of the reporting period.

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018**

31. ACTIVITIES/PROGRAMS

The Town of East Fremantle operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GOVERNANCE	To provide a decision making process for the efficient allocation of scarce resources.	Includes the activities of members of Council and the administrative support available assisting elected members and ratepayers on matters which do not concern specific council services but are strategic in nature.
GENERAL PURPOSE FUNDING	To collect revenue to allow for the allocation to services.	Rating, general purpose government grants and interest revenue.
LAW, ORDER, PUBLIC SAFETY	To provide services to ensure bushfire prevention, animal control and community safety.	Supervision and enforcement of various local laws and acts relating to fire prevention, animal control and other aspects of public safety including emergency services.
HEALTH	To provide an operational framework for environmental and community health.	Inspection of food outlets and their control, food quality testing, pest control, noise control, waste disposal compliance and child health services.
EDUCATION AND WELFARE	To provide assistance to senior citizens welfare and home and community care.	Provision and maintenance of home and community care programs including meals on wheels, in home care, home maintenance, senior outings, respite and school holiday programs.
HOUSING	To assist with housing for staff and the community.	Provision and maintenance of residential rental properties.
COMMUNITY AMENITIES	To provide community amenities and other infrastructure as required by the community.	Rubbish collection, recycling and disposal, joint maintenance of SMRC waste management facility, administration of Town Planning Schemes, heritage protection and townscapes, maintenance of urban stormwater drainage and protection of the environment.
RECREATION AND CULTURE	To plan, establish and efficiently manage sport and recreation infrastructure and resources which will help the social well being and health and community.	The provision and maintenance of various community infrastructure including public halls, recreation grounds, sports pavillions, playgrounds, parks, gardens, beaches and the joint operation of the City of Fremantle Library
TRANSPORT	To provide safe, effective and efficient transport infrastructure to the community.	Construction and maintenance of streets, roads, footpaths, depots, cycleways, street trees, parking facilities, traffic control, cleaning and lighting of streets.
ECONOMIC SERVICES	To help promote the Town and improve its economic wellbeing.	The regulation and provision of tourism, area promotion activities and building control.
OTHER PROPERTY AND SERVICES	To monitor and control plant and depot operations, and to provide other property services not included elsewhere.	Private works operation, plant operating costs, depot operations and unclassified property functions.

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2018

32. FINANCIAL RATIOS

	2018	2017	2016
Current ratio	3.19	3.59	1.59
Asset sustainability ratio	1.13	0.76	0.20
Debt service cover ratio	NA	NA	NA
Operating surplus ratio	(0.04)	(0.01)	(0.07)
Own source revenue coverage ratio	0.85	0.85	0.84

The above ratios are calculated as follows:

Current ratio	$\frac{\text{current assets minus restricted assets}}{\text{current liabilities minus liabilities associated with restricted assets}}$
Asset sustainability ratio	$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expenses}}$
Debt service cover ratio	$\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest}}$
Operating surplus ratio	$\frac{\text{operating revenue minus operating expenses}}{\text{own source operating revenue}}$
Own source revenue coverage ratio	$\frac{\text{own source operating revenue}}{\text{operating expenses}}$

Notes:

Information relating to the asset consumption ratio and the asset renewal funding ratio can be found at Supplementary Ratio Information on Page 54 of this document.

Three of the ratios disclosed above were distorted by the early receipt of Financial Assistance Grants.

	2017/18	2016/17	2015/16
	\$	\$	\$
Amount of Financial Assistance Grant received during the year relating to the subsequent year.	119,766		38,787
Amount of Financial Assistance Grant received in prior year relating to current year.		119,856	

If the events detailed above did not occur, the impacted ratios in the 2018, 2017 and 2016 columns above would be as follows:

	2018	2017	2016
Current ratio	3.41	3.37	1.22
Debt service cover ratio	NA	NA	NA
Operating surplus ratio	(0.05)	(0.03)	(0.06)
Own source revenue coverage ratio	0.85		

**SUPPLEMENTARY RATIO INFORMATION
FOR THE YEAR ENDED 30TH JUNE 2018**

RATIO INFORMATION

The following information relates to those ratios which only require attestation they have been checked and are supported by verifiable information. It does not form part of the audited financial report.

	2018	2017	2016
Asset consumption ratio	0.97	0.93	0.75
Asset renewal funding ratio	0.84	1.98	1.44

The above ratios are calculated as follows:

Asset consumption ratio	$\frac{\text{depreciated replacement costs of assets}}{\text{current replacement cost of depreciable assets}}$
Asset renewal funding ratio	$\frac{\text{NPV of planning capital renewal over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$

12.2.2 Accounts for Payment – July 2018

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Finance & Administration
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – July 2018

Purpose

For Council to receive the monthly list of accounts paid.

Executive Summary

To endorse the list of payments made under delegated authority for the month of July 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 July to 31 July 2018, as per the summary table.

Background

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is an itemised list of all payments made under delegated authority during the said period.

Consultation

Nil.

Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

Policy Implications

Policy 4.2.4 Purchasing Policy

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

STRATEGIC PRIORITY 5: Leadership and Governance

A proactive, approachable Council which values community consultation, transparency and accountability.

Site Inspection

Not applicable.

Comment

The attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

12.2.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 July to 31 July 2018 be received, as per the following summary table:

JULY 2018		
Voucher No	Account	Amount
5170 – 5174	Municipal (Cheques)	7,552.00
EFT26188 – EFT26291	Electronic Transfer Funds	\$460,489.78
Payroll	Electronic Transfer Funds	\$289,317.16
Superannuation	Electronic Transfer Funds	\$48,052.37
Credit Card	Corporate Credit Card	\$1,350.52
	Total Payments	\$806,761.83

TOWN OF EAST FREMANTLE					
List of Accounts paid by the Chief Executive for July 2018 & submitted for the information of the Council Meeting to be held on 21 August 2018					
Cheque	Payment Date	Supplier	Description	Inv Amount	Cheque
CHEQUES				\$	\$
5170	11/07/2018	TOEF	RESPITE CENTRE PETTY CASH RECOUP 28/06/18	202.05	202.05
5171	27/07/2018	DEPARTMENT OF TRANSPORT	REGISTRATION RENEWALS FOR FLEET VEHICLES	6,787.55	6,787.55
5172	27/07/2018	TOEF	RESPITE CENTRE PETTY CASH RECOUP 19/07/18	476.40	476.40
5173	27/07/2018	WESTPAC BANKING CORP	AUDIT CERTIFICATE FOR YEAR 17/18	50.00	50.00
5174	27/07/2018	MICHAEL GOLDENBERG	REFUND OF OVERPAYMENT OF PARKING TICKET - LEEUWIN LAUNCHING RAMP CAR PARK	36.00	36.00
			CHEQUE TOTAL	\$ 7,552.00	\$ 7,552.00
EFTs		Supplier	Description	Inv Amount	EFT
EFT26188	05/07/2018	MAYOR JIM O'NEILL	MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE JULY 18	4,416.68	4,416.68
EFT26189	05/07/2018	CR. JENNY HARRINGTON	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26190	05/07/2018	CR. CLIFF COLLINSON	SITTING FEES JULY 18	1,292.00	1,292.00
EFT26191	05/07/2018	CR. DEAN NARDI	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26192	05/07/2018	CR. MICHAEL MCPHAIL	DEP MAYORAL ALLOWANCE, SITTING FEES & ICT ALLOWANCE JULY 18	2,062.84	2,062.84
EFT26193	05/07/2018	CR. TONY WATKINS	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26194	05/07/2018	CR. ANDREW MCPHAIL	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26195	05/07/2018	CR. ANDREW WHITE	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26196	05/07/2018	Cr. TONY NATALE	SITTING FEES & ICT ALLOWANCE JULY 18	1,542.00	1,542.00
EFT26197	11/07/2018	AUSTRALIA POST	POSTAGE COSTS JUNE 2018	1,057.51	1,057.51
EFT26198	11/07/2018	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND COLLECTED JUNE 18	1,138.24	1,138.24
EFT26199	11/07/2018	COMMUNITY NEWSPAPERS	ADVERTISING - 2 x HACC EMPLOYMENT POSITIONS 5/6/18	383.85	
			ADVERTISING - AMENDMENT 15 APPROVAL FTLE GAZETTE 19/6/18	1,839.84	
			ADVERTISING - EOI RAP WORKING GROUP FTLE GAZETTE 5/6/18	202.18	2,425.87
EFT26200	11/07/2018	IT VISION	IT VISION BESPOKE TRAINING REPORT MANAGER AND CUSTOMER RECORDS REFRESHER	2,558.60	2,558.60
EFT26201	11/07/2018	OPTUS	MOBILE PHONE USE 24/04/18 - 21/05/18	295.27	295.27
EFT26202	11/07/2018	SYNERGY	POWER SUPPLY - VARIOUS LOCATIONS	11,143.30	11,143.30
EFT26203	11/07/2018	FASTA COURIERS	COURIER COSTS JUNE 18	86.03	86.03
EFT26204	11/07/2018	SMRC LOAN REPAYMENT ACCOUNT	RRRC LOAN REPAYMENT - GUARANTEE FEE FOR PERIOD ENDING 30/06/18	1,883.30	1,883.30
EFT26205	11/07/2018	STEANN PTY LTD	COLLECTION AND DISPOSAL OF BULK GREEN WASTE FOR JUNE 2018	18,492.46	18,492.46
EFT26206	11/07/2018	KOOL LINE ELECTRICAL	INSTALLATION OF RCD PROTECTION AT EF TENNIS CLUB	6,750.00	
			REPAIR EXIT SIGN - TRICOLORE SOCCER CLUB	235.00	
			INSTALL SMOKE ALARM IN DEPOT KITCHEN	265.00	7,250.00
EFT26207	11/07/2018	BUILDING COMMISSION	BUILDING SERVICES LEVY COLLECTED JUNE 18	1,845.90	1,845.90
EFT26208	11/07/2018	HAVILAH LEGAL	COSTS ASSOCIATED WITH DEBT COLLECTION FOR RATES	779.15	779.15
EFT26209	11/07/2018	PETRA CLEAN	CLEANING SERVICES FOR JUNE 2018 - VARIOUS LOCATIONS	7,085.62	7,085.62
EFT26210	11/07/2018	FRANK GILMOUR PEST CONTROL	PEST CONTROL CALL OUT TO OLD POLICE STATION	297.00	297.00
EFT26211	11/07/2018	WOOLWORTHS SUPERMARKETS	RESPITE CENTRE GROCERIES - 25/06/18	57.35	57.35
EFT26212	11/07/2018	KELYN TRAINING SERVICES	WHITE CARD TRAINING FOR VARIOUS STAFF MEMBERS	570.00	570.00
EFT26213	11/07/2018	ASSA ABLOY ENTRANCE SYSTEMS AUSTRALIA	SERVICE OF TOWN HALL AUTOMATIC DOORS	151.80	151.80
EFT26214	11/07/2018	KONICA MINOLTA BUSINESS SOLUTIONS	TONER & WASTE TONER DELIVERY CHARGES	44.00	
			KONICA MINOLTA PHOTOCOPIER CONTRACT 2017-2018 (4374610) - COPY CHARGES 01/06/18 - 30/06/18	11.37	55.37
EFT26215	11/07/2018	CARINYA OF BICTON	RESPITE CENTRE MEALS - BALANCE OF APRIL 18	77.20	
			RESPITE CENTRE MEALS 16/06/18 - 30/06/18	448.80	
			RESPITE CENTRE MEALS 01/06/18 - 15/06/18	554.40	1,080.40
EFT26216	11/07/2018	FOODWORKS EAST FREMANTLE	ADMIN, MEETING AND WORKS CONSUMABLES JUNE 18	457.74	457.74
EFT26217	11/07/2018	OFFICEWORKS SUPERSTORES	COPYING OF ARCHIVE PLANS AND OTHER GENERAL COPYING FOR REGULATORY SERVICES DEPARTMENT - 21/06/18	40.07	40.07
EFT26218	11/07/2018	ADCO SERVICES	PAINTING OF REPAIRED WALL PANEL AS DIRECTED. - GLYDE IN	660.00	660.00
EFT26219	11/07/2018	LANDGATE	GRV INTERIM VALUATIONS DATED 02/06/18 - 15/06/18	192.48	192.48
EFT26220	11/07/2018	ANDERSON MUNRO & WYLIE	PROFESSIONAL FEES - INTERIM AUDIT FOR THE YEAR ENDED 30/06/2018	6,957.72	6,957.72
EFT26221	11/07/2018	EAT GREEK RESTAURANT	LAUGHS BY THE LAWN, DOOR / TABLE PRIZE : 1 X \$150 VOUCHER	150.00	150.00
EFT26222	11/07/2018	ROADS 2000	RETENTION CLAIM ON INVOICE # 17205 AND # 17413 - FOOTPATH RESURFACING PROGRAM CONTRACT# 2 , 2016-17	5,801.52	
			RETENTION CLAIM ON INVOICE # 17204 & #17412 - ROAD RESURFACING PROGRAM 2017 - CONTRACT# 2016-17	26,355.16	32,156.68
EFT26223	11/07/2018	ANE HAGEN PHOTOGRAPHY	BALANCE OF COSTS OF PHOTOSHOOT/PHOTO PRINTING COST (ELECTED MEMBERS & CEO) - 50% COMMENCEMENT PAID 02/05/18	430.00	430.00
EFT26224	11/07/2018	MELVILLE DRY CLEANERS	DRY CLEANING - 3 X TABLECLOTHS	45.00	45.00
EFT26225	11/07/2018	CORPORATE LIVING	TOWN HALL FURNITURE - CUPBOARDS	3,007.00	3,007.00
EFT26226	11/07/2018	PAGE PERSONNEL	LABOUR HIRE - ACTING EXECUTIVE MANAGER CORPORATE SERVICES	10,246.53	10,246.53
EFT26227	11/07/2018	DONALD VEAL CONSULTANTS	WINDSOR ROAD / CANNING HIGHWAY INTERSECTION SAFETY AUDIT	1,375.00	1,375.00
EFT26228	11/07/2018	ZIRCODATA	OFFSITE STORAGE, TRANSPORTATION, LODGEMENT AND PURCHASE OF BARCODES AND BOXES	42.14	42.14
EFT26229	11/07/2018	AZCOM ELECTRICS	RECONNECT OF NEW NBN AS REQUESTED - DEPOT	93.50	93.50
EFT26230	11/07/2018	KEYS BROS	HIRE 70 X CRATES AND 23 SKATES FOR RECORDS RELOCATION + 100 ADDITIONAL CRATES AND 33 SKATES, DELIVERY, COLLECTION	1,177.55	1,177.55
EFT26231	11/07/2018	APPARATUS GROUP	SITE MEETING - TOWN HALL ART INSTALLATION	154.00	154.00
EFT26232	11/07/2018	TREE'S A CROWD TREE CARE	PRUNE LARGE GUM TREE AT 28 CLAYTON STREET	1,760.00	1,760.00

EFT26233	11/07/2018	PROPERTY VALUATIONS & ADVISORY (WA)	PROPERTY VALUATION - TRICOLORE SOCCER CLUB	2,750.00	2,750.00
EFT26234	11/07/2018	BRB SMASH REPAIRS	INSURANCE EXCESS FOR CLAIM FOR DAMAGE TO VEHICLE 1GBT981	300.00	
			MINOR REPAIRS FOR VEHICLE 1GBT981	548.90	848.90
EFT26235	11/07/2018	KAREN DORE	REIMBURSEMENT OF COSTS - 3 X GIFT VOUCHERS (DOME CAFE) FOR COMEDY QUIZ NIGHT	155.00	155.00
EFT26236	11/07/2018	MAD HAT MEDIA PTY LTD	DESIGN DOUBLE SIDED ANNUAL EVENTS DL FLYER	484.00	484.00
EFT26237	11/07/2018	ENTIRE FIRE MANAGEMENT	BUSHFIRE RISK ASSESSMENT MANANGEMENT PLAN FOR THE TOWNS 3 BUSHLAND RESERVES	4,554.00	4,554.00
EFT26238	11/07/2018	WENDY COOKE	REIMBURSEMENT OF COSTS OF PURCHASING VARIOUS ITEMS INCLUDING STATIONERY, TABLECLOTHS, BINS, PLACEMATS AND COASTERS	135.69	135.69
EFT26239	11/07/2018	DELI DI MONDO	CATERING FOR 28/6/18	363.80	363.80
EFT26240	17/07/2018	SOUTH METROPOLITAN TAFE	CERTIFICATE IV IN HORTICULTURE ENROLMENT FOR JAMES BRICE	895.76	895.76
EFT26241	27/07/2018	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS JULY 18	51.80	51.80
EFT26242	27/07/2018	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS JULY 18	277.58	277.58
EFT26243	27/07/2018	BUNNINGS	HARDWARE FOR HACC	48.90	
			FENCE CLIPS FOR GLASSON PARK, EQUIPMENT TO TIE DOWN LOADS	164.90	
			PURCHASE OF HARD HATS, HARDWARE TO INSTALL SAFETY EQUIPMENT AT THE TOWN HALL, REPLACEMENT LATCH TO REPAIR GATE	175.92	
			VARIOUS HARDWARE	155.27	544.99
EFT26244	27/07/2018	BOC LIMITED	SUPPLY OF GAS BOTTLES FOR JUNE 2018	43.99	43.99
EFT26245	27/07/2018	CITY OF COCKBURN	TIP FEES JUNE 18 - 28 PASSES	1,540.00	1,540.00
EFT26246	27/07/2018	GLYDE IN COMMUNITY GROUP	1ST PORTION OF 18/19 GRANT	23,100.00	23,100.00
EFT26247	27/07/2018	O'CONNOR LAWNMOWER & CHAINSAW CENTRE	AIR FILTERS AND BLADE SET FOR HACC	47.60	
			REPLACEMENT PARTS FOR WHIPPER SNIPPER	48.00	95.60
EFT26248	27/07/2018	TELSTRA	HACC MOBILE PHONE	3.14	3.14
EFT26249	27/07/2018	SYNERGY	POWER SUPPLY STREET LIGHTS 25/05/18 - 24/06/18	9,620.55	9,620.55
EFT26250	27/07/2018	LGISWA	LGIS LIABILITY INSURANCE RENEWAL - 30/06/18 - 30/06/19	47,428.98	
			WORKERS COMPENSATION INSURANCE RENEWAL 30/06/18 - 30/06/19	23,820.78	
			CRIME INSURANCE RENEWAL 30/06/18 - 30/06/19	1,787.50	
			PROPERTY INSURANCE RENEWAL 30/06/18 - 30/06/19	33,933.01	106,970.27
EFT26251	27/07/2018	ALCHEMY TECHNOLOGY	ADDITIONAL MODULE FOR CHARGE OUTS. SMS FOR HACC. 1 JULY 18 - 30 JUNE 19	2,089.72	2,089.72
EFT26252	27/07/2018	SOUTHERN METROPOLITAN REGIONAL COUNCIL	GREEN WASTE GATE FEES FOR JUNE 01/06/18 - 30/06/18	5,039.31	
			GREEN WASTE GATE FEES FOR JUNE 18 - 3 X PASSES	90.00	
			MFR GATE FEES FOR JUNE 18 - MIXED RECYCLABLES 01/06/18 - 30/06/18	1,151.83	
			OVERCOMPACTION FOR JUNE 2018	143.88	
			MSW GATE FEES FOR JUNE 18 - 11/06/18 - 30/06/18	36,115.25	42,540.27
EFT26253	27/07/2018	HAVILAH LEGAL	REQUEST FOR PAYMENT DEMAND LETTERS FOR DOG ATTACK INFRINGEMENT NOTICES ISSUED	275.00	275.00
EFT26254	27/07/2018	WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION	STAFF ATTENDANCE - CONFERENCE ON SUSTAINABLE TRANSPORT AND EMERGING TECHNOLOGIES	190.00	
			STAFF ATTENDANCE AT WALGA BREAKFAST FORUM 01/08/18	50.00	240.00
EFT26255	27/07/2018	LIME FLOWERS	FLOWERS FOR STAFF MEMBER - THANK YOU AND GET WELL SOON	45.00	45.00
EFT26256	27/07/2018	STRATA GREEN	6 X TERRAMAXX WINDBREAK WB1050G, 2X ARS PROFESSIONAL BYPASS SECATEURS V58Z, 2 X 100 JARRAH TREE STAKES JTS50502400	2,054.45	2,054.45
EFT26257	27/07/2018	WOOLWORTHS SUPERMARKETS	RESPITE CENTRE GROCERIES- 9/7/18	116.99	
			CATERING ITEMS 11/07/18	75.18	
			RESPITE CENTRE GROCERIES - 16/7/18	204.09	
			RESPITE CENTRE GROCERIES - 2/7/2018	187.53	583.79
EFT26258	27/07/2018	ATHOLL'S AUTO ELECTRICS	REPLACE TRAILER PLUGS AND TRUCK PLUG	214.50	214.50
EFT26259	27/07/2018	PLANET FOOTPRINT	CORE SUBSCRIPTION AND EMISSIONS REPORTING AND ONCE OFF SET UP EMISSIONS MODEL FOR PLANET FOOTPRINT	8,954.00	8,954.00
EFT26260	27/07/2018	THE PAPER COMPANY OF AUSTRALIA	A4 COPY PAPER X 50 REAMS	211.75	211.75
EFT26261	27/07/2018	OFFICEWORKS SUPERSTORES PTY LTD	HP WIRELESS KEYBOARD & MOUSE FOR RECEPTION	56.00	
			CABLE TIES AND 4 OUTLET POWERBOARD	12.23	
			5 X ERGONOMIC OFFICE CHAIRS FOR RESPITE CENTRE.	1,325.00	1,393.23
EFT26262	27/07/2018	WESTERN AUSTRALIA POLICE	POLICE CLEARANCE FOR HACC. VOLUNTEER	15.10	15.10
EFT26263	27/07/2018	ADCO SERVICES	REPAIRS TO LEAK IN THE ROOF OF THE MERV COWAN STAND AT EAST FREMANTLE OVAL AS DIRECTED	330.00	330.00
EFT26264	27/07/2018	TYREPOWER BOORAGOON	RANGER'S VEHICLE - PUNCTURE REPAIR	35.00	35.00
EFT26265	27/07/2018	ENVIRO SWEEP	STREET SWEEPING FOR JUNE 2018	4,510.00	4,510.00
EFT26266	27/07/2018	THE TURBAN INDIAN RESTURANT	CATERING 17/07/18	276.25	276.25
EFT26267	27/07/2018	LOCAL GOVERNMENT PLANNERS ASSOCIATION	CORPORATE MEMBERSHIP (12 MONTHS) FOR STAFF AND COUNCILLORS	500.00	
			STAFF ATTENDANCE BREAKFAST SEMINAR - LEGAL UPDATE 2018	130.00	630.00
EFT26268	27/07/2018	ECO RESOURCES PTY LTD	DISPOSAL OF WASTE MATERIALS 23/05/18	2,412.30	2,412.30
EFT26269	27/07/2018	DVG MELVILLE VOLKSWAGEN	CARRY OUT 15000KM SERVICE ON VW AMAROK 1GHV 402	388.42	388.42
EFT26270	27/07/2018	WORLD DIESEL	MECHANICAL REPAIRS TO DOOR OF BUS 1DXU938	291.50	291.50
EFT26271	27/07/2018	THE INFORMATION MANAGEMENT GROUP	OFFSITE TAPE STORAGE ARCHIVE 01/06/18 - 30/06/18	153.48	153.48
EFT26272	27/07/2018	FUJI XEROX	FUJI XEROX DC5C6675T - DOVENBY HOUSE - COPY CHARGES 2017 / 2018 01/06/18 - 30/06/18	111.66	111.66
EFT26273	27/07/2018	REPCO	PURCHASE OF 800 CABLE CLAMPS AS PER QUOTE	748.00	748.00
EFT26274	27/07/2018	MARKET CREATIONS	SYNERGY ONLINE ANNUAL LICENSING & SUPPORT SUBSCRIPTIONS - ONLINE MODULES X 5	15,147.00	15,147.00

12.2.3 Application for Rates Exemption

File ref:	F/RAT1
Prepared by:	Jessica Melia, Rates Officer
Supervised by:	Peter Kocian, Executive Manager Corporate Service
Meeting Date:	21 August 2018
Voting requirements:	Simple Majority
Documents tabled	Nil
Attachments:	<ol style="list-style-type: none">1. Application for Rates Exemption, Foundation Housing Ltd, Assessment Number A14940 (Confidential Attachment)2. Application for Rates Exemption, Access Housing Australia Ltd, Assessment Number A43220 (Confidential Attachment)3. Draft Policy 4.2.8 Rates Exemption

Purpose

This report is to seek Council's decision on two (2) applications for Rates Exemption. Foundation Housing Ltd and Access Housing Australia Ltd have applied for the exemption of Town rates, under the provisions of the *Local Government Act 1995 - Section 6.26 (2)(g) - land used exclusively for "Charitable purposes"*.

The report recommends that Council approve the request for rate exemption against two of the properties owned by the Housing Authority as the land is being used for "charitable purposes" and qualifies for rates exemptions under the relevant legislation.

Executive Summary

Foundation Housing Ltd and Access Housing Australia Ltd are both non for profit Community Housing Organisations, registered charities and Public Benevolent Institutions. The applications for rate exemption relate to two properties which these organisations lease from the Housing Authority.

Foundation Housing Ltd

Foundation Housing Ltd have a Community Housing Agreement with the Housing Authority for the management of A14940, King Street, East Fremantle. The use of the land aims to alleviate poverty by providing affordable housing to people classified as being in poverty, who may be homeless, socially marginalised or otherwise disadvantaged.

Foundation Housing Ltd has applied for a Rates Exemption for the amount tabled below:

Description	Levies	Total
General Rates	\$2095.75	\$2095.75
Total		\$2095.75

Access Housing Ltd

Access Housing Ltd have a Lease Agreement with the Housing Authority for a portion of A43220, Pier Street, East Fremantle. The property comprises of 12 units in total and Access Housing Ltd lease one unit. The balance of the units located in the complex are not leased by Access Housing Ltd. The use of the property leased by Access Housing Ltd is for housing seniors, people living with a disability or mental health illness, families and singles.

The Town currently calculates rates for A43220, Pier Street, East Fremantle from a valuation provided by the Valuer General Office (VGO) for “Group Housing”. In considering alternative approaches to charging rates for individual dwellings on a land title, the Town contacted the VGO to obtain a Gross Rental Value (GRV) for the property for which the rate exemption request applies.

The total valuation for the complex (comprising of 12 units), based on a calculation from the VGO for Group Housing, is \$172,120. Thus, a GRV of \$14,300 applies for a single unit. Given the relatively low valuation, the residential minimum rate of \$1,080 would apply.

Description	Levies	Total
General Rates	\$1080.00	\$1080.00
Total		\$1080.00

Background

Section 6.26 (2) (g) of the *Local Government Act* provides Rates Exemption to land used “exclusively for charitable purposes”. Whilst the Act stipulates that where an organisation or individual uses land for charitable purposes, the owners of the land can be exempted from paying local government rates, the Act does not provide a clear definition of what constitutes a charitable purpose.

The definition of charitable purposes was introduced by the Statute of Elizabeth enacted by the English Parliament in 1601 and the Judgement Lord Macnaghten in *Commissioners for the Special Purpose of Income Tax v Pemsel*. The preamble to the Act contained a list of purposes or activities that was, in effect, a list of purposes or activities that the State believed were of general benefit to society, and to which the State wanted to encourage private contributions. The list has formed the foundation of the modern definition of charitable purposes, which has developed through case law.

The definition of charitable purposes is summarised as follows:

- Trusts for the relief of poverty
- Trusts for the advancement of education
- Trusts for the advancement of religion; and
- Trusts for other purposes beneficial to the community:

Each Local Government has the responsibility to assess and decide on applications from organisations seeking an exemption from paying rates. The types of land uses generally considered to be of a charitable nature include community housing, accommodation for the aged, people with disabilities, disadvantaged persons etc.

An applicant is required to evidence their right to an exemption of rates under *Section 6.26 of the Local Government Act 1995* by providing information upon which the Local Government can make an objective assessment as to their eligibility. In the case of a charitable land use, *Section 6.26(2)(g)* of the Act does not establish an ‘as of right’ entitlement to a rate exemption on the basis of a claimant organisation’s structure, purpose, objectives or the apparent land use.

Application process

An applicant applying to the Town for Rates Exemption must apply in writing, complete the Town’s application for exemption and provide any supportive documentation according to the checklist on the form. The following documents are required to be submitted for consideration:

- Application for Rates Exemption
- Copy of Lease, if property is leased

- Building plans, detailing leased areas
- Certificate of Incorporation
- Certificate of Tax Exemption
- Copies of two years' worth of financial statements
- A statement detailing the nature of the organisation, income received by the organisation, details of any commercial activities and how profit is utilised and distributed by the company.
- Copy of the organisations constitution

Making a Determination

Once the application is returned, consideration is then given to determining whether non-rateable status applies, or is to be declined. Local Governments may do this in two ways. The Local Government may delegate authority for a Rate Exemption application to be determined by the CEO or the Executive Manager Corporate Service. Council currently has not delegated the responsibility. In the absence of a delegation, applications are to be referred to Council together with an Officer Recommendation to either approve or decline the request.

If the application is refused, the applicant will need to be notified in writing of the decision. Where the application is refused, the applicant may object under s. 6.76 of the *Local Government Act 1995* to the rate record of the local government in question, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under s. 6.76 to the State Administrative Tribunal (SAT).

Properties exempt from Local Government rates are not exempt from ESL (Emergency Services Levy). Regulation 5 of the *Fire and Emergency Services Regulations 1998* specifies land that is exempt for the ESL.

Statutory Environment

Local Government Act 1995 - Sect 6.26

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*

- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
- (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999 ; and*
- (g) *land used exclusively for charitable purposes; and***
- (h) *land vested in trustees for agricultural or horticultural show purposes; and*
- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
- (j) *land which is exempt from rates under any other written law; and*
- (k) *land which is declared by the Minister to be exempt from rates.*

Policy Implications

Council does not have a current Policy that deals with Rate Exemptions. The City of Kwinana has developed a Policy specifically for Charitable Rate Exemptions, which outlines the application process and eligibility period. A proposed Policy has been drafted similar to that of Kwinana's, for Council's consideration.

Financial Implications

The calculated general rates for each of the properties for the 2018/19 year are as follows:

Property	Annual rates levied
A14940	\$2095.75
A43220	\$1080.00

Should the application for Rates Exception be refused the applicant may appeal the decision. The appeal would be heard by the State Administrative Tribunal (SAT) and would require the attendance of relevant staff members and could incur potential legal costs. Previous findings of decisions resulting in Rates Exemption applications taken to SAT indicate that if the rateable land in question is proved to be of public benefit the cases were found in favour of the defendant.

The Town currently charges general rates on 43 properties owned by the Housing Authority. The annual charge for rates levied for the 43 properties is \$103,460. Should Council resolve to proceed with the officer's recommendation there may be a future impact on revenue associated with rates from properties owned by the Housing Authority, should the Housing Authority continue with lease arrangements with non for profit Community Housing Organisations.

In assessing applications for Rates Exemptions it should be noted that officers would not support a reduction in service charges. Community Housing Organisations will be required to meet all costs associated with the maintenance and service of waste collection and will not be exempt from paying the Emergency Services Levy.

As noted above Foundation Housing Ltd and Access Housing Ltd have applied for Rates Exemption under *section 6.26 (g) of the Local Government Act*. Both organisations provide affordable housing to tenants to improve the life and wellbeing of people with disabilities, the frail and people in need.

Council can consider reviewing both applications on a bi-annual basis to ensure these properties are being provided for charitable purposes and are servicing the requirements of the community now and into the future.

Strategic Implications

Strategic Priority 1: Social

"A socially connected, inclusive and safe community"

1.1 Facilitate appropriate local services for the health and wellbeing of the community

Strategic Priority 3: Built Environment

"Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open spaces."

3.1 Facilitate sustainable growth with housing options to meet future community needs

12.2.3 OFFICER RECOMMENDATION

That Council:

1. pursuant to section 6.26 (g) of the *Local Government Act 1995*, approve:
 - (i) the Application for Rates Exemption submitted by Foundation Housing Ltd, relating to property A14940, with the exemption to be valid for the 2018/19 financial year.
 - (ii) the Application for Rates Exemption submitted by Access Housing Ltd, relating to property A43220, with the exemption to be valid for the 2018/19 financial year.
2. adopt the draft Policy 'Charitable Rate Exemptions' as presented.
3. advise Foundation Housing Ltd and Access Housing Ltd they will need to reapply for a rates exemption for 2019/20 financial year, in accordance with the Charitable Rate Exemptions Policy.
4. resolve to impose the following fees, pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007* for the removal and disposal of waste, against Department of Housing properties that become non-rateable, yet still receive a kerbside collection service:

Description	Fee
240l MGB	\$250.00
240l Recycle Bin	\$250.00

RATES EXEMPTION

Policy Number:	4.2.8
Type:	Governance & Leadership
Legislation:	<i>Local Government Act 1995</i> <i>Charities Act 2013</i>
Delegation:	
Other Related Document:	

Objective

Establish a consistent approach to determine whether land is not ratable under Section 6.26 of the *Local Government Act 1995*.

Policy Scope

This policy is applicable to local organisations and ratepayers within the Town of East Fremantle who are eligible for a charitable rate exemption.

Definitions

Charity has the meaning given to it by the *Charities Act 2013 (Commonwealth)*;

Charitable purpose has the meaning given to it by the *Charities Act 2013 (Commonwealth)*.

Policy

Council is committed to adhering to the *Local Government Act 1995* and providing guidance to applicants who apply for an exemption of local government land rates charges for charitable purposes. This policy relates to the charitable rates exemption to charitable organisations based within the Town that provide assistance to the Town broader community.

Land Use

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)9g) of the *Local Government Act 1995* must be for the exclusive use for charitable purposes as defined in the *Charities Act 2013* and these include:

- (a) the purpose of advancing health;
- (b) the purpose of advancing education;
- (c) the purpose of advancing social or public welfare;
- (d) the purpose of advancing religion;
- (e) the purpose of advancing culture;
- (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;

- (g) the purpose of promoting or protecting human rights;
- (h) the purpose of advancing the security or safety of Australia or the Australian public;
- (i) the purpose of preventing or relieving the suffering of animals;
- (j) the purpose of advancing the natural environment; or
- (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j); and

Must not be a disqualifying purpose under the meaning given by the *Charities Act 2013* (Commonwealth).

Land Used Exclusively for Charitable Purposes

Property must be used exclusively by the charitable organisation for charitable purposes defined by the *Charitable Uses Act 1601* as generally for the following purposes:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community

Application for Rate Exemption

To be considered by the Town for approval, each application for a charitable rate exemption under *section 6.26(2)(g) of the Local Government Act 1995* must be made in writing by completing an Application for Rate Exemption form.

Review of Policy

All exemptions will be reviewed every two years and confirmation from the charitable organisation that the above purposes still apply will be required to continue receiving the exemption.

Correct forms must be used and these can be acquired by contacting the Town of East Fremantle Rates Section.

Town of East Fremantle – Application for Rate Exemption

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Corporate Services
Decision making Authority:	Council
Policy Adopted:	21 August 2018
Policy Amended:	
Next Review Date:	August 2019

12.2.4 Preston Point Road North Recreation Facilities Master Plan Funding Application (CSRFF)

File ref	F/GSB1
Prepared by	Karen Dore, Economic and Community Development Officer
Supervised by	Peter Kocian, Executive Manager Corporate and Community Services
Meeting Date	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. CSRFF Application Form

Purpose

To facilitate Council consideration of a Community Sport and Recreation Facilities Fund application of \$15,000 for the preparation of a Preston Point Road North Recreation Facilities Master Plan.

Executive Summary

The requirement for the preparation of a Preston Point Road North Recreation Facilities Master Plan was identified in the Town's *Recreation and Community Facilities Strategy* (adopted 13 December 2016).

A Master Plan for the Preston Point Road North Recreation Precinct will provide a blueprint to enable the Town to effectively plan the diverse sporting and active recreation requirements of the precinct to meet the needs of the community.

Better meeting the recreational needs of our community could be reasonably expected to:

- increase the physical activity participation of the community;
- reduce the percentage of residents who are overweight and obese;
- increase the recognition of the value of sport and active recreation in the community; and
- develop social capital leading to a stronger, happier and more connected community.

The following items should also be noted when considering the urgency of this Plan:

- Probable growth area due to the proposed redevelopment of the Leeuwin Barracks site;
- Proposed co-location of facilities where appropriate and / or the assurance that with the three proposed upgrade / redevelopments there is not a duplication of facilities; and
- Expectation of increased participation through new users and special interest groups.

The engagement of a consultant to prepare the Master Plan will also provide clear direction in the short and medium term for the redevelopment / upgrade of and investment in recreation facilities. A number of clubs within the precinct have indicated that they are in the process of planning for the future.

Background

This funding program provides financial assistance to community groups and local governments in order to increase participation in sport and recreation, with an emphasis on physical activity, through the rational development of sustainable, good quality, well-designed and well-utilised facilities.

CSRFF Small Grants are available for small projects, including planning studies.

The 2018 summer funding round opened in July 2018 and proposed applications must be considered by Council, prior to submission to the Department of Local Government, Sport and Cultural Industries (DLGSCI) by their deadline of Friday 31 August 2018.

An indication has been given by an Officer speaking on behalf of CSRFF that the proposed application meets funding guidelines. Up to \$25,000 is available, being not more than 33% of the total cost.

Consultation

During the preparation of the Town's *Recreation and Community Facilities Strategy* the consultant, SGL Consulting Group in association with Creating Communities, facilitated a number of consultation sessions, through their Community Engagement Program.

Key stakeholders, being those organisations that currently utilise facilities in the Preston Point Road North precinct have recently been consulted through the annual meeting process initiated by the Mayor and CEO:

1. EF Cricket Club / EF Lacrosse Club *recently upgraded facilities*
2. EF Junior Cricket Club / EF Junior Football Club upgrade proposal underway
3. EF Tennis Club (+ Taoist Tai Chi) redevelopment plan submitted
4. EF Yacht Club seeking additional parking
5. 1st Fremantle Sea Scouts' Camp Waller minor upgrades plus long term plan to redevelop
6. HACC Services/Fremantle City Football Club (formerly EF Tricolore Soccer Club) propose *partnering with Town to redevelop*

Future consultation will include the above key stakeholders, along with the community and the Department of Biodiversity, Conservation and Attractions (Swan River).

Statutory Environment

Nil

Policy Implications

The Town's *Recreation and Community Facilities Strategy*, adopted in December 2016, identified a range of strategic issues and principles to guide future development of recreation and community facilities in East Fremantle. Relevant to this funding application is Action 3.

Facility

Parks and Playgrounds

Rationale

Sporting reserves north of Preston Point Road comprise a significant open space precinct.

Comments

Master plan to include sporting facilities and passive recreation facilities (play spaces, trails and community meeting spaces) and amenities such as car parks.

Master plan to integrate the total area and create linkages which allow for multipurpose use and long term flexibility.

Designate reserves north of Preston Point Road as sites for major multi age play spaces, incorporating drinking water fountains, shade, seating and toilets in close proximity.

Action

Prepare a master plan for the sporting reserves north of Preston Point Road (Wauhop Park, Henry Jeffery Oval, Chapman Oval and Preston Point Reserve*).

Timeframe

2018-2019

*This 'precinct' also includes the following built facilities: East Fremantle Yacht Club, Camp Waller, Tennis Club Pavilion, East Fremantle Cricket & Lacrosse 'Clubhouse', East Fremantle Junior Cricket & Junior Football 'Clubhouse' and Tricolore Community Centre.

Financial Implications

An allocation of \$25,000 has been made in the Town's adopted 2018-2019 budget to contribute to this project which has an estimated cost of \$45,000.

Strategic Implications

Town of East Fremantle Strategic Community Plan 2017-2027

Strategic Priority 1 – Social – A socially connected, inclusive and safe community

1.2 Inviting open spaces, meeting places and recreational facilities

1.2.1 Provision of adequate recreational, sporting and social facilities

1.2.2 Activate inviting open spaces that encourage social connection

Site Inspection

During the preparation of the Town's *Recreation and Community Facilities Strategy* the consultant, SGL Consulting Group in association with Creating Communities, generated a Recreation and Community Facility Inventory. This was based upon the analysis of all recreation sites, including the Preston Point Road North 'precinct'.

Comment

Given that at least three of the key stakeholders are currently seeking to redevelop and / or upgrade their Council owned facilities, it is felt that to ensure the best outcome/s for the community (both financially and socially) an overarching steering document is required before any individual plans can be supported.

The CSRFF application guidelines state that Council must provide a project ranking of this project from the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Council must also rank the priority of this application with respect to any other grant application received. To date Council has not received any other grant applications.

12.2.4 OFFICER RECOMMENDATION

That Council:

- 1. support the Town of East Fremantle's CSRFF grant application of \$15,000 for the preparation of a Preston Point Road North Recreation Facilities Master Plan with a project rating of A and a priority rating of 1;**
- 2. request that the Chief Executive Officer sign and submit the attached application; and**
- 3. request that the Chief Executive Officer communicate this outcome to the key stakeholders.**



Office Use Only
TRIM: _____
Grant No: _____
Project Coordinator: _____

CSRFF Small Grants Application Form

For projects up to \$200,000 to be acquitted by 15 June 2019

You MUST discuss your project with an officer from your nearest Department of Local Government, Sport and Cultural Industries office before completing and submitting your application. Failure to do so will render your project ineligible.

**All applications MUST be submitted to your local government.
Contact your local government to determine the cut-off date for the submission of applications.**

DLGSC Contact: Kent Burton	Date: June 2018	Office: Perth
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Applicant's Details:

Organisation Name:	Town of East Fremantle		
Postal Address:	PO Box 1097		
Suburb:	FREMANTLE	State:	WA
		Postcode:	6959
Street Address:	135 Canning Highway		
Suburb:	EAST FREMANTLE	State:	WA
		Postcode:	6158

Preferred Contact Person:

All application correspondence will be directed to this person

Name:	Karen Dore	Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/>
Position Held:	Economic & Community Development Officer		
Business Phone:	9339 9342	Facsimile:	9339 3399
Mobile Phone:	0403 458 433	Email:	kdore@eastfremantle.wa.gov.au

Organisation Business Details:

Does your organisation have an ABN?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ABN: 80 052 365 032
Is your organisation registered for GST?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	* Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate. LGA's exempt
Is your organisation not-for-profit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is your organisation incorporated?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Incorporation #: Local Government Authority *
Bank details:	Bank: Commonwealth	BSB: 066 121 A/c: 00540326

Local Government Authority Details:

LGA:	Town of East Fremantle		
Contact:	Karen Dore	Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/>
Position Held:	Economic & Community Development Officer		
Business Phone:	9339 9342	Facsimile:	9339 3399
Mobile Phone:	0403 458 433	Email:	kdore@eastfremantle.wa.gov.au

PROJECT DETAILS

Project Title (brief and specific): Preston Point Road North Recreation Facilities Master Plan			
Project Description: Preparation of a Master Plan for the Preston Point Road North Recreation Precinct, to enable the Town to effectively plan the diverse sporting and active recreation requirements of the precinct in order to best meet the needs of the community. The following items should also be noted when considering the urgency of this Plan; <ul style="list-style-type: none"> • Probable growth area due to the proposed redevelopment of the Leeuwin Barracks site; • Proposed co-location of facilities where appropriate and / or the assurance that with the three proposed upgrade / redevelopments there is not a duplication of facilities; and • Expectation of increased participation through new users and special interest groups. 			
How did you establish a need for your project? The need for this Master Plan was highlighted in the Town's Recreation and Community Facilities Strategy (adopted 13 December 2016).			
What alternatives were considered and why were they rejected (e.g cost, suitability, feasibility)? There isn't really an alternative, at this stage, to the preparation of a Master Plan.			
Have the full lifecycle costs of the project been considered and can you afford the ongoing costs of managing, maintaining and replacing the facility? Will a specific asset replacement fund be created? Not applicable.			
Project location:	Not applicable.		
Land ownership:	Who owns the land on which your facility will be located? Not applicable. Lease Expiry (if applicable): Not applicable.		
Planning approvals	Not applicable.	If no, provide the date it will be applied for:	
Where applicable, has planning permission been granted? (LGA)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable.	
Aboriginal Heritage Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable.	
Department of Biodiversity, Conservation and Attractions? (Environmental, Swan River)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable.	
Native Vegetation Clearing Permit?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable.	
Please list any other approvals that are required?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Not applicable.	
How will your project increase physical activity? Better meeting the recreational needs of our community through comprehensive precinct planning could be reasonably expected to: <ul style="list-style-type: none"> • increase the physical activity participation of the community; • reduce the percentage of residents who are overweight and obese; • increase the recognition of the value of sport and active recreation in the community; and • develop social capital leading to a stronger, happier and more connected community. 			
Do you share your facility with other groups? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, who: Apart from public open space, the Preston Point Road North precinct includes built facilities utilised by; <ol style="list-style-type: none"> 1. EF Cricket Club / EF Lacrosse Club 2. EF Junior Cricket Club / EF Junior Football Club 3. EF Tennis Club (+ Taoist Tai Chi) 4. EF Yacht Club 5. First Fremantle Sea Scouts' 6. HACC Services / Fremantle City Football Club 			

List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

The proposal encompasses built facilities which cater for cricket (junior and senior), lacrosse, football (junior), scouts, soccer, tennis and water-based activities. There is also public open space within the precinct.

As such it is hard to estimate the number of users of the precinct, and how many people will benefit from the proposal. This information will be gathered during the planning process.

Sport/community organisation	% use of the facility	Hours per week
See above	See above	See above
See above	See above	See above
See above	See above	See above

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

Note: if membership is not applicable, ie recreation facility or aquatic centre, enter the number of users of the facility.

2015/16	See above	2016/17	See above	2017/18	See above
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State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning you project, particularly in relation to technical design issues. They should be consulted as part of the application process. A complete list of State Sporting Associations and their contact details are is available on the department's website: <http://www.dsr.wa.gov.au/contact-us/find-a-sport-or-recreation-association>

What is the name of the State Sporting Association for your activity/sport?	
Not applicable.	
Have you discussed your project with your State Sporting Association? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Contact Name: Not applicable.	Date of contact: Not applicable.

PROJECT DELIVERY

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

Task	Date
Attainment of Council approvals	Not applicable.
Preparation of tender/quotes for the major works contract	Not applicable.
Issuing of tender for major works Call for formal quotes.	November 2018.
Signing of major works contract Consultant selection.	December 2018.
Site works commence Consultation commences.	January 2019.
Construction of project starts	Not applicable.
Project 50% complete	March 2019.
Project Completed	June 2019.
Project hand over and acquittal	June 2019.

Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season, major annual event or inclement weather) – provide details. Projects that are delayed due to undeclared known constraints are not eligible for a deferral.
Not applicable (no construction).

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DLGSC can be accessed by you during standard office hours and updated by writing to DLGSC or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DLGSC may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: Gary Tuffin

Position Held: Chief Executive Officer

Signature: _____

Date: 22 August 2018

LODGEMENT OF YOUR APPLICATION

- Applications including all attachments are to be received electronically and officially submitted to csrff@dlgsc.wa.gov.au by the cut off date. A hard copy can also be provided and should be clipped at the top left-hand corner, please do not bind.
- It is recommended that you **retain your completed application form**, including attachments for your own records and future audit purposes.
- All **attachments** and supporting documentation (see next section) should be **clearly named and identified** and submitted with the application form.
- **Applications must be submitted to your Local Government Authority** by the Local Government's advertised cut-off date to ensure inclusion at the relevant Council Meeting.

The following documentation must be included with your application. Applicants may wish to supply additional RELEVANT information.

Grants up to \$66,666:

✓	Application form.
N/A	Incorporation Certificate.
✓	Two written quotes.
N/A	If your project involves the upgrade of an existing facility, include photograph/s of this facility.
✓	Locality map, site map and building plans (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure.
N/A	Income and expenditure statements for the current and next financial years. (LGAs exempted).
✓	Written confirmation of financial commitments from other sources including copies of council minutes . (If a club is contributing financially then evidence of their cash at hand must be provided).
N/A	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
N/A	Itemised project cost for components and identified on the relevant quote for each (including cost escalation).
N/A	For floodlighting projects, a lighting plan must be supplied showing lux, configuration and sufficient power supply

Your application will be considered not eligible if:

- You have not discussed your project with the Department of Local Government, Sport and Cultural Industries and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. **There is no onus on Department staff to pursue missing documentation.**
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made in November and if no physical progress has occurred, new applications may not be recommended.
- It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DLGSC office to determine eligibility before applying.

The Town of East Fremantle is deemed ineligible, although with the proposed Leeuwin Barracks development we could be considered a “growth local government” over coming year. The proposed Plan will also have a focus on “co-location” and “increased participation”.

Category		Details
Geographical location	<input type="checkbox"/> Regional/remote location <input type="checkbox"/> Growth local government	See above.
Co-location	<input type="checkbox"/> New <input type="checkbox"/> Existing	See above.
Sustainability initiative	<input type="checkbox"/> Water saving <input type="checkbox"/> Energy reduction <input type="checkbox"/> Other	
Increased participation	<input type="checkbox"/> New participants <input type="checkbox"/> Existing participants – higher level <input type="checkbox"/> Special interest <input type="checkbox"/> Other	See above.

PROJECT BUDGET

ESTIMATED EXPENDITURE

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component. *PLEASE ITEMISE BY COMPONENT (e.g changerooms, storage, kitchen) rather than materials (electrician, plumber, finishings).*

Project Description (detailed breakdown of project to be supplied <i>ie Electrical Works</i>)	\$ Cost ex GST	\$ Cost inc GST	Quote Used (list company name and quote no)
	25,000	27,500	B & S Electrical
Consultant fees	\$45,000	\$49,500	Three quotes ranging from \$40,000 to \$50,000, so average is \$45,000. <ul style="list-style-type: none"> • SGL • JPA • Element
Donated materials (Please provide cost breakdown)	N/A	N/A	N/A
Volunteer labour (Please provide cost breakdown)	N/A	N/A	N/A
Sub Total	\$45,000	\$49,500	
Cost escalation	N/A	N/A	N/A
a) Total project expenditure	\$45,000	\$49,500	

- At least **two written quotes** are required for each component.
- If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, the grant will immediately be withdrawn. A **lighting plan** must be supplied showing lux and configuration.
- Projects that do not meet **Australian Standards** are ineligible for funding.

PROJECT FUNDING

Source of funding	\$Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	\$25,000	\$27,500	LGA cash and in-kind	Yes	As per the adopted Budget 18-19, plus staff time and see below.
Applicant cash	\$5,000	\$5,500	Organisation's cash (key stakeholders)	No	This contribution is to be further discussed with key stakeholders.
Volunteer labour	N/A	N/A	Cannot exceed applicant cash and LGA contribution – max \$50,000	N/A	Note: the Town will supply meeting / consultation venues, as required.
Donated materials	N/A	N/A	Cannot exceed applicant cash and LGA contribution	N/A	
Other State Government funding	N/A	N/A		N/A	N/A
Federal Government funding	N/A	N/A		N/A	N/A
Other funding – to be listed	N/A	N/A	Loans, sponsorship etc	N/A	N/A
CSRFF request (No Development Bonus)	\$15,000	\$16,500	up to 1/3 project cost	N	This application
or CSRFF request (Development Bonus)	N/A	N/A	Up to ½ project cost	N/A	N/A
b) Total project funding			This should equal project expenditure as listed on the previous page		
REQUIRED: If the funding approved is less than funding requested for this project, or the project is more expensive than indicated, where would the extra funds be sourced from? Is this funding confirmed? If the project scope would be reduced, which components would be revisited?					
Extra funds would be allocated during the annual Budget Review, after investigating a reduced project scope.					

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please **attach copies of council minutes** relevant to the project approval.

Name of Local Government Authority: Town of East Fremantle
Name of Applicant: Town of East Fremantle

Note: The applicant’s name cannot be changed once the application is lodged at DLGSC.

Section A

The CSRFF principles have been considered and the following assessment is provided:
(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B

Priority ranking of no of applications received	of applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input checked="" type="checkbox"/> Regional Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
If no, what approvals are still outstanding?	Not applicable

Project Rating (Please tick the most appropriate box to describe the project)

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?

The Town has a \$25,000 allocation in the 2018-2019 budget (adopted Monday 2 July 2018).

2. A) *If a community group application:* Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?

B) *If a council application:* Is Council fully aware of the ongoing cost of operating and maintaining this facility and does your organisation have the capacity to service it into the future? How are the user groups contributing to the ongoing cost of operating the facility?

Ongoing operating and maintenance costs are not applicable to this application (planning).

3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.

Signed

Position Chief Executive Officer

Date 22/08/18

Applications for CSRFF funding must be submitted to your Department of Local Government, Sport and Cultural Industries office by **4pm on 31 August 2018**. Late applications cannot be accepted in any circumstances.

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Geraldton WA 6531
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Fax: (08) 9956 2199

12.3 GOVERNANCE REPORTS

12.3.1 Draft Town of East Fremantle Public Health Plan 2018-2023

File ref	H/HDT1
Prepared by	Shelley Cocks Principal Environmental Health Officer
Supervised by	Andrew Malone Executive Manager Regulatory Services
Meeting Date	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Public Health Plan

Purpose

To consider the adoption of the Town of East Fremantle Public Health Plan 2018-2023.

Executive Summary

The Public Health Plan is a legislative requirement of the *WA Public Health Act 2016*. The vision of the Plan is *"To protect, promote and enhance the health, wellbeing and quality of life for our community"*.

The Town of East Fremantle Public Health Plan 2018-2023 comprises an introduction with the above vision and mission statements, and a series of actions divided into three key areas:

1. Healthy People and Community
"To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities."
2. Healthy Places and Spaces
"To provide healthy places and spaces to encourage and support healthy lifestyle opportunities."
3. Healthy Partnerships
"To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing."

Background

The *WA Public Health Act 2016* requires local governments to develop local public health plans in order to establish an integrated health and wellbeing planning process that fits into existing frameworks and strategies within the local community. The Plan is a five year strategic document that meets the Town's legislative obligations and is intended to integrate with the Town's core functions rather than duplicate existing plans and strategies already in place.

Although the requirement for public health planning will not come into effect until Part 5 of the *Public Health Act 2016* is implemented in approximately three years' time, a number of proactive local governments are producing public health plans and are being encouraged and supported to do so by the Public Health Division of the Department of Health. Accordingly, the first interim State Public Health Plan has been released for the first stage of consultation across Western Australia.

This plan includes:

- Part 1: A health status report for Western Australia which documents public health trends in WA and identifies areas of inequalities in particular population sub-groups;
- Part 2. Objectives and policy priorities 2017-2021 to address the issues arising in Part 1.

Western Australia (WA) has a high standard of health. Life expectancy is increasing, infant mortality is low and trending downwards, and there have been sustained declines in the prevalence of smoking over the past decade. However health status varies considerably across different population groups. For example WA's Aboriginal population have demonstrably poorer health outcomes than the non-Aboriginal population. Health outcomes are significantly poorer in country and remote WA.

The Town of East Fremantle is the most advantaged of the local government authorities within the South Metropolitan Health Service. The Town has a SEIFA Index of Relative Socio-Economic Disadvantage score of 1088. This score is made up of four indices which summarise a variety of social and economic variables such as income, educational attainment, employment and number of unskilled workers. They are based on a national average of 1000 and areas with the lowest scores are the most disadvantaged.

Nevertheless, the Town shares many common problems with the rest of the State. Obesity and chronic disease have emerged as significant public health challenges overall. The burden of chronic disease is likely to increase over the next decade, due to an ageing population and the time lag associated with chronic conditions which often reflect the cumulative influence of risk factors across the life course. In that regard, the importance of health promotion and health education cannot be overstated.

Council at its meeting held on 17 April 2018 resolved to receive the draft Town of East Fremantle Public Health Plan 2018-23 to allow advertising for public comment for a 30 day period.

Consultation

The following Town of East Fremantle documents have been used to inform and/or complement this Plan:

- Strategic Community Plan 2017-2027,
- Corporate Business Plan 2015-2019
- Recreation and Community Facilities Strategy 2016
- Foreshore Master Plan 2016
- Disability Access and Inclusion Plan 2016-2020
- Public Art Strategy 2017

The Plan has been developed following research and utilising the outcomes of community consultation which have taken place within the Town such as community forums and the Catalyse community scorecard. Consultation with Council staff, the Fremantle Local Public Health Advisory Group and the Metropolitan Environmental Health Manager's Group has been extensively undertaken over the last 12 months. The Plan has been examined and workshopped by Council's Executive Management Group.

The draft plan was advertised for public comment in the Fremantle Herald on Saturday 5 May 2018, as well as on its website and Facebook page, with a closing date for comments of Friday 8 June. At the close of the comment period, no submissions had been received.

In developing the Plan, staff have placed a "health lens" across all departments to identify the Town's existing contribution and commitment towards improving the health and wellbeing of our community. The Draft Action Plan has subsequently been amended to include new and existing strategies over the next four years. Other minor amendments include clarifying the responsible department and where applicable identifying one or more departments who share a role in delivering a strategy eg provide safe, healthy, good quality and culturally unique food at unique locations will be a shared role between Environmental Health and Community Development. Support and promote the establishment of

community gardens may constitute a shared role between Community Development and Operations Services.

The implementation of the plan will be tracked through annual reporting on the Public Health Plan which will detail activities undertaken in accordance with Council's budget during the previous financial year.

Statutory Environment

WA Public Health Act 2016

Policy Implications

Healthy Eating Policy

Financial Implications

There are no particular financial implications other than existing budget item E07218 Public Health Program which is used to implement public health initiatives such as drug education and a falls prevention program. There is an allocation in the 2018/9 budget for \$5,500.

Strategic Implications

The Public Health Plan most closely aligns with the objectives outlined in:

Strategic Priority 1: Social. "A socially connected inclusive and safe community":

- 1.1 Facilitate appropriate local services for the health and wellbeing of the community.
- 1.2 Inviting open spaces, meeting places and recreational facilities,
- 1.3 Strong community connection within a safe and vibrant lifestyle.

Site Inspection

Not applicable

Comment

The Town aims to enhance the health, wellbeing and quality of life for the community through:

1. assessing, reviewing and responding to current and future public health and wellbeing needs, issues and emerging trends based on best practice, sustainability and evidence based decision making processes.
2. developing collaborative partnerships with internal and external key stakeholders.
3. integrating public health and wellbeing into existing services and programs.
4. facilitating the vision for a healthy and sustainable community through greater community participation and development on health issues.
5. aligning with and providing strategic links and relationships with local, state and national strategic plans and policies that impact on health and well being.

The Plan aligns with and builds upon the foundations of the Integrated Planning and Reporting Framework and operates as an informing strategy to the Town's Strategic Community Plan 2017-27.

12.3.1 OFFICER RECOMMENDATION

That Council adopts the Town of East Fremantle Public Health Plan 2018-23.

Town of East Fremantle Public Health Plan 2018 – 2022

This Plan is a living document amended at any relevant time in line with changes to legislation, policy and any supporting documents.

Document control: Final Version as at 25 July 2018.

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ABOUT THE PLAN

This Plan meets the Town’s legislative obligations under the WA Public Health Act 2016, which aims to establish an integrated health and wellbeing planning process that fits into existing planning frameworks and strategies within local government and can support a wider local vision for a healthier community.

The Plan aims to identify the health and wellbeing needs of the community and establish priorities and strategies for a five year period with a focus on the following key areas:

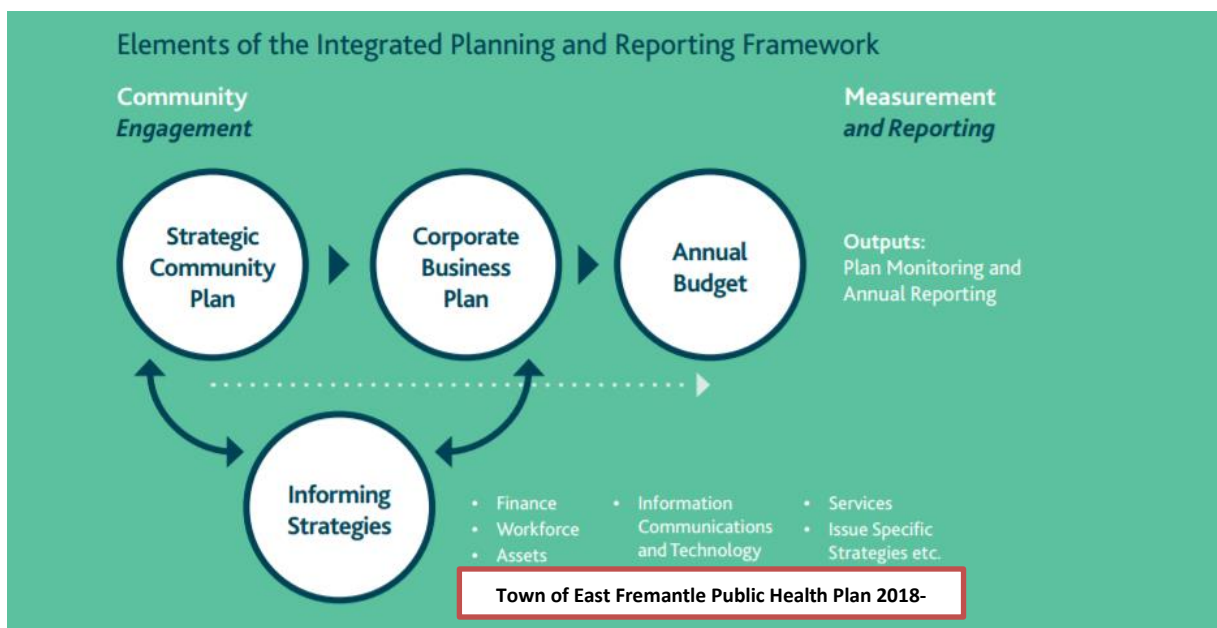
Key Areas

1. **HEALTHY PEOPLE AND COMMUNITY:**
To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities.
2. **HEALTHY PLACES AND SPACES:**
To provide healthy places and spaces to encourage and support healthy lifestyle opportunities.
3. **HEALTHY PARTNERSHIPS:**
To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing.

Corporate Planning Framework

The Plan aligns with and builds on the foundations of the **Integrated Planning and Reporting Framework**, as shown in the image below, and will operate as an informing strategy to the Town’s **Strategic Community Plan 2017-27**. This plan is intended to integrate with and ‘value-add’ to the Town’s core functions rather than duplicate existing plans and strategies across the organisation.(see Figure 2 below)

Figure 2: Integrated Planning and Reporting Framework



Community Engagement

This Plan has been informed by the ideas and feedback gathered from the community, service providers, local organisations, businesses and government agencies, through various engagement processes.

The Plan has been developed following research, and taking into account the outcomes of community forums, community questionnaire and community scorecard (via CATALYSE Pty Ltd). Consultation between the South Metropolitan Health Services, local health service providers and Town staff including the PEHO, Planning and Building Services, Community Development and Special Projects Officer and Operational Services took place in 2017 to identify opportunities to optimise the health and wellbeing of the TOEF community.

The Plan provides a framework for an integrated and collaborative approach that will support and enhance the community's ability to lead healthy, active and rewarding lives. It is designed to complement rather than duplicate Council's existing planning frameworks and strategies.

The following documents have been used to inform and/or complement this plan:

- TOEF Strategic Community Plan 2017-2027
- TOEF Corporate Business Plan 2015-2019
- Recreation and Community Facilities Strategy 2016
- Foreshore Master Plan 2016
- Disability Access and Inclusion Plan 2016-2020
- TOEF Public Art Strategy 2017

HEALTH PROFILE

Population Overview

The Town of East Fremantle LGA covers an area of 3.2 square kilometres bordering the Swan River. Since 2004, our community has experienced steady population growth. Currently, our population is estimated at 7,831 with the Department of Planning projecting that we will grow to 8,600 by 2026. If the State Government's infill target for 890 additional dwellings in East Fremantle is met, population growth will be approximately 800 higher than this estimate.

Socio-Economic Status

The socio-economic indexes for areas (SEIFA) scores are made up of four indices which summarise a variety of social and economic variables such as income, educational attainment, employment and number of unskilled workers. SEIFA scores are based on a national average of 1000 and areas with the lowest scores are the most disadvantaged. Based on 2011 Census data, the Town of East Fremantle had a SEIFA Index of Disadvantage score of 1088. The range of scores for this SEIFA index for LGAs within the South Metropolitan Health Service was 948 to 1088.

Health and Wellbeing Snapshot

Health is impacted by a number of factors, often outside the control of the individual. These factors are referred to as the social determinants of health and include socio-economic status, employment, income, education, housing, social support, access to health care, drug addiction, transport, food security and community safety.

From a community perspective, the health and wellbeing of the population contributes to social interaction and the vitality of the community. For example, it enables participation in sports, volunteering, arts, culture and other activities that bring the community together. By contrast, poor health and wellbeing reduces this participation and brings with it the high costs of medical care and other community services.

The *Town of East Fremantle Health and Wellbeing Profile 2017*, published by the Western Australian Department of Health's South Metropolitan Health Promotion Service, [2017] has identified specific areas of public health relating to persons (aged 16 years and over) in the Town of East Fremantle community from 2002-2015.

This profile is the latest in a series of profiles prepared by the South Metropolitan Health Promotion Service (SMHPS) since 2012. It provides an update on the self-reported measures of the health and wellbeing in the Town of East Fremantle with data from the Western Australian Health and Wellbeing Surveillance System (HWSS). This information is based on responses from 200 adults within the Town of East Fremantle LGA (aged 16 years and older), who were surveyed over the period March 2002 to December 2015. The data collected is weighted to represent the age and sex distribution of the WA population using the 2014 Estimated Resident Population.

Chronic diseases

Many of the health conditions included in the HWSS are chronic diseases which usually have a number of contributing factors, develop gradually and have long lasting effects. Diseases such as cardiovascular disease, type 2 diabetes, respiratory diseases and some cancers contribute significantly to the burden of illness and injury in the community. Considerable potential exists to reduce the burden of disease. It is estimated that in WA in 2011, 435,000 years of healthy life were lost to premature death or living with a disability due to a chronic disease or injury. Injuries are also an important cause of death and disability and strategies to prevent chronic disease are often linked with injury prevention.

Lifestyle and physiological risk factors

There are many factors that can influence a person's health, including genetics, lifestyle, age, environmental and social factors. Many chronic diseases and injuries are associated with a common set of modifiable lifestyle risk factors which can have either a positive effect on health, such as a high consumption of fruit and vegetables, or a negative effect, such as smoking, alcohol use and physical inactivity. These lifestyle risk factors also impact on the physiological risk factors such as high cholesterol, high blood pressure, and being overweight which are also related to chronic disease and potentially modifiable.

Table 1: Prevalence of physiological risk factors for adults (aged 16 years and over), Town of East Fremantle LGA, Western Australia and South Metropolitan Health Region 2002–2015

Risk factors	East Fremantle LGA		South Metropolitan
	Persons (%)	Estimated population	Persons (%)
Current high blood pressure ((as a proportion of adults who reported having been measured) 2003 onwards 25 years+)	14.7	810	20.1
Current high cholesterol (as a proportion of adults who reported having been measured)	14.0	770	20.3
Overweight (BMI 25<30)	42.2	2,676	39.7
Obese (BMI 30+)	15.0	954	25.7
Risk condition			
Injury (in the last twelve months requiring treatment)	25.9	1,641	23.0

Source: Western Australian Health and Wellbeing Surveillance System, WA Department of Health: Town of East Fremantle self-reported measures of health and wellbeing for adults 2002–2015.

Table 2: Prevalence of lifestyle risk factors for adults (aged 16 years and over), Town of East Fremantle LGA, Western Australia and South Metropolitan Health Region 2002–2015

Behaviour / Risk factor	LGA %	LGA (estimated population)	WA (%)	South Metropolitan (%)
Currently smokes	12.2	771	16.4	15.0
Never smoked (or smokes less than <100 cigarettes)	58.6	3,719	54.6	55.6
Eats less than two serves of fruit daily	41.8	2,649	48.2	47.8
Eats less than five serves of vegetables daily	86.9	5,510	87.3	86.9
Eats meals from fast food outlets at least weekly (2010 onwards)	30.3	1,920	30.4	44.4
Risky/high risk drinking for long term harm (a)	35.8	2,269	34.5	33.0
Risky/ high risk drinking for short term harm (b)	18	1,139	15.2	14.1
Completes less than 150 minutes of physical activity per week (adults plus 18 years)	31.8	1,962	38.9	38.4
(a) Drinks more than 2 standard drinks on any day. (b) Drinks more than 4 standard drinks on any day. Any alcohol consumption by persons 16 or 17 is considered high risk.				

Source: Western Australian Health and Wellbeing Surveillance System, WA Department of Health: Town of East Fremantle self-reported measures of health and wellbeing for adults 2002–2015.

Immunisation

Immunisations help to prevent and limit the spread of a range of vaccine preventable diseases (VPDs). Vaccine preventable diseases are administered to certain cohorts as part of the national immunisation schedule and are carefully monitored through the Western Australian Vaccine Safety Surveillance (WAVSS) system, and nationally through AusVaxSafety and the Therapeutic Goods Administration.

During 2016, Table 4 below shows the annual immunisation data for 1 year-olds, 2 year-olds and 5 year-olds in the Town of East Fremantle. An immunisation coverage rate of 90% or more is considered the benchmark in Australia, noting that this rate is proposed to rise to 95% and above in future. **The immunisation coverage for children in the 2 year and 5 year age groups is below the 90% benchmark set for all metropolitan local governments.**

Table 4 Percentage of children up to date in each age cohort in the Town of East Fremantle in 2016.

Age	No. of fully vaccinated children in the Town of East Fremantle	Total children in the Town of East Fremantle	Town of East Fremantle Immunisation coverage
1 year	67	72	93.1
2 years	57	70	81.4
5 years	79	90	87.8

IMPLEMENTATION, EVALUATION OF THE PLAN, REVIEW AND REPORTING

Ongoing programs will continue to be implemented throughout the term of the Plan.

High priority new programs will be initiated by the financial year 2019/2020. An interim evaluation of the programs, outcomes and performance measures for each priority areas will be held in the financial year 2019/2020. Low priority new programs will be initiated between 2020 and 2022.

The Town's staff will review the Plan at least annually or as required in accordance with the *WA Public Health Act 2016* to ensure it continues to respond to the needs of the community, and that it remains current.

The Principal Environmental Health Officer will coordinate the annual review in partnership with the South Metropolitan Health Service.

An evaluation will occur at the end of the Plan cycle, in 2023, consisting of:

- Assessment of progress against outcomes for each goal within the Plan;
- Assessment of performance measures for each priority area;
- Review of key data for the Town including the social profile, health status, health risk factors, health behaviours and population risk groups; and
- Review of implementation mechanisms for the Plan including partnership terms and arrangements with key stakeholders.

The Principal Environmental Health Officer will prepare and submit an annual report on progress and evaluation findings to the Chief Health Officer of the Western Australian Department of Health.

REFERENCES

Department of Health (2017). Western Australian Health Promotion Strategic Framework 2017–2021. Perth: Department of Health WA.

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APPENDIX 1

Public Health Action Plan

Key Area 1: HEALTHY PEOPLE AND COMMUNITY

Objective: To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities.

Strategies	Actions	Programs		Lead Department
		Ongoing	New (priority)	
Programs, events and facilities that support and promote a physically active lifestyle	Deliver and support facilities and programs that encourage the uptake of physically active lifestyles.	○		Community Development
	Conduct and support festivals and events throughout the Town that promote active living.		Low	Community Development
Reduced alcohol related harm in the community.	Provide a safe environment for patrons and community through the Fremantle Alcohol Accord.	○		Environmental Health Services
	Support low alcohol and no alcohol events and activities both internally and in conjunction with event organisers.		High	Community Development
Reduced exposure to tobacco smoke in public areas.	Consider the creation of more smoke free precincts in the Town.		Low	Operations Services
	Maintain no smoking signage at Town facilities, playgrounds and beaches.	○		Operation Services
	Develop initiatives to reduce tobacco related litter in public places.		Low	Operations Services
	Create opportunities that support businesses to offer healthy food options.	○		Environmental Health Services
Access to safe, sustainable and healthy food.	Investigate actions to reduce the availability of sugar-sweetened beverages at Town facilities and events.	○		Environmental Health Services
	Provide safe, healthy, good quality and culturally unique food at unique locations	○		Environmental Health Services/Community Development
	Support and promote the establishment of community gardens.	○		Operations Services/Community Development
	Investigate urban agriculture initiatives to support planting of edible gardens (fruit trees and vegetables) in the community.		High	Operations Services

	Support local food festivals, trails and recipe books that promote the local area, cultural heritage and tourism precincts.	○			Community Development
Improved mental health	Encourage active, sociable, meaningful lives to promote positive mental health and wellbeing.			High	Community Development
	Facilitate a partnership with Act, Belong and Commit			High	Community Development
	Facilitate programs and services for young people that promote inclusiveness, participation and recognition within the community.	○			Community Development
	Support and celebrate Aboriginal heritage.			High	Community Development
	Deliver programs that support disability access and inclusiveness	○			Community Development/HACC Services
	Deliver programs for seniors and promote senior focused events.	○			HACC services
	Investigate options to deal with and facilitate support for the homeless.			Low	Community Development/Regulatory Services
	Support the delivery and promotion of volunteers in East Fremantle.	○			Community Development and HACC Services
	Promote strategies to prevent and manage the spread of preventable notifiable diseases.	○			Environmental Health Services
	Support and promote the WA Immunisation Schedule to increase vaccination rates for children.	○			Environmental Health Services
Support the prevention of avoidable injuries	Partner with Know Injury to prevent falls in older people	○			Environmental Health Services
	Maintain and improve local roads to reduce road crashes and road trauma.	○			Operations Services
	Promote safety in, on and around water and private swimming pools.	○			Operations Services/Regulatory Services
	Support public campaigns aimed at reducing interpersonal violence.			Low	Community Development
	Reduce the number of dog attacks and promote responsible dog ownership	○			Ranger Services

Key Area 2: HEALTHY PLACES AND SPACES

Objective: To provide healthy places and spaces to encourage and support healthy lifestyle opportunities.

Strategies	Actions	Programs		Lead Department
		Ongoing	New	
Create great spaces for people through innovative urban and suburban design	Investigate the viability of a retail/commercial CCTV network		High	Community Services
	Promote and participate in eWatch. Maintain information about eWatch on the Town's website.	○		Community Services
Continue to improve asset management practices.	Identify, develop and improve the built environment and facilities to support active lifestyles for pedestrians, cyclists and public transport users. This includes the footpath and cycleway connectivity plan and John Tonkin Interpretative Node.	○		Operations Services
	Implement the Recommendations within the Recreation and Community Facilities Strategy adopted December 2016.	○		Operations Services
Conserve, maintain and enhance the Town's open spaces.	Partner with stakeholders to actively protect, conserve and maintain the Swan River Foreshore.	○		Operations Services
	Plan for improved streetscapes, parks and reserves.			
A safer community	Provide initiatives to deliver increased safety and security within Town.	○		All Departments
	Provide regular surveillance patrols by Rangers in daylight hours	○		Community Services
	Ensure the Town is appropriately prepared to mitigate any local community emergencies through the Local Emergency Management Committee (LEMIC).	○		Environmental Health Services
Acknowledge the change in our climate and understand the impact of these changes	Maintain street planting, utilise thermal imaging data to address less hot spots and develop Urban Forest Strategy.	○		Planning Services/Operations Services
	Become a Waterwise Council.		Low	Operations Services

Key Area 3: HEALTHY PARTNERSHIPS

Objective: To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing.

Strategies	Actions	Programs		Lead Department
		Ongoing	New	
Collaborative partnerships with businesses, government and service providers.	Support a local network of service providers to encourage greater collaboration and partnerships for continued growth, economic prosperity and health.	○		All Departments
A healthy workplace	Provide a full package of support, training and engagement mechanisms to foster staff development by 2020 and to support equality in the workplace.	○		Human Resources
A sustainable local economy	Provide a broad range of support and incentive mechanisms to support new and existing local business including forums, development of hubs and shared office space.	○		Community Services
Strong leadership and good governance	Provide strong leadership through good governance to ensure health and wellbeing is central to the Town's organisational culture.	○		All Departments

12.3.2 Authority to Affix the Common Seal – Licence Agreement Museum of Perth

File ref	R/RSA1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Licence Agreement – Dovenby House

Purpose

The purpose of this report is to obtain Council authorisation to affix the Common Seal to the Licence Agreement for Dovenby House, between the Town of East Fremantle and the Perth History Association Inc. trading as “Museum of Perth”.

Executive Summary

Council on the 19 June 2018 resolved to endorse a 12-month Licence Agreement with the Museum of Perth, commencing 28 August 2018, for the use of Dovenby House (Council Resolution 080618).

A Licence Agreement has now been drafted and requires the Common Seal to be affixed. Ministerial consent has been received for the Licence Agreement.

Background

Authorisation from Council is required to affix the Common Seal on all documents as per the *Local Government Act 1995 s9.49 (a) 4 - Execution of Documents*.

Consultation

Not applicable.

Statutory Environment

Local Government Act 1995 s9.49 (a) - Execution of documents:

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

This matter will not impact on the strategies of the Council.

Site Inspection

Not applicable

Comment

Council is now requested to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Licence Agreement as presented.

It is determined that the disposition of Dovenby House by way of a Licence to the Museum of Perth is exempt from the requirements of section 3.58 of the *Local Government Act 1995*, as it satisfies Regulation 30 (2)(b) of the *Local Government (Functions and General) Regulations 1996*:

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) **the land is disposed of to a body, whether incorporated or not —**
 - (i) **the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and**
 - (ii) **the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;**

12.3.2 OFFICER RECOMMENDATION

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Licence Agreement for Dovenby House, between the Town of East Fremantle and the Perth History Association Inc. trading as "Museum of Perth".

Licence Agreement – Dovenby House, 135 Canning Highway, East Fremantle

Town of East Fremantle

Perth History Association Inc trading as “Museum
of Perth”



McLEODS

Barristers & Solicitors

Stirling Law Chambers | 220-222 Stirling Highway | CLAREMONT WA 6010

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Ref: DFN:EAFREM:42865

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Details

Parties

Town of East Fremantle

of 135 Canning Highway, East Fremantle, Western Australia 6158
(Licensor)

Perth History Association Inc

trading as 'Museum of Perth'
of The Atlas Building, 8-10 The Esplanade, Perth, Western Australia 6000
(Licensee)

Background

- A The Licensor is the registered proprietor of the land described in **Item 1** of the Schedule (**Land**), subject to a Crown Grant in Trust.
- B Subject to the consent of the Minister for Lands, the Licensor has agreed to grant to the Licensee a licence to use that portion of the Land described in **Item 2** of the Schedule (**Licensed Area**).
- C The Licensor and the Licensee enter into this Agreement to set out the terms and conditions upon which the licence is granted.

Agreed terms

1. Condition precedent

- (1) This agreement is subject to and conditional upon the approval in writing of the Minister for Lands under section 18 of the *Land Administration Act 1997*.
- (2) The parties acknowledge that a copy of the Minister's consent letter is attached to this Licence at **Annexure B**.

2. Grant of licence

In consideration of the covenants of the Licensee given herein the Licensor HEREBY GRANTS to the Licensee a licence (**Licence**) to use the Licensed Area on the terms and conditions set out in this Deed.

3. Term

The Licence shall continue in force and effect for the duration of the term set out in **Item 3** of the Schedule (**Term**).

4. Permitted Hours of Use

For the duration of the Term of the Licence the Licensee shall be permitted to use the Licensed Area, but only during the permitted hours of use set out in **Item 4** of the Schedule (**Permitted Hours of Use**).

5. Licence fee & GST

The Licensee COVENANTS with the Licensor to:

- (a) pay the Licensor the licence fee referred to in **Item 5** of the Schedule (**Licence Fee**) from the commencement of the Term without any abatement or deduction whatsoever; and
- (b) pay the Licensor any GST payable on the Licence Fee and on any other supply made by the Licensor to the Licensee under this Licence.

6. Licence Fee Review

6.1 Licence Fee to be Reviewed

The Licence Fee will be reviewed on and from each Licence Fee Review Date to determine the Licence Fee to be paid by the Licensee until the next Licence Fee Review Date.

6.2 Methods of Review

The review will be either based on CPI or a Market Review. The basis for each licence fee review is as identified for each Licence Fee Review Date in **Item 6** of the Schedule.

6.3 CPI Review

A licence fee review based on CPI will increase the amount of Licence Fee payable during the immediately preceding period by the percentage of any increase in CPI having regard to the

quarterly CPI published immediately prior to the later of the Commencement Date or the last Licence Fee Review Date as the case may be and the quarterly CPI published immediately prior to the relevant Licence Fee Review Date. If there is a decrease in CPI having regard to the relevant CPI publications the Licence Fee payable from the relevant Licence Fee Review Date will be the same as the Licence Fee payable during the immediately preceding period. Should the CPI be discontinued or suspended at any time or its method of computation substantially altered, the parties shall endeavour to agree upon the substitution of the CPI with an equivalent index, or failing agreement by the parties, the substitution shall be made by a Valuer appointed in accordance with **clause 6.4**.

6.4 Market Licence Fee Review

- (1) A licence fee review based on the market will establish the current market licence fee for the Licensed Area (which will not be less than the Licence Fee payable in the period immediately preceding the Licence Fee Review Date) by agreement between the parties and failing agreement, will be determined in accordance with the following provisions.
- (2) If agreement as to the substitution of the CPI with an equivalent index for the Licensed Fee is not reached at least one (1) month prior to the relevant Licence Fee Review Date then the current market licence fee for the Licensed Area will be determined at the expense of the Licensee by a valuer (**Valuer**) licensed under the *Land Valuers Licensing Act 1978*, to be appointed, at the request of either party, by the President for the time being of the Australian Property Institute (Western Australian Division) (or if such body no longer exists, such other body which is then substantially performing the functions performed at the Commencement Date by that Institute).
- (3) The Valuer will act as an expert and not as an arbitrator and his or her decision will be final and binding on the parties. The parties will be entitled to make submissions to the Valuer.
- (4) In this **clause 6**, “current market licence fee” means the licence fee obtainable for the Licensed Area in a free and open market if the Licensed Area was unoccupied and offered for rental for the use for which the Licensed Fee is permitted pursuant to this Licence and on the same terms and conditions contained in this Licence, BUT will not include:
 - (a) any improvements made or effected to the Licensed Area by the Licensee; and
 - (b) any licence fee free periods, discounts or other concessions.

6.5 Licence Fee will not decrease

Notwithstanding the provisions in this clause, the Licence Fee payable from any Licence Fee Review based on CPI Review will not be less than the Licence Fee payable in the period immediately preceding such Licence Fee Review Date.

6.6 Licensor’s right to review

The Licensor may institute a licence fee review notwithstanding the Licence Fee Review Date has passed and the Licensor did not institute a licence fee review on or prior to that Licence Fee Review Date, and in which case the Licence Fee agreed or determined shall date back to and be payable from the Licence Fee Review Date for which such review is made.

7. Use of Licensed Area

7.1 Permitted Use

The Licensee shall ensure that the Licensed Area is used only for the Permitted Use.

7.2 No harm or stress

The Licensee must not and must not suffer or permit a person to do any act or thing which might result in excessive stress or harm to any part of any building in the Licensed Area.

7.3 No smoking

The Licensee must not suffer or permit a person to smoke inside any enclosed portion of a building in the Licensed Area.

7.4 Sale of Alcohol

The Licensee shall not sell or supply liquor from the Licensed Area without first obtaining consent of the Licensor, which may be withheld in the absolute discretion of the Licensor.

7.5 Sale of Food

The Licensee shall only sell food within the Licensed Area if the Licensor's consent is first obtained and then only in accordance with the *Food Act 2008* and any other relevant written laws that may be in force from time to time.

7.6 No pollution

The Licensee must do all things necessary to prevent pollution or contamination of the Licensed Area by garbage, refuse, waste matter, oil and other pollutants.

7.7 No breach of copyright

The Licensee shall not do any act, nor authorise or permit any person to do any act, that constitutes a breach or infringement of copyright under the *Copyright Act 1968* (Cth).

8. Outgoings

- (1) To pay to the Licensor or to such person as the Licensor may from time to time direct upon demand and punctually all the following outgoings, utilities or services (if applicable), assessed or incurred in respect of the Licensed Area:
 - (a) electricity consumption charges;
 - (b) water consumption charges;
 - (c) any fee or charge for the connection of any service to the Licensed Area; and
 - (d) any other consumption charge or cost, statutory impost or other obligation incurred or payable by reason of the Licensee's use and occupation of the Licensed Area.
- (2) If the Licensed Area is not separately charged or assessed the Licensee will pay to the Licensor a proportionate part of any charges or assessments referred to in **clause 8(1)** being the proportion that the relevant portion of the Licensed Area bears to the total area of the land included in the charge or assessment and otherwise arises from or may reasonably be attributed to the Licensee's use of the Licensed Area.

9. Alterations

The Licensee shall not:

- (a) make or cause, suffer or permit to be placed upon the Licensed Area any improvements, alterations, buildings, structures or other fixtures, fittings or equipment of any kind whatsoever; or
- (b) carry out any modifications or alterations whatsoever to the Licensed Area,

unless the Licensee has first obtained the prior written approval of the Licensor (which is granted at the absolute discretion of the Licensor and may be subject to such conditions as the Licensor deems fit) and all necessary approvals, licences and permits required by law have been obtained.

10. Entry and inspection of Licensed Area

The Licensee must permit the Licensor to enter the Licensed Area at any reasonable time during the Permitted Hours of Use to inspect and view the area, to carry out any maintenance work or to rectify any breach of the conditions of this Licence.

11. Signs & advertising

The Licensee shall not affix or exhibit or permit to be affixed or exhibited in or upon any part of the Licensed Area any placard, signboard, neon sign or other advertisement unless the Licensee has first obtained the prior written approval of the Licensor (which is granted at the absolute discretion of the Licensor and may be subject to such conditions as the Licensor deems fit).

12. Compliance with statutes

The Licensee shall:

- (a) comply promptly with all written laws from time to time in force relating to the Licensed Area;
- (b) apply for, obtain and maintain in force all consents, approvals, authorities, licences and permits required under any written law for the Permitted Use to be undertaken on the Licensed Area;
- (c) comply promptly with all orders, notices, requisitions or directions of any competent authority relating to the Licensee's use of the Licensed Area; and
- (d) ensure that all obligations in regard to payment for copyright or licensing fees are paid to the appropriate person for all performances, exhibitions or displays held within the Licensed Area.

13. Maintenance and cleaning of Licensed Area

13.1 General Maintenance

- (1) The Licensee AGREES during the Term and for so long as the Licensee continues to use the Licensed Area to:
 - (a) maintain, replace, repair, clean and keep the Licensed Area (which for the avoidance of doubt includes the Licensor's and Licensee's fixtures and fittings) clean and in Good Repair having regard to the age of the Licensed Area at the Commencement Date PROVIDED THAT this subclause shall not impose on the Licensee any obligation:
 - (i) to carry out repairs or replacement that are necessary as a result of fair and reasonable wear and tear, EXCEPT when such repair or replacement is necessary because of any action or omission of or on the part of the Licensee or an

Authorised Person or the Licensee's insurances are invalidated by any act, neglect or default by the Licensee or an Authorised Person; and

- (ii) in respect of any structural maintenance, replacement or repair EXCEPT when such maintenance, repair or replacement is necessary because of any action or omission of or on the part of the Licensee or an Authorised Person, or by the Licensee's particular use or occupancy of the Licensed Area;
- (2) In discharging the obligations imposed on the Licensee under this subclause, the Licensee shall where installing, maintaining, replacing or repairing:
- (a) any electrical fittings and fixtures;
 - (b) any plumbing;
 - (c) any air-conditioning fittings and fixtures; and
 - (d) any gas fittings and fixtures, in or on the Licensed Area,

use only licensed trades persons, or such trades persons as may be approved by the Licensor and notified to the Licensee, which approval shall not be unreasonably withheld.

13.2 Cleaning

- (1) The Licensee must keep the Licensed Area clean, tidy and free from rubbish at all times. The Licensee shall pay any costs, fees or charges incurred for cleaning of the Licensed Area.

14. Heritage Protection

- (1) The Licensee acknowledges that the Heritage Properties are located on the Land.
- (2) The Licensee shall ensure that it does not damage or permit any Authorised Person to damage any Heritage Property located on the Land. The Licensee shall otherwise comply with Heritage Legislation in its use of the Licensed Area and the Land.

15. Damage to Licensed Area or Common Areas

- (1) The Licensor and the Licensee AGREE that:
- (a) it is the responsibility of the Licensee to repair, rehabilitate and make good any damage to the Licensed Area or the Common Areas, including but not limited to damage to any fixtures or fittings of the Licensor, caused by or arising out of or in relation to or incidental to the use of the Licensed Area by the Licensee or any Authorised Person or resulting from an act or omission of the Licensee or any Authorised Person;
 - (b) the Licensee shall be responsible for the cost of any of the repairs, rehabilitation or making good of damage referred to in sub-clause (a); and
 - (c) the Licensee must pay to the Licensor the costs of any repair, rehabilitation or making good of damage to the Licensed Area or the Common Areas within 7 days of receipt of a written demand for such payment being made by the Licensor.

16. Not to cause nuisance

The Licensee must not and must not suffer or permit a person to do or carry out on the Licensed Area anything which causes a nuisance, damage or disturbance to the Licensor, other users of the Licensed Area or the Land, or to owners or occupiers of adjoining properties.

17. Indemnity

The Licensee agrees to indemnify and keep indemnified the Licensor and the Minister for Lands, and all officers, servants and agents of the Licensor and the Minister for Lands:

- (a) from and against the destruction of or damage to any property of the Licensor or any person; and
- (b) from and against all actions claims, costs and demands in respect of loss or damage to property or death or injury of any nature and however and wherever sustained,

caused by or arising out of or in relation to or incidental to the use of the Licensed Area or the Common Areas by the Licensee or any Authorised Person or resulting from an act or omission of the Licensee or any Authorised Person BUT the Licensee shall not be responsible for any loss or damage which is caused by the negligence of the Licensor or its servants, agents, contractors or invitees.

18. Insurance

18.1 Insurance required

The Licensee must effect and maintain with insurers approved by the Licensor (noting the Licensor's and the Licensee's respective rights and interest in the Licensed Area) for the time being:

- (a) adequate public liability insurance for the Licensee's use of the Licensed Area and the Common Areas for a sum not less than twenty million dollars (\$20,000,000) in respect of any one claim or such greater amount as the Licensor may from time to time reasonably require; and
- (b) where the Licensor so requires, insurance to cover the Licensee's fixtures, fittings, equipment and stock against loss or damage by fire, fusion, smoke, lightning, flood, storm, tempest, earthquake, sprinkler leakage, water damage and other usual risks against which a Licensee can and does ordinarily insure in their full replacement value, and loss from theft or burglary.

18.2 Maintain insurance

The Licensee shall not cancel any policy of insurance referred to in sub-clause (1) and in the event of such cancellation this Licence shall terminate immediately and the Licensee shall have no claim against the Licensor for any loss suffered as a result of such termination.

18.3 Details and receipts

The Licensee shall produce copies of the certificates of currency or receipts confirming the currency of any policy or policies of insurance within seven (7) days of being provided with a written request by the Licensor to do so.

19. Not to void insurance

The Licensee agrees with the Licensor not to at any time during the Term, commit, or suffer to be done any act, matter or thing upon the Licensed Area whereby any insurance which may at any time have been effected in respect of the Licensed Area or any part thereof may be vitiated or rendered void or voidable.

20. No assignment without consent of Licensor or Minister for Lands

The Licensee agrees that it shall not encumber, assign, sub-licence or part with the possession or benefit of this Licence or the Licensed Area or any part of the Licensed Area without first obtaining the prior written consent of the Licensor and the Minister for Lands, which consent the Licensor or the Minister for Lands may withhold in their absolute discretion.

21. Report to Licensor

The Licensee must immediately report to the Licensor:

- (a) any act of vandalism which occurs on or near the Licensed Area;
- (b) any occurrence or circumstances in or near the Licensed Area, of which it becomes aware, which might reasonably be expected to cause, in or on the Licensed Area, pollution of or damage to the environment; and
- (c) all notices, orders and summonses received by the Licensee and which affect the Licensed and immediately give them to the Licensor.

22. No right of exclusive possession

The Licensee acknowledges that this Licence is non-exclusive and does not convey any right of exclusive possession over the Licensed Area to the Licensee and the Licensee AGREES that it shall not interfere with the use of the Licensed Area by any other person authorised by the Licensor or otherwise entitled at law to access or use the Licensed Area.

23. Further term

If at the date of expiration of the Term:

- (a) there is no outstanding breach of this Licence by the Licensee; and
- (b) the Licensee's has met the Key Performance Indicators to the satisfaction of the Chief Executive Officer of the Licensor,

the Licensor shall grant to the Licensee a further licence of the Licensed Area for a Further Term specified in **Item 3** of the Schedule upon and subject to the same terms, covenants and conditions as are contained or implied in this Licence except this **clause 23** in respect of any Further Term previously taken or the subject of the present exercise.

24. Default

The Licensor and the Licensee AGREE that:

- (a) if the Licence Fee or any part thereof shall be in arrears after the date specified for payment for a period of fourteen (14) days after notice specifying such default shall have been served on the Licensee; or
- (b) any covenant, term or condition on the part of the Licensee herein contained or implied shall not be punctually and effectually performed or observed and such default shall continue for a period of fourteen (14) days after a notice specifying such default shall have been served on the Licensee

then in any of the said cases it shall be lawful for the Licensor at any time thereafter by notice in writing to the Licensee to terminate the Licence hereby granted. Upon receipt of such notice by the Licensee the Licence hereby granted shall terminate, but without prejudice to the right of action of the Licensor for arrears of the Licence Fee or damages for breach of any other covenant. Upon such termination the parties acknowledge that the Licensee shall not be entitled to any refund of the Licence Fee, in respect of any unexpired portion of the Term.

25. Removal of Licensee's improvements

The Licensee AGREES with the Licensor that:

- (a) at the expiration or sooner determination of this Licence, it shall at its cost remove from the Licensed Area any alterations, additions or improvements to the Licensed Area installed by the Licensee and any chattels, stock, equipment or other personal property of the Licensee (**Licensee's Property**) and shall restore the Licensed Area to the condition in which it existed at the date of commencement of the Licence to the satisfaction of the Licensor, unless otherwise approved in writing by the Licensor; and
- (b) in the event the Licensee does not comply with paragraph (a) within one month of the expiration or sooner determination of this Licence the Licensor may remove the Licensee's Property and the costs of carrying out such removal shall be a liquidated debt recoverable from the Licensee by the Licensor in a court of competent jurisdiction.

26. Rights rest in contract only

The Licensee ACKNOWLEDGES that the rights hereby conferred rest in contract only and nothing herein contained or implied shall be construed as granting or shall be deemed to grant to the Licensee any estate or interest in the Licensed Area.

27. Yielding up at expiration of term

The Licensee AGREES with the Licensor that at the end or sooner termination of the Term of the Licence it shall leave the Licensed Area in a condition consistent with the provisions of this Licence.

28. No warranty

The Licensor gives no warranty:

- (a) as to the suitability or otherwise of the Licensed Area for the Permitted Use; or
- (b) that the Licensor will issue any consents, approvals, authorities, permits or licences required by the Licensee under any statute for its use of the Licensed Area.

29. No fetter

Notwithstanding any other provision of this Licence, the Licensee ACKNOWLEDGES that the Licensor is a local government established by the *Local Government Act 1995 (WA)*, and in that capacity, the Licensor may be obliged to determine applications for approvals having regard to statutes governing such applications including matters required to be taken into consideration and formal processes to be undertaken, and the Licensor shall not be taken to be in default under this Licence by performing its statutory obligations or exercising its statutory discretions, nor shall any provision of this Licence fetter the Licensor in performing its statutory obligations or exercising any discretion.

30. Notice

30.1 Form of Delivery

A Notice to a Party must be in writing and may be given or made:

- (a) by delivery to the Party personally; or
- (b) by addressing it to the Party and leaving it at or posting it by prepaid post to the address of the Party appearing in this Licence or any other address nominated by a Party by Notice to the other.

30.2 Service of Notice

A Notice to a Party is deemed to be given or made:

- (a) if by personal delivery, when delivered;
- (b) if by leaving the Notice at an address specified in **clause 30.1(b)**, at the time of leaving the Notice, provided the Notice is left during normal business hours; and
- (c) if by post to an address specified in **clause 30.1(b)**, on the second business day following the date of posting of the Notice.

31. Signing of Notice

A Notice to a Party may be signed:

- (a) if given by an individual, by the person giving the Notice;
- (b) if given by a corporation, by a director, secretary or manager of that corporation;
- (c) if given by a local government, by the CEO or an authorised officer;
- (d) if given by an association incorporated under the *Associations Incorporation Act 2015*, by any person authorised to do so by the board or committee of management of the association; or
- (e) by a solicitor or other agent of the individual, corporation, local government or association giving the Notice.

32. Severance

If any part of this Licence is or becomes void or unenforceable, that part is or will be severed from this Licence to the intent that all parts that are not or do not become void or unenforceable remain in full force and effect and are unaffected by that severance.

33. Further assurance

The Parties must execute and do all acts and things necessary or desirable to implement and give full effect to the terms of this Licence.

34. Dispute resolution

The parties agree that any dispute between the Licensee and the Licensor in regard to anything arising from this Licence shall:

- (a) be addressed in the first instance by a meeting between representatives of the Licensee, appointed for that purpose, and the officer of the Licensor responsible for administering the Reserve or the Licensed Area; and
- (b) if the dispute cannot be resolved in a manner that is satisfactory to both parties through such a meeting, the Licensee agrees that the CEO of the Licensor will have the power to make a final determination in resolution of the dispute, but only after giving due consideration to all of the matters discussed at the meeting referred to in sub-clause (a) of this clause and setting out in writing the reasons for his or her decision.

35. Variation

This Licence may be varied only by deed executed by the Parties subject to such consents as are required by this Licence or at law.

36. Payment of interest

Without affecting the rights, power and remedies of the Licensor under this Licence, the Licensee shall pay to the Licensor interest on demand on any Amounts Payable which are unpaid for 7 days computed from the due date for payment until payment is made and any interest payable under this paragraph will be charged at the Interest Rate.

37. Costs

The Licensee must pay to the Licensor on demand:

- (a) any statutory duty or taxes payable on or in connection with this Licence;
- (b) all legal costs of and incidental to the preparation and execution of this Licence;
- (c) all costs, reasonable legal fees, disbursements and payments incurred by or for which the Licensor is liable in connection with or incidental to:
 - (i) the Amounts Payable or obtaining or attempting to obtain payment of the Amounts Payable under this Licence;
 - (ii) any breach of covenant by the Licensee or an Authorised Person; and
 - (iii) any work done at the Licensee's request which the Licensor is not responsible for under the terms of this Licence.

38. Governing law

This Licence is governed by and is to be interpreted in accordance with the laws of Western Australia and, where applicable, the laws of the Commonwealth of Australia.

39. Additional terms covenants and conditions

Each of the terms, covenants and conditions (if any) specified in **Item 8** of the Schedule shall be deemed part of this Licence and shall be binding upon the Licensor and Licensee as if incorporated in the body of this Licence.

40. Interpretation

In this Licence, unless expressed to the contrary:

- (a) Words importing:
 - (i) the singular include the plural;
 - (ii) the plural include the singular; and
 - (iii) any gender includes each gender;
- (b) A reference to:
 - (i) a natural person includes a body corporate or local government;
 - (ii) a body corporate or local government includes a natural person;
 - (iii) a Party includes its legal personal representatives, successors and assigns and if a Party comprises two or more persons, the legal personal representatives, successors and assigns of each of those persons;
 - (iv) a statute, includes an ordinance, code, regulation, award, local planning scheme, regulation, local law, by-law, requisition, order or other statutory instruments made under any of them and a reference to any of them, whether or not by name, includes any amendments to, re-enactments of or replacements of any of them from time to time in force;
 - (v) a right includes a benefit, remedy, discretion, authority or power;
 - (vi) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
 - (vii) this Licence or provisions of this Licence or any other deed, agreement, instrument or contract includes a reference to:
 - (A) both express and implied provisions; and
 - (B) that other deed, agreement, instrument or contract as varied, supplemented, replaced or amended;
 - (viii) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile transmissions;
 - (ix) anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them; and
- (c) a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure is a reference to, respectively, a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure of this Licence;
- (d) The covenants and obligations on the part of the Licensee not to do or omit to do any act or thing include:
 - (i) covenants not to permit that act or thing to be done or omitted to be done by any officer, workmen, servants, agents, contractors, licensees, invitees, assignees or persons authorised by the Licensee; and
 - (ii) a covenant to take all reasonable steps to ensure that that act or thing is not done or omitted to be done;

- (e) Except in the Schedule, headings do not affect the interpretation of this Licence;
- (f) If a Party comprises two or more persons, the covenants and agreements on their part bind them and must be observed and performed by them jointly and each of them severally, and may be enforced against any one or more of them.
- (g) The Schedule and Annexures (if any) form part of the Licence.

41. Definitions

In this Licence, unless otherwise required by the context or subject matter:

Amounts Payable means the Licence Fee and any other money payable by the Licensee under this Licence;

Authorised Person means an agent, employee, invitee or sub-licensee of the Licensee;

Chief Executive Officer means the Chief Executive Officer of the Licensor or any person authorized to act on his or her behalf;

Commencement Date means the date upon which the Term commences as stipulated in Item 3 of the Schedule;

Common Areas means all those parts of the Land not leased to any lessee or licensed to any licensee and intended for use by the lessees or licensees of the Land and their invitees in common with each other including all parking areas, roads, walkways, malls, gardens, landscaped areas, corridors, passageways, stairways, elevators, toilets and washrooms in on or about the Land;

CPI means the Consumer Price Index (All Groups) Perth number published from time to time by the Australian Bureau of Statistics;

GST means a tax under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any legislation substituted for, replacing or amending that Act, levied on a supply including but not limited to the Licence Fee or other money payable to the Licensor for goods or services or property or any other thing under this Licence; and

Heritage Legislation means all present and future legislation, regulations, by-laws, local laws or orders relating to the protection of historic or culturally significant sites including, without limitation, the *Heritage of Western Australia Act 1990*.

Heritage Property means a place registered or noted on or the subject of proposed or interim registration or notation on a register, inventory or list maintained under Heritage Legislation or the subject of a conservation order or other order or agreement made under Heritage Legislation.

Interest Rate means the rate at the time the payment falls due being 2% greater than the Licensor's general overdraft rate on borrowings from its bankers on amounts not exceeding \$100,000.00;

Land means the land described at **Item 1** of the Schedule;

Licence means this deed as supplemented, amended or varied from time to time;

Licence Fee means the fee specified in **Item 5** of the Schedule;

Licensed Area means the Licensed Area described in **Item 2** of the Schedule;

Notice means each notice, demand, consent or authority given or made to any person under this Licence;

Party means the Licensor or the Licensee according to the context;

Permitted Use means the use set out in **Item 7** of the Schedule;

Schedule means the Schedule to this Licence, unless otherwise stipulated;

Supply means a good or service or any other thing supplied by the Licensor under this Licence and includes but is not limited to a grant of a right to possession of the Licensed Area; and

Term means the term stipulated in **Item 3** of the Schedule and, where the context permits, includes any further term.

Schedule

Item 1 Land

Lot 1714 on Deposited Plan 160869 and being the whole of the land comprised in Crown Land Certificate of Title Volume 196 Folio 52

Item 2 Licensed Area

That portion of the Land comprising:

- (a) Dovenby House, as outlined in red on the plan annexed as **Annexure A**; and
- (b) two parking bays adjoining Dovenby House the location of which is highlighted in yellow on the plan annexed as **Annexure A**.

Item 3 Term

Term: One (1) year commencing on 1 August 2018 and expiring on 30 September 2019

Further Term: One (1) year commencing on 1 August 2019 and expiring on 30 September 2020

Item 4 Permitted Hours of Use

All hours during the Term

Item 5 Licence Fee

Licence Fee: One dollar (\$1)

Manner of Payment: Payable on demand

Item 6 Licence Fee Review

Not applicable

Item 7 Permitted Use

Local history activities including but not limited to historical research, community engagement, traditional and social media, exhibition planning and design, heritage interpretation, oral history recordings, long form writing, biographical and genealogical research and volunteer management

Public art exhibitions

Office and administration

Item 8 Additional terms, covenants and conditions

1. Key Performance Indicators

The Licensee shall comply with the Key Performance Indicators (**KPIs**) set out in **Annexure C** to the satisfaction of the Licensor.

2. Quarterly Reporting

The Licensee shall provide a quarterly report to the Licensor on its activities, use of the Licensed Area and compliance with the KPIs.

3. Use of Licensed Area by Licensor

The Licensee acknowledges and agrees that the Licensor may require access to and use of Licensed Area periodically for the hosting of Town sponsored events. The Licensor will endeavour to give the Licensee reasonable prior notice of its intention to use the Licensed Area. The Licensor's use of the Licensed Area shall be limited to the "community room" set up by the Licensee to support volunteer activities, unless otherwise notified by the Licensor.

Signing page

EXECUTED by the parties as a Deed on the _____ day of _____ 2018

THE COMMON SEAL of the **TOWN OF EAST FREMANTLE** was hereunto affixed in the presence of:

Mayor

(Print Full Name)

Chief Executive Officer

(Print Full Name)

THE COMMON SEAL of **PERTH HISTORY ASSOCIATION INC** ("Association") was hereunto affixed pursuant to the constitution of the Association in the presence of each of the undersigned each of whom hereby declares by the execution of this document that he or her holds the office in the Association indicated under his or her name:-

OFFICE HOLDER SIGN

OFFICE HOLDER SIGN

Office held:

Office Held:

Full Name:

Full Name:

Address:

Address:

Annexure A – Plan of Licensed Area



Annexure B – Minister of Land's approval



Department of Planning,
Lands and Heritage

GOVERNMENT OF
WESTERN AUSTRALIA

Land Use Management

Your ref:
Our ref: File 14016-1898, Job 181784 .
Enquiries: Kevin.Harrison, ph 9791 0860
Fax: 6552 4417

10 August 2018

McLeods Barristers & Solicitors
Stirling Law Chambers
CLAREMONT WA6010

ATTENTION DAVID NICHOLSON

SECTION 75 MINISTERS CONSENT FOR LICENCE AGREEMENT OVER PORTION OF LOT 1714 ON DEPOSITED PLAN 160869 BETWEEN TOWN OF EAST FREMANTLE AND PERTH HISTORY ASSOCIATION

Thank you for your recent email dated 25 July 2018 seeking permission of the Minister for Lands (Minister) to proposed Licence Agreement over portion of Lot 1714 being conditional tenure land held in Certificate of Title Volume 196 Folio 52 between the above mentioned parties.

In accordance with Section 75 of the *Land Administration Act 1997* (LAA) the Minister's approval is granted to the proposed Licence Agreement provided to the Department of Planning, Lands and Heritage (DPLH) by email on 25 July 2018 on the following conditions:

- i. That you ensure that all parties to the Licence Agreement are aware that Lot 1714 on Deposited Plan 160869 is conditional tenure land as defined in Section 72 of the LAA and that the provisions of Section 75 of the LAA apply. It should be made clear that Conditional tenure land cannot become the subject of any licence, mortgage, charge, security or other encumbrances without the written permission of the Minister and that the land cannot be transferred without the written permission of the Minister, which may be given subject to conditions.
- ii. That the Licence Agreement registered is on the same terms as that provided to DPLH in your email dated 25 July 2018

If the final document executed by the parties is not on the approved terms as agreed to by the Minister in this letter, then it may be void.

Please note that this approval is for the purposes of Section 75 of the LAA only and does not constitute an endorsement as to the terms and effect of the document.

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1221 West Perth Western Australia 6872
Telephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)
Email: info@lands.wa.gov.au Website: www.lands.wa.gov.au
ABN: 68 565 723 484

DPLH cannot provide any advice in respect of the contract and recommends that each party obtain their own independent advice as to their rights and obligations.

Should you have any enquiries please don't hesitate to contact Kevin Harrinson on any of the above details.

Yours sincerely



Joshua Caccetta
Manager Metropolitan & Peel
Case Management

IDA9617942

Annexure C – Key Performance Indicators

1. Documenting the history of historic homes of East Fremantle
2. Building a public presence in partnership with the Town, akin to a local history centre, with printed and digital resources, meeting space and office space to house Museum of Perth and other community volunteers
3. Work with the Town of East Fremantle and City of Fremantle to identify and deliver collaborative projects and activities
4. Creating heritage-related digital media content for the Town of East Fremantle’s website or social media channels (ie, interesting facts, biographies of former residents, profiles of buildings or local stories);

12.3.3 Review of Delegation Register

File ref	C/DEL1
Prepared by	Janine May, EA to CEO
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	21 August 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Delegation DA75 Dog Registration 2. Delegation DA76 Write Off Debt

Purpose

The purpose of this report is for Council to update officer subdelegations and include two additional delegations to the Town's Delegated Authority Register to further improve efficiencies within the organisation.

Executive Summary

It is proposed that Council adopts a recommendation to amend a number of existing delegations to reflect correct officer subdelegations and to add:

- Dog Registration
- Write Off Debt

delegations to the 2018 Delegated Authority Register.

Background

In accordance with section 5.46 of the *Local Government Act 1995*, Council at its meeting held on 19 June 2018 conducted its annual review of delegations to the Chief Executive Officer and Committees.

Consultation

N/A

Statutory Environment

Sections 5.42 and 5.16 of the *Local Government Act*.

Policy Implications

There is a reference to Policy 4.2.4 within Delegation DA35 Ordering Thresholds.

Financial Implications

Nil.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency and effectiveness of services

5.3 Strive for excellence in leadership and governance

5.3.2 Improve organisational systems with a focus on innovation

Site Inspection

N/A

Comment

The following existing delegations of Council require amendment:

Delegation DA35 Ordering Thresholds

Following the review of Council's Purchasing Policy (4.2.4), also determined at the 19 June Council Meeting, it was noted that the additional staff members granted purchasing authority had not been listed in this delegation. Additionally reference to Policy 8.1 Ordering of Goods and Services – Procedures and Authority Levels under "Conditions Imposed" should now read "Purchasing Policy 4.2.4" as the document has been incorporated in this updated Policy.

Delegation DA42 Cat Registration

Delegation DA43 Cat Control Notice

Delegation DA53 Temporary Placement of Rubbish Skip Bins on Street

As the management of Ranger Services have now been transferred from the Executive Manager Regulatory Services (EMRS) to the Executive Manager Corporate Services (EMCS), the reference to EMRS should be replaced with EMCS.

The following new delegations are proposed to be included:

Delegation DA75 Dog Registration

Similarly to the Cat Registration delegation, this delegation will allow staff to expedite various duties and make determinations under the Dog Act 1976.

Delegation DA76 Write Off Debt

This delegation seeks authority to defer, waive, grant concession or write off any amount of money under section 6.12 of the *Local Government Act 1995* to a maximum of \$500.

12.3.3 OFFICER RECOMMENDATION

That Council's Delegated Authority Register be amended as follows:

1. DA35 Ordering Thresholds:

(i) The following officers be included in the Chief Executive Officer's subdelegation:

- Project Coordinator
- Human Resources Coordinator
- Economic & Community Development Officer
- Executive Assistant to CEO
- Coordinator Planning & Building Services

(ii) The reference to Policy 8.1 Ordering of Goods & Services – Procedures & Authority Levels be replaced with Policy 4.2.4 Purchasing Policy.

2. DA42 Cat Registration

DA43 Cat Control Notice

DA53 Temporary Placement of Rubbish Skip Bins on Street

The subdelegation to Executive Manager Regulatory Services be replaced with Executive Manager Corporate Services.

3. The following delegations, attached to this report, be included:

**DA75 Dog Registration
DA76 Write Off Debt**

DA75 DOG REGISTRATION

Objective of Delegation: To expedite various duties and make determinations under the Dog Act 1976.

Extent of Delegation: The authority to:

- (i) keep an accurate and up to date register of dogs (s14)
- (ii) grant, renew or refuse an application for dog registration (s16)
- (iii) cancel a dog registration (s16)
- (iv) discount or waive the registration fee for an individual dog or any class of dogs, except dangerous dogs(s15(4)(a))
- (v) if no application for registration has been made, give written notice to the owner that a dog cannot be registered because of any of the prescribed reasons and inform the owner of right of review (s17A(2))
- (vi) grant an exemption from the limit imposed on the number of dogs that can be kept (s26(3))
- (vii) consider an objection under s33G(2)(d)(i) and give notice to the owner of the dog setting out its determination(s33G(4))
- (viii) revoke a declaration or proposal to destroy (s33H(1),(2) & (5)).

Conditions imposed: 1. Nil

Delegation by Council to:	Chief Executive Officer is delegated authority to exercise all of its powers and discharge all of its duties under the Act.
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services – Delegations (i) – (v) Town Rangers - Delegations (i), (ii) & (iii) Customer Service Officers - Delegations (i), (ii) & (iii)
Formal Record:	Dog Register Recorded in central records system
Heads of Power:	<i>Dog Act 1976, sections 10A(1), 14, 15(4)(a), 16, 17A(2), , 26(3), 33G(4), 33H(1), (2) & (5)</i> <i>Local Government Act 1995</i>
Last Reviewed:	21 August 2018
Amended:	

DA76 WRITE OFF DEBT

Objective of Delegation: Authority to defer, waive, grant concession or write off any amount of money under section 6.12 of the *Local Government Act 1995* to a maximum of five hundred dollars (\$500.00).

Note that s. 6.12(2) of the Local Government Act 1995 does not allow money owed to the Town in respect of rates and service charges to be waived or for a concession in relation to such money to be granted.

Extent of Delegation: The power to defer, waive, grant concession or write off any amount of money owed to the Town of East Fremantle, under section 6.12 of the *Local Government Act 1995*.

Conditions imposed:

1. No amounts exceeding \$500.00.
2. The full details of the deferment, waiver, concession or write off is to be recorded on the appropriate financial record and the report to be provided to Council on a monthly basis

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate and Community Service
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 section 6.12</i>
Last Reviewed:	21 August 2018
Amended:	

12.3.4 Adoption of Council Policy – Related Party Disclosures

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	21 August 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Proposed Related Party Disclosures Policy

Purpose

The purpose of this report is for Council to consider adopting a new policy in relation to completing Related Party Disclosures requirements. This is required in order to comply with the Australian Accounting Standards Board AASB 124 – Related Party Disclosures.

Executive Summary

In March 2015, the scope of AASB 124 Related Party Disclosures was extended to include application by not-for-profit entities. The operative date for Local Government was 1 July 2016 (effectively for the year ended 30 June 2017). As such, a draft Policy has been developed for Council consideration.

Background

The Town is committed to an objective of information equity for its community. As part of this commitment, the Town's financial statements must contain relevant disclosures to draw attention to the possibility that the financial position and profit and loss may have been affected by the existence of related parties or transactions.

Consultation

No community consultation has been undertaken or is required.

Statutory Environment

One of Council's primary roles is to determine the Policies of the local government – section 2.7 of the *Local Government Act 1995*.

The Australian Accounting Standard AASB 124 – Related Party Disclosures includes application by non-for-profit entities including Local Governments with disclosures reported in the Annual Report for the year ending 30 June 2017.

AASB 124 outlines the summary, application and scope for Related Party Transactions and is applicable to:

- Identifying related party transactions and relationships;
- Identifying outstanding balances including commitments between an entity and its related parties;
- Identifying circumstances in which disclosures of the above items are required;
- Determining the disclosures to be made about those items.

Policy Implications

A new Policy is proposed.

Financial Implications

There are no significant financial implications associated with this report.

Strategic Implications

Strategic Priority 5 'Leadership and Governance' is applicable – 5.1.1 Strengthen governance, risk management and compliance.

Site Inspection

Not applicable

Comment

Related Parties – for the purposes of determining the application of AASB 124, the Town has identified the following persons as meeting the definition of Related Party:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under s3.56 of the *Local Government Act 1995* and senior employees appointed under s5.37 of the *Local Government Act 1995*. It is likely however that designated senior employees will be removed as a result of the recent review of the *Local Government Act 1995*. For the sake of clarity, other Key Management Personnel will include the Executive Manager Corporate Services, Executive Manager Regulatory Services and Operations Manager.
3. Close members of the family listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB 124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint venture, partnerships and non-profit associations such as sporting clubs).

Related Transactions – is a transfer of resources, services or obligations between the Town and the related party, regardless of whether a price is charged, use of facilities, attending council functions open to the public, sale or purchase of property owned by the Town to a related party.

Frequency of disclosures – Elected Members and key management personnel will be required to complete a Related Party Disclosures – Declaration form commencing 1 July 2018. The Form is to be completed annually, and must also be completed prior to termination of office or termination of employment.

Confidentiality – generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality.

Materiality – management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Ordinary Citizen Transactions (OCTs) – the Chief Executive Officer will provide a recommendation to Council annually, declaring that in his opinion, based on facts and circumstances, the following OCTs that are provided on terms and conditions no different to those applying to the general public, and

which have been provided in the course of delivering public service objectives, and are unlikely to influence the decisions that users of the Council's financial statements make.

As such, no disclosure in the Declaration Form will be required for the following:

- Payment of rates issued by the Town;
- Payment of fines issued by the Town;
- Use of Town owned facilities such as buildings, parks, ovals and other public open space;
- Attending civic functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and KMP will be required to make a declaration about the nature of any discount or special terms received.

12.3.4 OFFICER RECOMMENDATION

That Council adopt:

- 1. the policy Related Party Disclosures as contained in the attachment;**
- 2. the following transactions as ordinary citizen transactions to be applied in accordance with AASB 124 in determining disclosure requirements:**
 - (a) Payment of rates issued by the Town of East Fremantle**
 - (b) Payment of fines issued by the Town of East Fremantle**
 - (c) Use of Town owned facilities such as buildings, parks, ovals and other public open space (whether a fee is charged or not), and**
 - (d) Attending civic functions that are open to the public.**

RELATED PARTY DISCLOSURES

Policy Number:	4.3.3
Type:	Governance and Leadership – Risk Management
Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Australian Accounting Standard – AASB124 Related Party Disclosures
Delegation:	N/A
Other Related Document:	AASB124 Related Party Disclosures – Fact Sheet AASB124 Related Party Disclosures – Implementation Guide June 2017 E17/4866 Related Party Disclosures Declaration Form

Objective

This policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made in order to comply with the requirements of AASB124 – Related Party Disclosures.

Definitions

Related Party: A person or entity that is related to the local government that is preparing its financial statements (the Town).

A person or a close member of that person's family is related if that person:

- (a) has significant influence over the reporting entity; or
- (b) is a member of the key management personnel of the reporting entity.

An entity is related if any of the following conditions applies:

- (a) the entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others); or
- (b) a person is a member of the key management personnel of the entity;
- (c) the entity is controlled or jointly controlled by a person identified above.

Key Management Personnel (KMP): Those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

KMP for local governments would include elected members and senior staff (CEO, Executive Managers and Operations Manager).

Close Member of the Family of a Person: Those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner;
- (c) dependents of that person or that person's spouse or domestic partner; and
- (d) any other close family member.

Related Party Transactions: A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Policy

The objective of the standard is to ensure that the Shire's financial statements contain disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB124 – Related Parties.

It is important to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Town must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

1. Identification of Related Parties

AASB 124 provides that the Shire of Serpentine Jarrahdale will be required to disclose in its Annual Financial reports; related party relationships, transactions and outstanding balances.

Related parties include person(s) who have significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

Key management personnel are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Town has identified the following persons as meeting the definition of *Related Party*:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under section 5.36 of the *Local Government Act 1995* and senior employees appointed under section 5.37 of the *Local Government Act 1995*, who heavily influence Council decision-making and/or direct and control significant functions of Council.
3. Close members of the family of any person listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Town will therefore be required to assess all transactions made with these persons or entities.

2. Identification of Related Party Transactions

A related party transaction is a transfer of resources, services or obligations between the Town (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Payment of rates issued by the Town.
- Payment of fines issued by the Town.
- Use of Town owned facilities such as buildings, parks, ovals and other public open spaces (whether a fee is charged or not).
- Attending council functions that are open to the public.
- Employee compensation, whether it is for key management personnel or close family members of key management personnel.
- Application fees paid to the Town for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Town owned property or property sub-leased by the Town through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Town and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Town (trading arrangement).
- Sale or purchase of any property owned by the Town, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Town.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above occur on terms and conditions, no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Town can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Disclosure Requirements

For the purposes of determining relevant transactions in point 2 above, Elected Members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Town.

Ordinary Citizen Transactions (OCTs)

The Chief Executive Officer will provide a recommendation to Council annually, declaring that in his or her opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures - Declaration* form will be required.

- Payment of rates issued by the Town.
- Payment of fines issued by the Town.
- Use of Town owned facilities such as buildings, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

All other transactions

For all other transactions listed in point 2 above, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

Frequency of disclosures

Elected Members and key management personnel will be required to complete a *Related Party Disclosures - Declaration* form each quarter, commencing 1 July 2017.

The *Related Party Disclosures – Declaration* form must be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

Confidentiality

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Responsible Directorate:	Office of the Chief Executive Officer
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	Council
Policy Adopted:	21/8/18
Policy Amended:	
Next Review Date:	



RELATED PARTY DISCLOSURES – DECLARATION

As per requirements of AASB 124 Related Party Disclosures, and Business Operating Procedure – Related Party Disclosures. For additional information to assist you in making a declaration, please refer to the Appendices to this form.

The following declaration must be completed by all Council members, the CEO and Executive Managers of the Town of East Fremantle who were elected or employed at any time during the 2017/18 financial year.

Disclosure Period (Year Ended):	30 June 2018
Person making disclosure:	
Position held by person: e.g. Councillor, CEO or Executive Manager	

1. CLOSE MEMBERS OF THE FAMILY (See Appendix 1)

Name of Family Member	Relationship to you

3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH

Did you or any member of your close family use facilities provided by the Town AND you received a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person using the facility	Service/Facility used	Nature of transaction	Nature of discount or special conditions received.

4. LEASING AGREEMENTS

Did you, a close family member or related entity, enter into a leasing agreement with the Town of East Fremantle for the provision of a property? Did you receive a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person party to the lease	Property Address	Term of Lease & Weekly Rent	Detail of any non-arm's length conditions

5. TRADING ARRANGEMENTS

Were you or a close family member (as defined in the appendices) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Town of East Fremantle? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Town of East Fremantle.

Business name	Goods or services provided	Approximate value for the reporting period	Terms & conditions

7. PURCHASE OF PROPERTY

Did you, a close family member or related entity, purchase any property or other assets from the Shire of Mundaring? (This may include vehicles or other plant items).

Was the purchase made at arm’s length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.

Name of person or entity name	Property purchased	Value of the purchase	Terms & conditions

8. SALE OF PROPERTY

Did you, a close family member or related entity, sell any property or other assets to the Shire of Mundaring? (This may include vehicles, other plant items or buildings).

Was the sale made at arm’s length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.

Name of person or entity name	Property Sold	Value of the Sale	Terms & conditions

9. FEES & CHARGES FOR APPLICATIONS

Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?

Name of person or entity name	Application type	Application and/or receipt number

10. OTHER AGREEMENTS

Please list any other agreement or arrangement you believe is a related party transaction and should be declared.

Name of person or business/company	Nature of agreement	Value of agreement	Terms & conditions

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied by the Shire which details the meaning of the definitions to which this declaration relates.

SELECT OPTION 1: Handwritten Signature

Signed: _____ Date: ____/____/____

Once signed please provide to the **Manager Finance and Governance**.

OR

SELECT OPTION 2: Electronic Signature

This form can be sent by email to the **Manager Finance and Governance** (e-mail StanKocian@mundaring.wa.gov.au) provided the email is sent by the person making the disclosure from their work or Shire (e.g. Councillors) email account.

Appendix 1

Definitions**CLOSE MEMBERS OF THE FAMILY**

Those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- a) That person's children and spouse or domestic partner;
- b) Children of that person's spouse or domestic partner; and
- c) Dependants of that person or that person's spouse or domestic partner.

ORDINARY CITIZEN TRANSACTIONS

Examples of these types of transactions would include:

- Using the Shire's facilities after paying the normal fee
- Shire fines on normal terms and conditions
- Paying rates and council fees and charges (however, for example, the non-payment of rates for 3 years would need to be disclosed)

12.3.5 Graffiti Vandalism Act 2016

File ref	C/DEL1 & H/HGF1
Prepared by	Gary Tuffin, Chief Executive Officer
Meeting Date	21 August 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Form – Objection to a Notice 2. Form – Warrant to Enter 3. Delegation DA77 Graffiti Removal

Purpose

For Council to:

- adopt appropriate forms in order for the Town to exercise powers granted to local governments by the *Graffiti Vandalism Act 2016*
- delegate various powers under that Act to the Chief Executive Officer.

Background

The *Graffiti Vandalism Act 2016* (Act) came into effect on 7 October 2016. The Act consolidates powers assigned to Police, Transit Officers and local governments that were previously contained in a number of pieces of legislation into a single Act to deal with graffiti offences.

There are a number of administrative matters that need to be considered in order for the Town to exercise its powers under the Act in an efficient manner.

Consultation

N/A

Statutory Environment

Sections 18, 19, 22 and 29 of the *Graffiti Vandalism Act 2016* are relevant.

Policy Implications

Policy 2.1.1 Removal of Graffiti.

Financial Implications

Nil.

Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

Strategic Priority 5: Leadership and Governance

5.1 Strengthen organisational accountability and transparency

5.1.3 Improve the efficiency and effectiveness of services

5.3 Strive for excellence in leadership and governance

5.3.2 Improve organisational systems with a focus on innovation

Site Inspection

N/A

Comment

For local governments the Act provides additional powers to enter on to private property to remove graffiti that has been applied with the consent of the property owner but is visible from a public place and is considered unsightly or offensive. Prior to exercising these powers, a local government is required to give notice to the owner or occupier of a property requiring the graffiti to be removed.

Where the person to whom a notice has been issued fails to comply with the notice they commit an offence. A local government can then give effect to the notice and recover its cost of doing so from the person to whom the notice was issued.

It is important to note that a person to whom a notice is issued is able to object to the notice being issued by lodging an objection with the Chief Executive Officer or alternatively, may seek a review of the Town's decision to issue a notice by the State Administrative Tribunal.

When issuing a notice under the Act the Town must advise the person to whom it is issued of their right to object to the notice. The Town is required to formally adopt the form to be completed by a person wishing to lodge an objection to a notice. A copy of the form proposed to be used by the Town is attached (Attachment 1).

When the owner or occupier of a property objects to the Town entering the property to remove graffiti, the Town may obtain a warrant to enter the property and undertake this work. Under the Act, the Town is required to adopt a form to obtain a warrant to enter property. A copy of the form proposed to be used by the Town for this purpose is attached (Attachment 2).

In addition to the requirement for local governments to adopt the forms discussed above, Section 16 of the Act allows the Council of a local government to delegate to the Chief Executive Officer any of its powers under the Act. The Chief Executive Officer may further delegate powers to employees.

To allow for the efficient implementation of the Act it is proposed that Council delegates the following powers to the Chief Executive Officer:

Statutory Power to be Delegated	Summary of Power Delegated
Section 18(2)	Issue notice to a person requiring removal of graffiti
Section 19(3)	Give effect to a notice where the person to whom it was issued fails to do so
Section 19(4)	Recover costs incurred in giving effect to a notice
Section 25(1)	Remove graffiti that has been applied without the consent of owner or occupier of property

Details of proposed delegations to the Chief Executive Officer are outlined in Attachment 3.

12.3.5 OFFICER RECOMMENDATION

That Council:

- 1. approve the adoption of the following forms for use as required under Sections 22 and 29 of the *Graffiti Vandalism Act 2016*:**
 - **Objection to a Notice as detailed in Appendix 1**
 - **Warrant to Enter as detailed in Appendix 2**
- 2. in accordance with Section 16 of the *Graffiti Vandalism Act 2016*, delegates to the Chief Executive Officer the statutory powers detailed in Appendix 3.**

Graffiti Vandalism Act 2016 [S. 22]

OBJECTION TO A NOTICE

To the ⁽¹⁾

I, ⁽²⁾

of ⁽³⁾

.....

hereby object to the ⁽⁴⁾

.....

to ⁽⁵⁾

.....

.....

.....

The grounds of my objection are as follows:

⁽⁶⁾

.....

.....

.....

In support of my objection I attach the following:

⁽⁷⁾

.....

.....

.....

Dated the day of 20.....

⁽⁸⁾

Person objecting

- (1) name of local government
- (2) full name of person objecting
- (3) postal address of person objecting
- (4) identify decision to which objection is made
- (5) give details of decision
- (6) give details of grounds of objection
- (7) plans, specifications, letters, notices, or other documents (if appropriate)
- (8) signature of person objecting

Graffiti Vandalism Act 2016 [S. 29]

WARRANT TO ENTER

I, ⁽¹⁾

of ⁽²⁾

in the State of Western Australia, Justice of the Peace, being satisfied that the entry is reasonably required but —

⁽³⁾ (a) entry has been refused or is opposed or prevented;

⁽³⁾ (b) entry cannot be obtained; or

⁽³⁾ (c) notice cannot be given under section ⁽³⁾ 28 of the *Graffiti Vandalism Act 2016* without unreasonable difficulty or without unreasonably delaying entry,

hereby authorise ⁽⁴⁾ ⁽³⁾ by its employees,

together with ⁽⁵⁾

or any police officer to enter ⁽⁶⁾

for the purpose of ⁽⁷⁾

using such force as is necessary.

Signed

Justice of the Peace

Dated

- (1) name of Justice of the Peace
- (2) address of Justice of the Peace
- (3) delete if not applicable
- (4) name of local government or authorised person to whom warrant is issued
- (5) name or description of any person authorised to assist in executing the warrant
- (6) address or description of land, premises, or thing to be entered
- (7) purpose for which entry may be made

DA77 GRAFFITI REMOVAL – PRIVATE PROPERTY

Objective of Delegation: To expedite graffiti removal from private property under the *Graffiti Vandalism Act 2016*.

Extent of Delegation: The authority to:

- (i) issue a notice requiring the removal of graffiti
- (ii) give effect to a notice requiring the removal of graffiti where a person fails to comply with the notice
- (iii) commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti
- (iv) remove graffiti that has been applied without the consent of owner or occupier of property

Conditions imposed:

1. When issuing a notice requiring the removal of graffiti, person to be advised of their right to lodge an objection to the notice with the Chief Executive Officer or alternatively, or seek a review of the Town's decision to issue a notice from the State Administrative Tribunal.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services, Executive Manager Regulatory Services, Operations Manager
Formal Record:	Recorded in central records system
Heads of Power:	<i>Graffiti Vandalism Act 2016, sections 18(2), 19(3) & (4) & 25(1)</i>
Last Reviewed:	21 August 2018
Amended:	

- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**
- 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 16. NEW BUSINESS OF AN URGENT NATURE**
- 17. MATTERS BEHIND CLOSED DOORS**
- 18. CLOSURE**